

# al majdal

ISSUE NO.8 ~ DECEMBER 2000

*al majdal* aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues

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## Lessons Learned or Mistakes Repeated? The International Community and 52 Years of Israeli-Palestinian Conflict

The end of every year brings about a spate of anniversaries concerning the rights of the Palestinian people and their relationship with the international community. These dates include: 22 November (GA Resolution 3236 - Self-Determination); 29 November (GA Resolution 181 - Partition Plan); 8 December (GA Resolution 302 - UNRWA); and, 11 December (GA Resolution 194 - UNCCP and the Right of Return), not to mention the anniversary of the adoption of the Universal Declaration of Human Rights and the establishment of the Office of the UN High Commissioner for Refugees.

As in years past, these anniversaries coincide with the adoption of new UN resolutions that reaffirm the rights of the Palestinian people. Again, however, these resolutions fail to include mechanisms to facilitate implementation of those rights - including the right to self-determination and the right of return. The gaping distance between these recognized rights and their implementation is all the more obvious this year after nearly three months of a new Palestinian uprising following the failure of negotiations at Camp David in July.

The demand of the Palestinian people for a just solution to the historical Israeli-Palestinian conflict based on international law and UN resolutions has been met with massive Israeli military force, including live ammunition and sharpshooters, heavy machine guns, tanks, and helicopter gun-ships, much of it acquired from the "honest broker" - the United States. In less than three months, Israeli occupation forces have killed over 300 Palestinians (including 14 Palestinians inside Israel) and injured more than 10,000 others. The number of

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Palestinians killed by Israeli occupying forces in the first two and a half months of the al-Aqsa intifada was four times greater than during the same period of the intifada that began in December 1987 and equal to the number of Palestinians killed between December 1987 and September 1988.

### UN Resolutions - December 2000

During the 55th plenary of the UN General Assembly in December, 6 resolutions were adopted on the Palestine question and the situation in the Middle East. The resolutions reaffirmed the applicability of international law and, in particular, UN Resolution 194 (right of return) as a framework for resolving the refugee issue. Of the six resolutions, the US voted against 5 and abstained from the other. The United States delegate explained his votes noting that issues dealt with in the resolutions were the subject of negotiations which would only be complicated by the "injection" of the General Assembly. The US further referred to the resolutions as unbalanced and outdated, stating, without consideration of international law, "The Assembly should focus on creating a positive atmosphere, one where the two parties were encouraged to return to the negotiations." "[The] resolutions could only complicate the efforts of the parties to achieve a settlement."

GA/9838

1 December 2000

The so-called "Green Line", dividing Israel from the 1967 occupied territories seemed to matter little to Palestinians who took to the streets in massive popular protests against Israel's continuing denial of basic human rights and the ongoing military occupation of the West Bank, eastern Jerusalem, and the Gaza Strip. Nor did the arbitrary border matter much to Israeli security forces who responded to Palestinian demonstrations inside Israel in much the same way - minus the helicopter gunships - shooting or beating to death 13 Palestinian citizens of Israel during the first week of October. Hundreds of others have been rounded up and detained.

Israel's massive use of military force to quell the *al-Aqsa intifada* has also resulted in major damage to private and public property, the economic infrastructure and the ecological environment in the 1967 occupied West Bank and Gaza Strip. More than 400 Palestinian homes,

affecting some 3,000 individuals, have been damaged or completely destroyed by Israeli shelling, heavy machinegun fire, and helicopter launched missiles. Many have been bulldozed in order to create wide swaths of open land adjacent to Israeli settlements and designated "security" roads. Public property, including PA administrative and police offices, radio stations/towers, schools and hospitals have also been targeted by the Israeli military. Thousands of dunums of Palestinian agricultural land has been bulldozed resulting in the loss of tens of thousands of olive and fruit trees.

Since the end of September, the Israeli government has vacillated between heavy military bombardment and other measures more akin to low-intensity conflict, including economic sanctions, blockage of humanitarian aid, and extrajudicial execution of popular resistance leaders. The large number of Palestinian deaths and the heavy physical damage do not appear to hold significant weight in determining Israel's attempt to impose its political will upon the Palestinian people. *"If we thought that instead of 200 Palestinian fatalities, 2,000 dead would put an end to the fighting at a stroke,"* stated Israeli Prime Ehud Barak on Israel Radio in mid-October, *"we would use much more force."* Even in the case of US "criticism" of Israel's "excessive" use of force in Gaza on 20 November, Israeli officials quietly conceded that "Our job is to do what we did in Gaza." [...] "Their job [the US administration] is to criticize us for using 'excessive force.'" Such comments are necessary, he said, for the US to retain its role as an "honest broker" between Israelis and Palestinians.



PHOTO: Gaza Strip, al-Quds, 20/11/2000

Rather, Israel's strategy has been guided by the cold logic of "effectiveness" and the threat of a public relations nightmare in the event of a military "mistake." It is these dynamics that explain, in part, the use of economic sanctions and extrajudicial executions. More than a month into the uprising, Israeli military officials publicly acknowledged that there were few if any effective military targets to strike; the only solution to the conflict was a political solution. Moreover, officials admitted that images of helicopter gun-ships and tanks besieging Palestinian communities, not to mention the widely-broadcast death of Mohammad ad-Durra - the 12-year-old refugee from Bureij camp gunned with his father in early October - harmed Israeli efforts to sell its version of events to the international community. "The world doesn't get very excited when it's told that peoples which live under conquest fail to honor agreement," stated Israel's Foreign Minister, Shlomo Ben Ami. "Claims made by a well-established society about how an oppressed people is breaking rules to attain rights don't get much credence."

Meanwhile, the Israeli Knesset has adopted new draft legislation that further defies international law and UN resolutions. Draft bills against the Palestinian right of return and forbidding transfer of any powers, national or municipal, in Jerusalem into the hands of any organization or body that does not fall under the jurisdiction of the state of Israel without the approval of at least 61 MKs in the 120 seat Knesset have passed several readings over the course of the last few months. While the Israeli government has agreed to a state commission of inquiry concerning the violent repression of Palestinian demonstrations inside Israel, it has at the same time adopted measures to equip Jewish communities in Israel considered to be located in the vicinity of "hostile [Palestinian] populations" with firearms and communications equipment, fences, electric gates, and observation posts.

Excluding loss of life and damage to physical assets, Palestinian losses are estimated to be in the range of three-quarters of a million dollars as of the middle of December. The UN Special Coordinator's Office in the occupied territories noted in a late November report that two months of external and internal Israeli military closure had effectively wiped away any

economic gains made during the previous three year period. The rise in unemployment from 11 percent to 40 percent, moreover, is beginning to have a serious impact on basic food security for a significant segment of the Palestinian population. By the first of December, UNRWA was reporting that nearly 75 percent of all Palestinian refugee families had turned to the Agency for food and cash assistance, necessitating an emergency appeal to international donors. By contrast Israel's GDP for 2001 is expected to rise 4 percent in 2001 with a decline of only 1 or 2 percent due to the *intifada*.



PHOTO: Berkly, California; protest during visit of Israeli prime minister Barak; al-Quds,30/11/2000

"Whoever follows the history of the State of Israel and its long list of investigation commissions, from Sabra and Shatila where Sharon had his indirect responsibility underlined but was not punished, to the Massacre of the Ibrahimi Mosque where nobody was prosecuted, knows that there is nothing to be done: the Arabs cannot change the racist policy of the executive and judicial powers. The fact that the Government finally resorted to an official investigation commission does not prove that it understood the meaning of the popular pressure that backed this decision. The Government is still looking for ways to get out from the deadlock without compromising itself or its security forces."

*Al-Sabbar* (Translation from Weekly Review of the Arab Press in Israel, No. 11/14-20 November, Arab Human Rights Association)

## Underlying Causes of the Intifada

Ariel Sharon's provocative visit to the Al-Aqsa Mosque on 28 September 2000, and Israel's use of snipers against Palestinian civilian protestors fall short of explaining the most recent popular uprising in the 1967 occupied territories. Similarly, the uprising that began 13 years ago this December could not simply be explained by the death of several Palestinians in Gaza after being run over by an Israeli truck driver. Nor could it be explained by Ariel Sharon's decision that fall to move into the Muslim quarter of the Old City.



PHOTO: Sharon's provocative visit at al-Aqsa mosque. al-Quds, 30/9/2000

The *al-Aqsa intifada* is once again a broad Palestinian outcry against the deplorable situation of Palestinian human rights, particularly among vulnerable and unprotected sectors of the Palestinian people, such as refugees and internally displaced persons as well as the Palestinian community in occupied and unilaterally Israeli-annexed eastern Jerusalem. It is an expression of the Palestinian demand for the implementation of the Palestinian right to self-determination, freedom from occupation, and refugees' right of return according to UN resolutions and international law. It is an expression against Israel's continued violation of these rights, as recorded and deplored by the United Nations since 1948.

Israeli non-compliance with UN resolutions and international humanitarian and human rights conventions has never been effectively challenged by the international community, in particular by the United Nations, since it decided, in 1947, to partition Palestine against the wish of its majority Arab population. Palestinians themselves lack effective domestic and international fora in which to pursue claims against the violation of their basic rights. Recommendations by the Commission on Human Rights for intervention under Chapter VII of the UN Charter to protect Palestinians and their rights remain unacted upon, despite findings by the Commission since the early 1970s that Israel's policies in the 1967 occupied territories rose to the level of war crimes, a view reiterated in Resolution E/CN.4/S-5/1, adopted during a special session of the Commission in mid-October 2000.

Abstention from rights-based intervention against Israeli violations of UN resolutions and international law standards became an explicit international policy after the signing of the Oslo agreements in 1993. Despite clarifications issued by the Commission on Human Rights concerning the danger of partial agreements and the importance of international law and UN resolutions as a framework for a comprehensive solution to the Palestinian-Israeli conflict, international support for the "Middle East Peace Process" became synonymous with support for the results of regional power politics irrespective of their conformity with international human rights standards.

The 1993 Declaration of Principles and subsequent interim agreements exclude reference to key UN resolutions, such as Resolution 194, and unlike other regional agreements with Egypt and Jordan do not include any reference to international law. In nearly a decade of "peacemaking", including the last three months of the uprising, Israeli policies of land confiscation, house demolition, settlement construction, military closure, not to mention denial of the right of return, documented by local and international organizations as well as the United Nations, continued unabated. Despite hundreds of UN resolutions calling for an end to these policies, including those adopted this December, the international community has declined to take measures to facilitate their implementation.

"The Palestinians learned that Israel only understands force. The Palestinians believe that this is the only way they can realize their political goals, the foremost of which is to found a state. The things a Palestinian has to endure, simply coming to work in the morning, is a long and continuous nightmare that includes humiliation bordering on despair. But in the last seven years he has discovered that there is another way. They learned this from Hizbullah and from us. We have to decide soon what kind of democracy we want here. The present model integrates apartheid and is not commensurate with Judaism. All the decisions necessary to continue the peace process between us and the Palestinians go through those very decisions that must be made in the debate over the essence of Israeli democracy."

Ami Ayalon, former head of the Israeli Shin Bet (Ma'ariv, 5-12-00)

"I guess it must be destiny: We don't listen to the Palestinians, to their analysis of the situation or to their warnings, here in Israel. Instead, we listen to the warnings and hear the situation described as 'an occupation' - simple as that - when voiced by the former chief of the Shin Bet security service, Ami Ayalon. Anyone who has tried to report on the behavior of the Israeli Defense Forces from the field, and not through the office of the IDF spokesman, has been met with accusations and insults. The Israeli peace camp, which defines itself as Zionist, has been dumbstruck: It has also listened to the IDF spokesman and the chiefs of staff more than it has heeded the Palestinians; and as a result, its cry of moral alarm has come too late."

Amira Hass, Israeli journalist (Ha'aretz, 13-12-00)

## The Reaction of the International Community

The reaction of the international community to the events of the past three months can only be characterized as a kind of self-induced impotence that borders on contempt for the human rights of the Palestinian people. The United States, along with key European partners, have attempted to either sideline or emasculate efforts to resolve the current crisis within the framework of international law and UN resolutions. During the Special Session of the Commission on Human Rights, convened to discuss the situation in the 1967 occupied territories, for example, both France (speaking on behalf of the EU) and the United States, voted against the resolution deploring Israel's violation of the human rights of the Palestinian people and calling for an international commission of inquiry. Echoing arguments first raised in 1947 during General Assembly debate on the future of Palestine, both France and the US claimed that the resolution, which set forth a legal framework and an agenda for international action, would only harm political efforts to bring the parties back to the negotiating table.

Similar comments have emanated from the UN Security Council in the context of the ongoing debate about the deployment of an international protection force in the occupied Palestinian

territories. US Ambassador Richard Holbrooke, known for his uncompromising stand during negotiations to end the conflict in Balkans including support for the right of return of refugees, decried efforts to raise issues of principle in the Security Council as nothing more than rhetoric harmful to the "Middle East peace process." This view led the representative of Cuba to wryly note that Member States who were vocal champions of human rights seemed to have lost their enthusiasm when it came to the rights of the Palestinians. The representative of Namibia, meanwhile, reminded members that "The fundamental problem, however, had to be dealt with - the occupation of the Palestinian territories by Israel. The time had come for the United Nations to become fully engaged. A comprehensive settlement could only be achieved by granting of the inalienable rights of the Palestinian people, including the right to self-determination."

Oddly, however, even eminent UN figures, such as Secretary General Kofi Annan, have been reluctant to rely upon the clarity provided by international law and UN resolutions. In fact, by late November, Annan appeared at times to be adrift in the sea of American semantics. Referring to the continued confiscation and destruction of Palestinian property and expansion of settlements, Annan duly noted that "These actions seriously *complicate* the discussions by

the parties of the permanent status issues." Gone was any reference to international law and the plethora of UN resolutions calling for an immediate cessation of settlement activity and declaring Israeli policies to change the demographic character of the occupied territories as null and void.

In a similar vein, Annan's approach to the deployment of international observers stands in marked contrast to general comments delivered a year earlier in his *Report of the Secretary General to the Security Council on the Protection of Civilians in Armed Conflicts*. Annan then wrote that, "preventive deployment will be of particular value in situations where the legacy of past conflict has increased the risk of mass violations of human rights." In the Palestinian case, Annan has linked the deployment of an international protection force to the consent of the very party, Israel, which is not only responsible for the mass violations of human rights, but is also considered as a belligerent occupying force. While Israel continues to reject the deployment of such a force, it called at the same time for the deployment of UN forces in the Shebaa farms area of south Lebanon.

American-led efforts to resolve the current crisis continue to focus on mechanisms outside the framework of international law and the United Nations. Following the conclusion of US-led meetings in Sharm al-Sheikh in mid-October, the United States announced the formation of so-called fact-finding committee to look into the causes of the current Palestinian uprising, following in the footsteps of a long line of commissions sent to the region from the 1919 King-Crane Commission onward. The announcement came at a time of growing popular pressure locally and internationally for an independent, expert commission of inquiry grounded in international law. Israel meanwhile remained opposed to such a commission, concerned that inclusion of professional investigators may lead to the accumulation of material that could later be used to press charges against soldiers and settlers in the international war crimes tribunal to be established under the 1998 Rome Statute. When the terms of reference for the fact-finding committee led by former US senator George Mitchell finally became clear in early December, it was evident that international law had once again been sidelined.

The American framework for a solution to the Palestinian-Israeli conflict has, in effect, substituted international law and UN resolutions with a political framework that has little relationship to the rights of the Palestinian people. Within this paradigm, criticism of American mediation efforts from both parties is deemed to be an appropriate gauge of the US role as an "honest broker" and a fitting measure of a "fair" solution to the conflict. Similarly, Israeli and American officials deemed Israel's so-called "generous offer" at Camp David in July to be the fitting measure of a lasting and comprehensive peace in the region, regardless of the fact that the offer was far from consistent with international law, particularly in relation to Israel's illegal occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip, and the right of Palestinian refugees to return to their homes and lands.



PHOTO: the Sharm al-Sheikh fact finding commission meets the Palestinian leadership in Gaza; al-Quds, 12/12/2000

If events on the ground since the beginning of the Oslo process in 1993 were not evidence enough of the willingness of the US to ignore human rights in order to achieve its strategic interests in the region and deliver a "peace agreement", additional evidence surfaced in an October 2000 report drafted by the Washington-based Center for Strategic and International Studies which has close links to the US government. The report, widely criticized by human rights groups, titled "Peace and War: Israel versus the Palestinians", suggests that a suspension of some basic human rights for Palestinians will be required in order to implement any agreement.

## A Renewed Palestinian Appeal for International Protection

These views stand in clear contrast to the observations and conclusions of local and international non-governmental human rights organizations. While the Israeli military continues to claim that its soldiers only fire when their lives are in danger, despite the protection of armored jeeps and flak jackets capable of stopping bullets fired from an M-16 or AK-47 at any range, investigations by several international human rights organizations have similarly concluded that Israeli soldiers are firing at Palestinian demonstrators with intent to kill and injure. In this context, the Palestinian leadership as well as NGOs and community organizations, in addition to international organizations, have approached governments, the UN General Assembly, the Security Council, and the UN Commission for Human Rights appealing for immediate intervention for the protection of Palestinian civilians and in order to enforce a new, rights-based framework for a future solution of the Israeli-Palestinian conflict.



PHOTO: A'ida refugee camp/Bethlehem: Israeli ammunition and shrapnel collected in a refugee home; al-Quds,8/11/2000

The Palestinian people in the 1967 Israeli occupied territories, its refugees in the Arab world, Europe and the United States, as well as the Arab people in the Middle East have made clear: there will be no peace between the Zionist state and the Palestinian people until the international community will take an active role in applying its standards to the Palestinian people. In light of the current uprising, the Palestinian

people, "who have gone through a century of battles for the land, the return, and the state" have once again "promised to God and their martyrs to continue until they achieve their national rights, foremost the right of return and the independent state with Jerusalem as its capital." (*Al-Aqsa Intifada Statement*" issued by the Union of Youth Activity Centers, 2 October 2000).



PHOTO: UN High Commissioner on Human Rights Mary Robinson: Palestinians demand more than resolutions; al-Quds,28/11/2000

Unfortunately, the international community continues to be unresponsive to the demands of the Palestinian people and obligations of international law. Instead of a serious evaluation of the causes of the failure, despite massive international financial and political support, of the Oslo process, there is a peculiar insistence on more of the same ineffective recipes prescribed by the powerful governments which dominate the agenda of the international community: "Return to the pre-28 September Oslo framework" and "no international intervention without Israeli consent" are the principles upheld by United States, the European Union, Canada, and Japan.

It appears that little has changed in the position of the international community since the 1947 debate over the UN Palestine partition plan, when the UN General Assembly both ignored and refused to implement international law. The question remains as to how much more education and awareness-raising is required, let alone the loss of human life, before the international community, and its powerful member states in particular, will act to implement the fundamental rights of the Palestinian people, as recognized in more than fifty years of UN resolutions, statements, and international law.

## The Impact on the Palestinian Economy of Confrontations, Mobility Restrictions and Border Closure, 28 September - 26 November 2000, UNSCO (excerpts)

Since 6 October the southern "safe passage" route between Gaza and the West Bank has been closed with additional severe restrictions on travel from Gaza International Airport as well as land crossings to Egypt and Jordan, affecting both personal mobility and transportation of goods. Internal closures have prevented Palestinians from travelling between towns and villages in the West Bank and Gaza. Short-term economic losses include reduced income to farmers, workers, merchants and business people who cannot reach their places of employment or who are unable to obtain inputs and/or sell their goods and services. It is estimated that the Gross Domestic Product (GDP) - the value of goods and services produced in the Palestinian economy - has been reduced by 50 percent over the period of the uprising, resulting in losses of some 8 million dollars per day. Estimated losses in daily labor range from USD 1.8 million to 3 million according to changes in the labor flow. Restrictions on registered Palestinian non-agricultural exports to Israel have resulted in daily losses of USD 1.9 million. These latter losses are included in the estimated loss in GDP as external and internal trade activities are included in the calculation of GDP. Excluding material damage to property and other losses, Palestinians are estimated to have lost USD 505 million between 28 September and 26 November, an aggregate amount 2.5 times the value of donor disbursements to the PA during the first half of 2000. Lost income-earning opportunities amount to approximately 10 percent of the estimated value of GDP for 2000. Unemployment has risen from less than 11 percent to nearly 40 percent of the labor force. This amounts to some 260,000 unemployed persons on average supporting 4 other persons. Approximately 1,000,000 persons or one-third of the population has been immediately and negatively affected. If previously unemployed persons are included, this figure rises to 1,370,000 persons or 45.5 percent of the Palestinian population in the occupied territories. By the end of December, the poverty rate is estimated to rise to 31.8 percent up from 21.1 percent in September. According to a World Bank report, even with a partial relaxation in restrictions on mobility, the poverty rate will rise to about 43.8 percent by the end of 2001. The long-term cost of caring for thousands of wounded and those with disabilities will certainly amount in the millions of dollars. The increased costs, particularly in the Ministry of Health and Ministry of Social Affairs are expected to increase the estimated fiscal deficit for 2000 from 25 million to 100 million dollars. Much of the progress in the economy over the past three years has been wiped away by events of the past several months.



The full text of both UNSCO reports are available on the BADIL website

## In Memoriam

### List of 209 Palestinian Victims of Israeli Violence (6/10 - 09/12/2000)

(For the names of the 78 Palestinian victims killed by the Israeli occupation between 29/9 - 9/10/2000, see *al Majdal* 7/September 2000)

Zuhair Rezeq Darabeih; 24; Jabalya  
Rashad Ismail El-Najjar; 22; Al-Maghazi  
Mohammed Khaled Awadh; 23; Deir El-Hatab/ Nablus  
Hesham Ahmed Meqbel; 45; Gaza  
Fahed Fahmi Baker; 22; Bedia/ Nablus  
Abedel Hmid Taye' Zeq; 18; Al-Mazra' Al-Sharqia/ Ramallah  
O'mar Mohammed Akkawi; 42; Nazareth  
Wassim Hamdan Yazbek; 26; Nazareth  
Ali Sayel Sweidan; 25; Azzoun/ Qalqilya  
Essam Joudeh Hamad; 36; Um Safa/ Ramallah  
Sami Hassan Salama; 17; Tulkarm  
Karam O'mar Qannan; 19; Khan Younis  
Mohammed Ghassan Bouzia; 39; Kufil Hares/ Salfit  
Maher Mohammed Motleq; 22; Jama'ien/ Salfit  
Sami Fathi Abu Jazar; 12; Rafah

Khalil Laurence Bader; 25; Beit Deqqo/ Ramallah  
Mansour Taha Said Ahmed; 21; Hebron  
Shadi Mohammed El-Wadi; 21; Hebron  
Raed Yaaqoub Hammodeh; 30; Al-Bireh  
Mosbah Abdulqader Abu Etayyeq; 29; Beit Lahia  
Mo'ayyad Usama Al-Jawarish; 13; Bethlehem  
Farid Mousa Eissa Nsasra; 28; Beit Fourik/ Nablus  
Nabil Sae'd Khater; 42; Gaza  
Mohammed Hussein El-Dakhil; 26; Nablus  
Ibrahim Abdel Rahman El-A'lama; 25; Beit Ommar/ Hebron  
Zahi Fathi El-A'arda; 34; Nablus  
A'dnan Khairi Asa'd; 21; Nablus  
Eissa Abdullah Shteivi; 32; Balata/ Nablus  
Amjad Ahmed Abu Eissa; 32; Kufor Qallil  
Feras Khalil Zeid; 26; Nablus  
Alla' Bassan Abdullah; 15; Salfit  
Thae'r Ali Daud Moa'lla (Al-Malhi); 19; Al-Ama'ri/ Ramallah  
Mohammed A'adel Abu Tahoun; 16; Tulkarm  
Samer Talal Al-Oweisi; 16; Qalqilya  
Nidal Hammouda Al-Ashqar; 22; Jenin  
Omar Ismail Al-Boheisi; 16; Deir El-Balah  
Fayez Mohammed Al-Qeimari; 30; Hebron



Majed Ibrahim Hawamdeh; 15; Al-Sammou/ Hebron  
Tareq Ismail Hantoli; 17; Jenin  
Wae'l Mahmoud Emad; 13; Jabalia  
Nae'l Ali Al-Zama'reh; 25; Halhoul/ Hebron  
Emad Ismail Al-Hawamdeh; 23; Al-Sammou/ Hebron  
Salah Fawzi Nejem; 15; Al-Maghazi  
Sae'd A'dnan Al-Tanbour; 17; Nablus  
Ashraf Habayeb; 15; A'skar/ Nablus  
Nada Srouji; 52; Tulkarm  
Abdel Aziz Abu Sneineh; 55; Hebron  
Nedal Mohammed Aibaki; 16; Gaza  
Eyad Ossama Shaath; 12; Khan Yunis  
Nemer Yousef Marei; 22; Kufr Dhan / Jenin  
Alla' Mohammed Mahfouz; 14; Hebron  
Ahmed Mohammed Qassem; 25; Tulkarm  
Bahir Saleh Shalawi; 15; Qalqilya  
Ghassan Yousef Awaisa; 26; Ramallah  
Jaber Ahmed Al-Meshal; 23; Al-Shati/ Gaza  
Fadi Amin Turukman; 22; Jenin  
Shadi Hssan El-Shouli; 22; Northern Assira/ Nablus  
Esmat Khalil El-Saber; 34; Nablus  
Samir Mousa Eleiwa; 31; Al-Zaytoon/ Gaza  
Husni Ibrahim Al-Najjar; 22; Rafah  
Bilal Rashad Salahat; 22; Ya'bad  
Hilal Rashad Salahat; 18; Ya'bad  
Thae'r Ibrahim El-Zeid; 17; Jalazon/ Ramallah  
Shadi Awadh Oudeh; 22; El-Zaytoun/ Gaza  
Hazem Mousa Abu Daf; 22; El-Zaytoun/ Gaza  
Mohammed Khazzaa' Helles; 23; Shojaeya/ Gaza  
Mahmoud Ahmed Abu El-Kheir; 20; Shojaeya/ Gaza  
Mohammed Ibrahim Hajjaj; 14; Shojaeya/ Gaza  
Ahmed Suleiman Abu Tayeh; 14; Al-Shati/ Gaza  
Ibrahim Rezeq Omar; 15; Al-Shati/ Gaza  
Mohammed Mahmoud Al-Hroub; 27; Dora/ Hebron  
Wae'l Shoe'ib Ghoneim; 27; Al-Khader/ Bethlehem  
Marwan Taye'A'ssaf; 21; Wadi Foukin/ Bethlehem  
A'dli Ghassan Obeid; 21; Al-Shati/ Gaza  
Khaled Ahmed Rezeq; 17; Hazma/ Jerusalem  
Yazan Mohammed Halaiaqa; 19; Al-Sheyoukh/ Hebron  
Nahedh Fathi Ahmed El-Louh; 21; Deir El-Balah  
Mahmoud Abdel-Jawad Ese'id; 18; Hazma/ Jerusalem  
Rami Ahmed Abdel-Fattah; 15; Hazma/ Jerusalem  
Maher Mohammed El-Se'idi; 16; Al-Boreij  
Marwan Khalil El-Ghamri; 27; Al-Shojae'ya/ Gaza  
Wjdi A'llam Hattab; 15; Tulkarm  
Mohammed Nawwaf El-Ta'ban; 17; Deir El-Balah  
Mohammed Mustafe El-Jazzar; 19; Rafah  
Abdullah Khaled A'marneh; 24; Al-Douha/ Bethlehem  
Sae'id Ehmeid Abu Khatleh; 24; Rafah  
Ahmed Amin Al-Khuffash; 7; Salfit  
Ibrahim Fuad El-Qassas; 16; Khan Yunis  
Fares Fae'q Oudeh; 14; Al-Zaytoun/ Gaza  
Mohammed Nemer Mahani; 24; Shojaeya/ Gaza  
Mohammed Mesbah Abu Ghali; 16; Khan Yunis  
Khalil Yousef Sa'd; 18; Al-Shati/ Gaza  
Rae'd Abdel-Majid Daoud; 14; Hares/ Salfit  
Hussein Mohammed Ebayyat; 37; Al-Ta'amra/ Bethlehem  
Mahmoud Kamel Abed Shorrab; 18; Khan Yunis  
A'ziza Dannoun Jobran; 52; Beit Sahour  
Rahma Rashid She'ibat; 50; Beit Sahour  
Mohammed Ali Hamed; 23; Jabalya  
Ossama Samir Al-Jerjawi; 17; Al-Daraj/ Gaza  
Ossama Mazen A'zzouqa; 15; Jenin  
Eyad Fawzi Fahmawi; 25; Jenin  
Rae'd Sa'di Al-Muhtaseb; 25; Hebron

Hani Abdullah Marzouq; 35; Jenin  
Munib Mohammed Barakat Abu Monshar; 18; Hebron  
Mohammed Yassin Darwish Al-Madhoun; 25; Al-Shati/ Gaza  
Monther Hamdi Yassin; 25; Al-Shati/ Gaza  
Mousa Ibrahim El-Debes; 14; Jabalya  
Ayman Salah Wadi; 19; Khan Yunis  
Ossama Khali Al-Bawwab; 28; Al-Bireh/ Ramallah  
Majed Hussein Rdwan; 32; Al-Bireh/ Ramallah  
Mahmoud Nafedh Abu Naji; 15; Sheikh Radwan/ Gaza  
Mohammed Nasser Al-Tawil; 18; Khan Yunis  
Yahia Nayef Abu Shammala; 17; Kan Yunis  
Ahmed Hassan Dahlan; 19; Khan Yunis  
Tawfiq Abdullah Al-Jqe'idi; 34; Qalqilya  
Rae'd Fahmi Shaqfeh; 23; Rafah  
Mohammed Khater Al-E'jleh; 13; Al-Shojae'ya/ Gaza  
Saber Khamis Ebrashi; 15; Al-Ama'ri/ Ramallah  
Mustafa Mahmoud O'leyan; 54; A'skar/ Nablus  
Ahmed Samir Bassal; 15; Tal El-Hawa/ Gaza  
Fathi Oudeh Joma'a Salem; 18; Tulkarm  
Samer Khairi Ahmed Khader; 29; Kofor Romman  
Jaddou' Manei' Abu Al-Kebash; 16; Al-Samou/ Hebron  
Abdel-Hafezh Mohammed Gharrouf; 20; Jericho  
Ahmed Sae'id Sha'ban; 16; Jenin  
Mohammed Nasser Al-Sherafi; 17; Al-Nasser/ Gaza  
Ibrahim Abdel-Rao'uf Je'idi; 17; Qalqilya  
Jehad Suhail Abu Shahmeh; 13; Khan Yunis  
Harry Fischer; 55; A German citizen  
Samer Mohammed Al-Khadhour; 17; Al-Fawwar/ Hebron  
Yousef Suleiman A'wwad; 30; Beit Ommar/ Hebron  
Mohammed Abdel-Jalil Abu Rayyan; 16; Halhoul/ Hebron  
Hamza Abdel-Mou'ti Abu Shekheidem; 22; Halhoul/ Hebron  
Mahmoud Zayed Sammour; 38; Jordan  
Rami E'mad Yassin; 18; Gaza  
Khaled Abdullah Salama; 35; Jericho (a returnee)  
Hassid Mohammed Qarawan; 45; Jericho (a returnee)  
Behae'ddin Salama Ben Sae'id; 29; Al-Maghazi  
Abdel-Rahman Ziad El-Dahshan; 14; Al-Zaytoun/ Gaza  
Ra'fat Muhib Joudeh; 22; Zawata/ Nablus  
Ibrahim Ahmed Othman; 17; Rafah  
Hamed Jaber Al-Qottati; 69; Rafah  
Hammad Othman Al-Semeiri; 27; Al-Qarara  
Abdullah Mahmoud El-Farra; 23; Khan Yunis  
Mohammed Suleiman Abu Samra; 32; Deir El-Balah  
Hussein Mohammed Barade'ya; 35; Sourif/ Hebron  
Mohammed Lutfi Massad; 25; Borqin/ Jenin  
Yasser Taleb Nabtiti; 16; Tulkarm  
Jamal Abdel-Qader Abdel-Razeq; 30; Rafah  
A'wni Ismail Dhuheir; 38; Rafah  
Nae'l Salem El-Leddawi; 22; Rafah  
Sami Naser Abu Laban; 29; Sheikh Radwan/ Gaza  
Ibrahim Hassan Al-Moqannan; 15; Khan Yunis  
Najib Mohammed Qeshta; 50; Rafah  
Feras Dhiab Abu Hatab; 26; Qabatya/ Jenin  
Ibrahim Abdel-Karim Bani Oudeh; 34; Tammoun/ Jenin  
Maram Emad Hssouna; 3; Ramallah  
Aysar Hammoudeh Hassis; 15; Jenin  
Ghassan Majed Qara'an; 20; Qalqilya  
Majdi Ali A'abed; 15; Gaza  
Ziad Khalil Abu Jazar; 22; Rafah  
Sami A'adel Omar; 32; Kufor Qallil/ Nablus  
Nahed A'adel Omar; 26; Kufor Qallil/ Nablus  
Taysser A'dnan Abu El-A'rrij; 18; Khan Yunis  
Amjad A'zmi Husni; 21; Jenin  
A'bdel-Mone'm Mohammed Ezzeddin; 17; Arrabeh/ Jenin  
Fuad A'dnan Doweikat (Hammad); 27; Balatta/ Nablus

Assa'd Khalil El-Shaghnobi; 22; Al-Sabrab/ Gaza  
 Mahdi Qassem Jaber; 17; Qalqilya  
 Ziad Ghaleb Selmi; 19; Qalqilya  
 Mohammed Mansour Edwan; 20; Qalqilya  
 Qussai Faisal Zahrani; 22; Qalqilya  
 Mohammed Yousef El-A'dl; 28; Qalqilya  
 Zakaria Hammodeh El-Khour; 18; Al-Sabra/ Gaza  
 Walid Hassan El-Ja'afra; 32; Hebron  
 Karam Fathi El-Kurd; 14; Rafah  
 Emad Adib El-Dayeh; 19; Al-Shati/ Gaza  
 Ashraf Abdel-Karim El-Bassous; 19; Gaza  
 Ibrahim Abdel-Jabbar Kuhleh; 24; Rammoun/ Ramallah  
 Mohammed Mohammed El-Mashharawi; 14; Al-Tuffah/ Gaza  
 Walid Mohammed El-Badan; 17; Taqqoua/ Bethlehem  
 Shadi Ahmed Za'oul; 14; Housan/ Bethlehem  
 Ismail Abdel-Salam Abu El-Rous; 20; Al-Boreij  
 Mohammed Saleh El-A'rja; 12; Rafah  
 Medhat Mohammed Jadallah; 17; Al-Shati

Hamza Nadi Suleiman El-Hassis; 27; Al-Sammoua/ Hebron  
 Yassin Ibrahim M. Shehadeh; 23; Qalandya/ Jerusalem  
 Shehadeh Mousa El-Ja'fari; 27; Bitonia/ Ramallah  
 Abdel-Qader Omar Abu Qattan; 22; Al-Duheisha/ Bethlehem  
 Ramzi A'adel Bayatneh; 15; Abu Qash/ Ramallah  
 Zuhair Mustafa El-Hattab; 17; Al-Tuffah/ Gaza  
 Mohammed Joudeh El-A'assi; 27; Al-Shati/ Gaza  
 Mohannad Mohammed Abu Shadouf; 31; Borqin/ Jenin  
 Ziad Mahmoud Subeh; 34; Kufor Rae'i/ Jenin  
 Mahmoud Abdullah Yahia; 17; Kufor Rae'i/ Jenin  
 Alla' Abdel-Latif Abu Jaber; 17; Al-Moghayar/ Jenin  
 Mohammed Rateb Taleb; 21; Sabah El-Kheir/ Jenin  
 A'mmar Salim El-Mashni; 16; Beit O'ur/ Ramallah  
 Moutaz Azmi Ismail (Teilakh); 16; Al-Doheisha/ Bethlehem  
 Salim Mohammed El-Hamayda; 13; Rafah

**Source:** Palestine Center for Human Rights, Gaza.

"Near our house are orange groves. The Israeli army chopped down all the trees. When I first saw it, I had a terrible feeling inside. I was afraid that the soldiers would chop me down just like the trees. It was awful because the trees were alive and had green oranges on them just a few days ago. I am also frightened from the missiles that are dropped randomly at ordinary people and on houses just like ours."

Huda - Age 13, Nuseirat

"When the Israeli army missiled places near our house, I could hear it and our whole house shook. My hearing aids buzzed for a long time and I took them off of my ears. I could see the asbestos roof shaking and I thought it would fall on us. My heart started beating so fast and I couldn't breath."

Aisha - age 14, Shati Refugee Camp



"When there was a big demonstration yesterday, I saw many people shooting. I was afraid that I would be shot. I sleep a little at night and then I wake up. I have a Palestinian flag at home and sometimes I wave it, but only inside my house. I'm afraid that Israelis dressed up as Palestinians will see it and shoot me."

Mohammad, age 7, Shijaiya Quarter, Gaza City

**Source:** "Voices of the Children at Atfaluna Society for Deaf Children, Gaza, 8 November 2000"

Photo: "When I see his picture my heart is torn to pieces. I guess I feel proud for him being called a hero,

standing in front of a tank and all that. But when I see his classmates from around after school, all I can do is cry. [...] I'm so afraid that Faris' death will be for nothing. That everything will just go back to normal. And the only thing that happened is that I'll have lost my son. [...] Faris was a boy who loved me so much. His blood is worth so much more."

Anam Odeh, mother of 15 year-old Faris Odeh, shot in the neck by Israeli forces in Gaza on 8 November (Washington Post, 12-12-00) Between September 28 and December 12, 90 Palestinian children have been killed by Israeli forces.

## UPDATE

### Campaign for the Defense of Palestinian Refugee Rights



PHOTO: Displaced again: a refugee family from Al-Nusseirat camp, Gaza; al-Quds, 12/12/2000

#### Refugee Rights Campaign-West Bank: Emergency Program

Palestinian refugees have been strongly affected by Israel's military and economic policies applied to suppress the Palestinian uprising. Due to their vicinity to Israeli military installations, settlements and by-pass roads, the refugee camps of 'Askar/ Nablus, 'Aida and Beit Jibrin/Bethlehem, Aqbat Jaber/Jericho, Shati, Jabalya, Rafah and Khan Younis/Gaza have become repeated targets of Israeli attacks by heavy weapons - rockets, shells, 500mm and 800mm ammunition fired from high-caliber automatic weapons, tanks, and helicopter gun-ships - in addition to attacks perpetrated by Israeli settlers which have been recorded also in al-Fawwar camp/Hebron. Damages to family homes caused by indiscriminate Israeli shelling are especially large in the densely built-up refugee camps, where makeshift constructions are less resistant to attacks by heavy Israeli ammunition and missiles, and shock and anxiety attacks, especially among the children and elderly, spread quickly among the whole crowded camp population.

Palestinian refugees, especially camp refugees, are a landless, economically marginalized population. Owning no means of subsistence, they are completely dependent upon income from

employment and labor. Israel's closure of its labor market to Palestinians, as well as restrictions on movement within the occupied territories have thus an especially devastating impact on refugee families, whose limited savings are rapidly consumed in times of unemployment. According to the UN Special Coordinator's Office in the occupied territories (UNSCO), at least 40 percent of the labor force in the 1967 occupied territories are currently unemployed, causing economic distress to 45.5 percent of the population. It is expected that by the end of December, the poverty rate (less than US 2.1 consumption per person per day) will rise to 31.8 percent, as compared to 21.1 percent in September 2000. Although exact figures are not yet available, it must be assumed that the poverty rate among the refugee population is even higher.

UNSCO and other UN reports on the situation in the occupied territories during the period of the *al-Aqsa intifada* are archived on the BADIL website

www

The Emergency Program designed by BADIL and its community partners (BADIL Friends Forum), aims to address both the urgent needs of the refugee community in the West Bank refugee camps and the ongoing need for awareness raising and mobilization for refugee rights. BADIL's community support projects were thus designed to include:

#### Facilitation of Camp Employment Projects:

In response to the urgent request of the Emergency Committee formed by representatives of the refugee camps in the southern West Bank (al-Fawwar, al-Aroub, Deheishe, 'Aida, Beit Jibrin), the UN Development Program (UNDP) provided US \$50,000 to be paid as salaries to unemployed refugees hired for temporary infrastructure and restoration work in the camps. BADIL has provided staff to assist the Monitoring Committee with project coordination in the camps and contributed additional funds urgently required for salaries and the purchase of work tools and materials, which refugee organizations were unable to raise. Since 11 November, 800 refugees who lost their previous job could thus be temporarily and partially re-employed in five-day shifts with a salary of NIS 250 (some US \$62) for each shift. Based on the positive results of this pilot project, the UNDP is

considering to establish camp employment projects in additional areas of the 1967 occupied territories. BADIL encourages all Palestinian and international institutions to share in this effort.

#### **Camp Employment Projects Fund - West Bank**

For contributions to Camp Employment Projects/West

Please use the following bank route for donations:

to: Chase Manhattan Bank

a/c Arab Jordan Investment Bank

Amman-Jordan Chips ID 136008

a/c Palestine Investment Bank, Bethlehem Branch

a/c No. 010207200617111

for further credit of:

Account No. 70843

Account Holder: BADIL Resource Center

#### **Assistance to Camp Institutions:**

Community organizing and public activities in the framework of the *al-Aqsa intifada* have put enormous strain on the scarce resources of community institutions in the refugee camps which have hosted emergency committees and crisis centers. Aiming to facilitate the efforts of the local refugee community, BADIL provides office space, equipment, and stationary to organizations and initiatives in need.



PHOTO: UNRWA delegation (Director of Operations, Richard Cook; Director of Public Relations, Sami Mesha'sha', a.o.) meeting with refugee community activists in order to examine the impact of Israeli violence on Palestinian refugee camps (Bethlehem, 25/10/2000).

#### **Data Gathering Project - Israeli**

#### **Repression and the Refugee Community:**

While Palestinian refugees, as an especially vulnerable and unprotected group of the Palestinian people, are uniquely affected by Israel's military and economic repression, statistical data about the specific impact of the

current crisis on Palestinian refugees is not available. BADIL has launched an effort at systematic gathering of relevant data, which will serve as a basis for future advocacy for specific international refugee protection and the implementation of Palestinian refugees' right of return, restitution and compensation.

#### **Lobbying and Awareness-Raising on Effective International Protection and the Refugee Rights:**


In early October 2000, BADIL joined the concerted effort of Palestinian and international NGOs to lobby for a rapid and efficient intervention of Arab and western governments and the United Nations, based on UN resolutions and international law. BADIL briefed the Special Rapporteur to the UN Commission on Human Rights (13-10), lobbied for an immediate Special Session of the Commission, and addressed the Emergency Arab Summit convened in Qatar (20 to 22-10). Following the Special Session of the UN Commission on Human Rights (Geneva, 16 to 17-10), BADIL presented its analysis and recommendations to UN High Commissioner Mary Robinson in the framework of her fact finding mission to Palestine (13-11).

UN Resolutions and other documentation related to the al-Aqsa intifada are archived

 on BADIL's website

■ *Petition for International Protection, Implementation of the Palestinian Right to Self Determination and Refugees' Right of Return signed by over 16,000:* Deeply concerned by the hesitation of the international community to enforce its own law and resolutions versus the Israeli occupation, Media Alternatives on Palestine (MAP), BADIL and the BADIL Friends Forum launched a renewed appeal to UN High Commissioner Mary Robinson demanding rapid international action for the protection of Palestinian rights. The appeal was endorsed, within nine days, by over 3000 residents and refugees - student and community activists, teachers and politicians and their unions, NGOs, and community organizations - in occupied Palestine, Jordan, and by more than 13,000 academics and professionals, Palestinian

expatriates, solidarity and human rights activists and their organizations in Arab countries, Europe, Asia, and the United States. The appeal was submitted to the UN High Commissioner on Human Rights on 23 November 2000.

 For the text of the petition see the BADIL website. For more information about Media Alternatives on Palestine (MAP), please contact: mapalestine@hotmail.com

■ *29 November 2000: International Day of Solidarity with the Palestinian People:* BADIL and the BADIL Friends Forum marked the 22nd anniversary of the International Day of Solidarity with the Palestinian People with visits to Palestinian public institutions, local authorities, and camp institutions in the southern and northern West Bank. During these visits, BADIL delegations distributed an information packet including briefs about the legal framework and models of international protection, fact sheets and press releases on Israeli repression and the popular uprising, a map of Palestinian communities depopulated and destroyed in 1948 (Salman Abu Sitta, 2000), and the Palestinian flag.

■ *11 December 2000: Anniversary of UN Resolution 194:* Palestinian Refugees' right of return, restitution and compensation, and the right to self-determination in a sovereign state with Jerusalem as its capital are Palestinian rights and demands which will form the cornerstone of all future negotiations over a durable solution of the historical Israeli-Palestinian conflict. This is the message which is expressed in a joint statement issued by Palestine right-of-return groups in Syria, Lebanon, Jordan, Palestine and in Europe and the United States, on the occasion of the 52nd anniversary of UN Resolution 194. (The statement is archived on the BADIL website) BADIL and the BADIL Friends Forum will organize a guided tour of Bethlehem area refugee camps that have come under heavy Israeli military attack for international press, diplomatic missions and others. This will include 'Aida Camp, where the three-story home of the Da'ajneh family was completely destroyed in an Israeli missile attack on 4 December 2000.

## **Concluding Resolutions from the Workshop on Strategies for the Defense of Refugee Rights (Cyprus 6-10/10/2000)**

Badil Resource Center and the Trans-Arab Research Institute (TARI) convened, in coordination with 'Aidoun Group - Lebanon, the Right of Return Coalition in Europe, and in consultation with 'Aidoun Group - Syria, the Society for the Defense of the Internally Displaced, the Committee for the Right of Return in Jordan and other organizations, committees and groups active in the field of the defense of the Palestinian Right of Return in Palestine, Syria, Lebanon, Jordan, North America and Europe a meeting in Cyprus between 6-10 October 2000 with the following aims: (1) To establish a unified position and strategy based on the working papers presented in the workshop; (2) To finalize a work plan for the defense of the Palestinian right of return that is appropriate for each refugee community; (3) To empower and strengthen current cooperation and coordination mechanisms in order to improve the effectiveness of organizations working in this field.

Conclusions reached regarding principles, cooperation and the means to empower comprehensive public initiatives inside and outside Palestine in the framework of the defense of Palestinian refugee rights include:

### **Positions and Principles:**

**1. The right of our people to return to our homes and properties is a historic and sacred right** rooted in principles of justice and rights. It is based on the principles of international law including the Universal Declaration of Human Rights. In this context UN Resolution 194 reaffirms the right of Palestinian refugees to return to their homes and properties and to be compensated for their suffering during the years of exile. These two rights are two separate, equal rights based on international law.

Compensation is not a substitute for return. Presenting compensation as an alternative is inconsistent with UN Resolution 194 and the larger body of international law, and aims to promote resettlement, extinguish refugee rights, and thus turn the page on our rights forever.

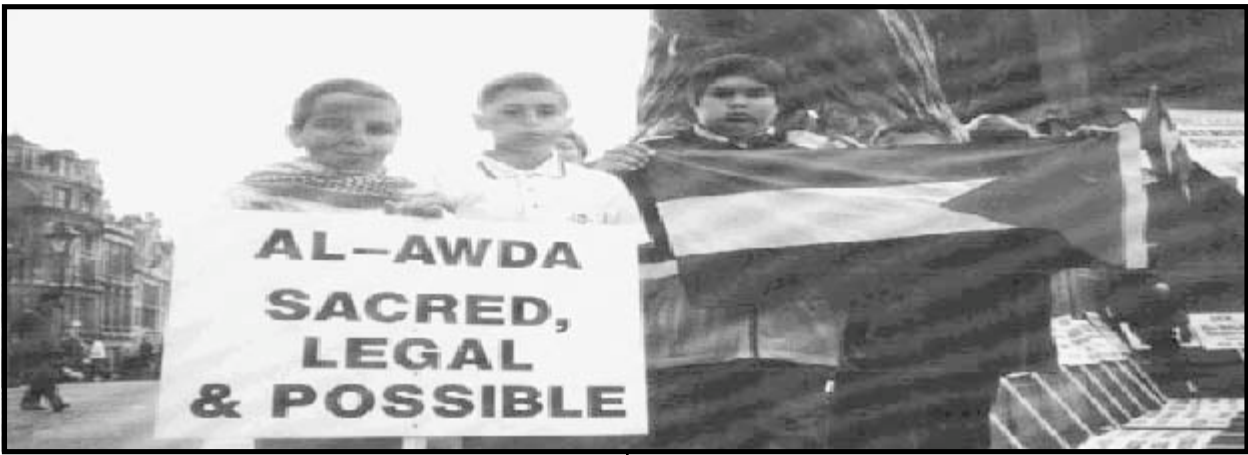


PHOTO: Right of Return March, London. September 2000.

We emphasize that the right to return is not only built on UN Resolution 194, but is rooted in our national values and our historic right in Palestine. The right to return is an inalienable right. It is not subject to negotiations, bargaining, or opinion polls. It is opposed to all projects for the resettlement, integration, dissolution, and scattering of the Palestinian people.

**2. The participants affirm that the framework for the refugee issue is based on the unity of the people to their land.** They reject all attempts to divide the refugee issue, regardless of reason or circumstance.

**3. The participants affirm that the language of return is both political and legal.** They reject all attempts to discard refugee rights, and aim to reinforce the ability of refugees to defend the right of return.

**4. The language of return is a unifying language** that should be understood in the framework of national rights and the national consensus. It does not conflict with other forms of struggle.

**5. The participants affirm the importance of the Arab dimension, supported by the Islamic world, in unifying the language of the right of return** both on the official and popular levels.

**6. The participants affirm the importance of maintaining the UN Relief and Works Agency (UNRWA),** as a witness of the Zionist crimes committed against our people, and because the Agency embodies the international political and moral responsibility for creating and

resolving the Palestinian refugee issue. UNRWA services must be maintained until the refugees return to their original homes and properties.

**7. The participants demand international and temporary protection for Palestinian refugees,** a status accorded under international law to other refugees, because UNRWA's mandate does not include refugee protection.

**8. The participants affirm the importance of working to enter the term *al-Awda* (Return) into foreign language dictionaries,** as has happened with the terms Nakba and *Intifada*.

**Action:**

**1. The participants agreed that coordinatinon workshops will be held annually** and that other organizations should be invited in order to expand the movement for defending the right of return in other areas. The right of return coalition in Europe will be responsible for organizing the next workshop.

**2. Badil will be responsible for coordination between participants in the workshop.** This coordination should be expanded through the internet and other media in order to disseminate popular information on the right of return and exchange experiences from activities in the field.

**3. European, American, Palestine, and Arab country partners will take the responsibility for organizing joint activities during major national events,** such as Land Day, the anniversary of al-Nakba and the Sabra and

Shatila massacre, and the International Day of Solidarity with the Palestinian People.

**4. Summer camps**, including children and youth from Palestine and the diaspora, will be organized jointly in order to show Palestine (Land and People), and expose children and youth, emotionally and mentally, to the culture of Return.

**5.** The participants will work to **empower al-Awda initiatives and networks in each area**, as a necessary first step towards coordination at the global level.

**6.** The Right of Return Coalitions in Europe and North America will work to prepare **solidarity visits and fact-finding tours for politicians, journalists and parliamentarians in order to highlight the situation of refugees in Palestine and the diaspora**, and to draw attention to the struggle of the internally displaced Palestinians in 1948 Palestine/Israel. Concerning current international plans to extinguish the right of return, we affirm that this historical, sacred right is inalienable. It is not subject to negotiations or bargaining. It is the right of successive Palestinian generations. In this context, we announce that we hold fast to this right. We strongly condemn the position of the United States, which supports Israel and is hostile to the rights of our people, foremost the right of return to our original homeland and properties.

### WE WILL RETURN

Badil Resource Center, Palestine  
Yafa Cultural Center, Palestine  
Union of Women Activity Centers, Palestine  
Union of the Youth Activity Centers, Palestine  
Popular Service Committees, Palestine  
The Committee for the Defense of the Palestinian Refugee Rights, Palestine  
The National Society for the Defense of the Internally Displaced, 1948 Palestine/Israel  
'Aidoun Group, Syria  
'Aidoun Group, Lebanon  
High Committee for the Defense of the Right of Return, Jordan  
Right of Return Coalition, Europe  
Right of Return Coalition, North America

Cyprus 10/10/2000

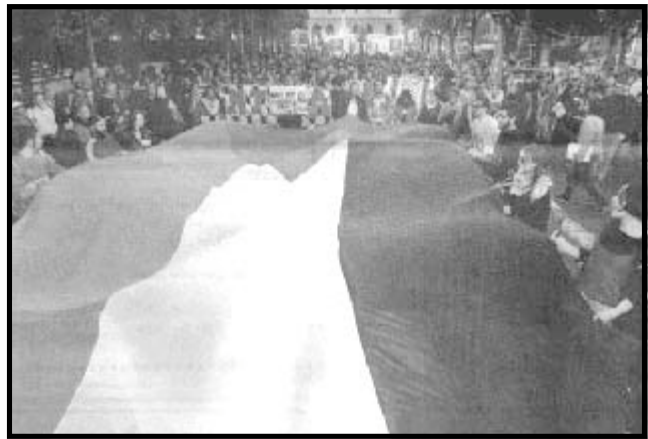


PHOTO: Demonstrators in Rome demanding implementation of the Palestinian right of return and self-determination al-Quds, 16/10/2000

### New Right-of-Return Initiatives

**A'idoun Group in Canada and United States:** Since the last issue of al-Majdal went to press, another group of academics, intellectuals, artists, and others in the United States and Canada has been established to work for the right of return of Palestinian refugees to their homes and properties in occupied Palestine. The formation of **A'idoun Group/Canada and the US** adds to the growing number of groups working for the common agenda of refugee rights. The new group aims to work with individuals and solidarity groups to lobby policymakers for a change in policy that currently lends support to Israel's continued violation of Palestinian rights and against implementation of UN resolutions relative to the Palestinian refugee right of return. The group also aims to work intensively to break the economic and social siege of Palestinian refugees, particularly those in Lebanon, opposes all plans to resettle Palestinian refugees outside their homeland, and supports the establishment of a secular democratic state in Palestine.

(based on the English translation by BADIL)

Contact: awlad@albalad.com

### Foundation Committee

Dr. William Nassar	(Head and spokesman) Dr.
Samar Abu Ganem	(Public relation)
Muna Haddad	(Students affairs)
Dr. George al-Ashkar	(Follow media)
Dr. Khalil Qaradhi	(Legal affairs) Barbara Abu
Ganem	(Member)
Alee Sa'ada	(Website)
Ziad Shehab	(Member)
Eleiana Sawaf	(Member)
Ayman Abu Sa'eed	(Member)
Khalid Nasrallah	(Member)
Ahmad Srour	(Member)
Antwan Saliba	(Member)
Susan Abu Mansour	(Member)

## REFUGEE PROTECTION

### UN Commission on Human Rights

In mid-October, after three weeks of Israeli aggression in the occupied territories, the 53 member UN Commission on Human Rights, the primary human rights body in the United Nations, met in a special session, the fifth in its history (previous special sessions were held on the situation in East Timor, the former Yugoslavia and Rwanda), to discuss the current situation in Palestine, based on a request by the Permanent Representative of Algeria on behalf of the

Council of Arab Permanent Representatives Members of the League of Arab States on 3 October. 47 out of 53 members of the Commission supported convening of the special session.

More than 20 local and international NGOs participated in the hearings in addition to state members of the Commission. The Special Session was preceded by a visit to the occupied Palestinian territories by the Special Rapporteur of the Commission on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, Giorgio Giacomelli, former Commissioner-General of UNRWA. Giacomelli's findings were presented to the Commission.

### Report of the Special Rapporteur to the Commission on Human Rights (*excerpts*)

#### Local Perceptions

In general, respondents identified one of the main causes for the recent Palestinians protests as the outcome of accumulated frustration with the perceived shortcomings of both the content and implementation of the Oslo process, notably in its failure to uphold the human rights and humanitarian norms.

Both the local Palestinian and Israeli interlocutors consulted emphasised to the Special Rapporteur that all concerned parties could not possibly be incognizant of the danger in this breach: the people in the street, Israeli intelligence, the UN Commission on Human Rights, various treaty bodies, the General Assembly, the Special Rapporteur, the Palestinian Authority. They lamented that, in spite of that, no corrective action was taken.

Under the circumstances, all local parties reiterated their disappointment at the international community's evident lack of will to take substantive measures to uphold rights for Palestinians. Moreover, they uniformly deplored the double standard that has applied to the occupied Palestinian territories, tolerating or facilitating the Israeli occupation authorities' unbroken pattern of violations. In particular, they point out the contradiction between these standards established through the United Nations and the simultaneous ineffectiveness of the UN to uphold its own principles. A number of common demands were forcefully put forward by practically all interlocutors as the needed corrective action:

- The de jure implementation of applicable humanitarian law and human rights standards, including the Fourth Geneva Convention (1949) and the principal human rights treaties
- The prompt formation and dispatch of a Commission of Inquiry with competence to establish responsibility for violations committed by the Occupying Power. A number of interlocutors recommended measures comparable to those taken in the case of East Timor
- That any peace agreement should be subject to the scrutiny and guarantee of a competent body empowered to review its consistency with human rights and humanitarian law, including UN resolutions on Palestine (e.g. GA resolution 194 with respect to repatriation and compensation)
- That ICRC urgently increase its presence as a measure of physical protection
- That international observers and/or an interposition force be established to ensure the physical protection of the occupied population
- That the relevant thematic Special Rapporteurs give special attention to occupied Palestinian territories

The grievances expressed were not devoid of a certain positive underpinning. Respondents also conveyed the hope that the losses arising from these tragic events would not be incurred in vain. Rather they expressed the hope that a correct reading of the meaning of recent events will inspire the establishment of a fairer process capable of leading to a durable peace.

UN Doc. E/CN.4/S-5/CRP.1

17 October 2000



The full text of the report is archived on the BADIL website.



The final resolution of the special session of the Commission on Human Rights was adopted by a roll-call vote of 19 votes to 16, with 17 abstentions. Those voting against the resolution included Canada, Czech Republic, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Spain, United Kingdom, and United States. The Commission decided to:

- (a) To establish, on an urgent basis, a human rights inquiry commission;
- (b) To request the United Nations High Commissioner for Human Rights to undertake an urgent visit to the occupied Palestinian territories;
- (c) To request the Special Rapporteurs of the Commission on Human Rights to carry out immediate missions to the occupied Palestinian territories and report the findings to the Commission on Human Rights.



The full text of the resolution is archived on the BADIL website.

## Report of the UN High Commissioner for Human Rights

During November, the UN High Commissioner for Human Rights visited the occupied Palestinian territories, Israel, Egypt and Jordan, to gather information about the ongoing violation of human rights as mandated by the Commission on Human Rights during its special session in October. In a report submitted to the General Assembly and the Secretary General at the end of November, the Commissioner characterized the human rights in the occupied territories as bleak. Moreover the Commissioner underlined the connection between the Israeli occupation and the massive violation of Palestinian rights.

"In the occupied Palestinian territories, discussions concerning the present crisis and its impact on human rights were linked to the reality of the occupation itself. That reality was described by Palestinians as one of grinding, petty humiliations, discrimination and inequalities which were ultimately dehumanizing. It was explained that the anger and frustration of the present Intifada stemmed from lack of implementation of the key United Nations resolutions, especially General Assembly resolutions 181 (II) and 194

(III) and Security Council resolution 242 (1967), the continuing encroachment on land for settlements, and what was perceived as a peace process which had not addressed the Palestinian claims of a State with East Jerusalem as its capital and some recognition of the right of return of refugees."

Detailing Israel's excessive use of force and denial of humanitarian access, the High Commissioner stated that "every effort should be made to explore the feasibility of establishing an international monitoring presence" in the occupied territories. She further emphasized that a peaceful and stable future in the region could only be achieved on the basis of a framework "conforming to the requirements of international human rights and humanitarian law. Full application of the international human rights standards set out in the Universal Declaration of Human Rights and the two Human Rights Conventions is essential." She further called for the High Contracting Parties to the 1949 Fourth Geneva Convention relative to the Protection of Civilians in Time of War to assume their responsibility under the Convention.

The High Commissioner also called for the protection of Palestinian economic rights, freedom of movement, and compensation for victims of unlawful use of force, including for the loss of property. In what otherwise was a fairly solid legal report, the High Commissioner oddly drew a distinction between settlements in densely populated Palestinian areas and those in other parts of the occupied territories. While the Commissioner called for a cessation of all settlement construction she specifically recommended the removal of the settlements in densely populated Palestinian areas, even though both types of settlements mentioned by the Commissioner are considered by the UN to be illegal under the Fourth Geneva Convention relative to the Protection of Civilians in Time of War.

**UN Doc. E/CN.4/2001/114**  
**29 November 2000**



The full report of the High Commissioner for Human Rights is archived on the BADIL website.

## Functions of the Office UN High Commissioner for Human Rights

- (a) Promotes universal enjoyment of all human rights by giving practical effect to the will and resolve of the world community as expressed by the United Nations;
- (b) Plays the leading role on human rights issues and emphasizes the importance of human rights at the international and national levels;
- (c) Promotes international cooperation for human rights;
- (d) Stimulates and coordinates action for human rights throughout the United Nations system;
- (e) Promotes universal ratification and implementation of international standards;
- (f) Assists in the development of new norms;
- (g) Supports human rights organs and treaty monitoring bodies;
- (h) Responds to serious violations of human rights;
- (i) Undertakes preventive human rights action;
- (j) Promotes the establishment of national human rights infrastructures;
- (k) Undertakes human rights field activities and operations;
- (l) Provides education, information advisory services and technical assistance in the field of human rights.

In April 1996, the UNHCHR signed a technical cooperation agreement with the PA (PAL/95/AH/24, Support for the Rule of Law in Palestine) to provide the authority with technical assistance and advisory services. This includes, (a) establishing a legal framework consistent with human rights standards, through the provision of advisory services on legislation drafting and support to Palestinian institutions and organizations to conduct legal analysis work; (b) development an official human rights policy through assistance for the elaboration of a national plan of action on human rights; (c) and, strengthening of national structures whose role is crucial in protecting and promoting human rights, with special focus on the administration of justice (through advisory services and training for police, prisons officials, judges, prosecutors and lawyers), on the Palestinian Independent Commission on Citizen's Rights and on local non-governmental organizations.

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## International Protection

For more than two months Palestinian and international organizations have been calling for international protection of the Palestinian people, with particular attention to especially vulnerable sectors like the refugees, the Palestinian community in eastern Jerusalem, and Palestinians in remote areas of the West Bank living in areas near Israeli settlements. As of press time, discussions regarding the deployment of a UN force were continuing in the Security Council with draft resolutions submitted by the Non-Aligned movement and by France.

Given the fact that the absence of a rights-based approach to a political settlement of the Palestinian-Israeli conflict is directly related to the current uprising, the mandate of a UN protection force must therefore clearly relate to these underlying problems and concomitant solutions: Israeli withdrawal from all of the West Bank, including eastern Jerusalem, and the Gaza Strip, realization of the right of the Palestinian people to self-determination, and implementation of the right of return for Palestinian refugees and displaced persons.

Critical concerns regarding the mandate of a potential UN protection force have been raised in the context of statements made the United States and the UN Secretary General Kofi Annan. Both have stated that an international protection force cannot be deployed in the occupied territories without the consent of the government of Israel. This view requires immediate clarification in light of the international framework delineated in international humanitarian law and reaffirmed by the United Nations (Security Council, General Assembly, Commission on Human Rights, Economic and Social Council, a.o.) which recognizes Israel as an occupying power in the West Bank, eastern Jerusalem, and the Gaza Strip.

According to international humanitarian law, a military occupier can never attain *de jure* sovereignty over occupied territory. Consequently, the *de jure* sovereignty over the occupied Palestinian territories which vested in the Palestinian people with the 1919 League of Nations Covenant - which is the fundamental legal basis of the Palestinian people's collectively-

held right of self-determination in those areas - can never be overridden by the lesser order of military control exercised by Israel. Israeli consent for the deployment of UN forces in the occupied Palestinian territories incorrectly implies recognition of the legitimacy of the Israeli occupation as well as the American position that the territories are disputed rather than occupied. Regardless of the issue of Israeli consent, UN forces can be deployed under Chapter VII of the UN Charter, a measure previously recommended by the UN Commission on Human Rights.

"Impartiality for UN operations must [...] mean adherence to the principles of the [UN] Charter: where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the UN can in the best case result in ineffectiveness and in the worst may amount to complicity with evil. No failure did more to damage the standing and credibility of the United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor."

(Report of the Panel on the UN Peace Operations)

Secondly, and related to the status of the occupied territories, is the intervention mandate of any UN protection force. The mandate must clearly reflect and allow for what the United Nations has already recognized as the legitimacy of struggle against occupation, foreign domination, and colonialism. The source of the current unrest in the West Bank, eastern Jerusalem, and the Gaza Strip, is not the Palestinian street. The source of the problem has always been, and continues to be the illegal Israeli occupation.

Finally, a UN protection force must have a mandate to move throughout the occupied Palestinian territories, investigate and publicly disseminate violations of Palestinian rights, and have the authorization, backed up by appropriate resources, to intervene to protect the Palestinian people under occupation, especially vulnerable groups such as children, refugees, the Palestinian community in occupied Jerusalem, and Palestinians living in remote rural areas facing ongoing attacks by the Israeli military and settlers.

For more on international protection see, BADIL Bulletins No. 1 and 2, available on the

 BADIL website.

## Canada Camp: The Last Refugees Return to Gaza

Two decades after they were stranded in Egypt after the signing of the Camp David accords in the early 1980s, the last 92 of some 6,000 Palestinian refugees returned to Gaza at the beginning of December under a program facilitated by UNRWA. Under the program, each household was supplied with a grant of some \$12,000 for relocation and reconstruction costs, initially covered by the Egyptian government and later by the Canadian International Development Agency and the Kuwaiti Fund for Arab Economic Development. Palestinian Bedouins stranded on the Egyptian side of the border after the Camp David accords remain without a solution.

For more see al-Majdal, Issue No. 2.

## Internally Displaced Palestinians

In late September, Israeli Prime Minister Barak asked for yet another deferral from the High Court regarding the return of internally displaced Palestinians who are citizens of Israel to their villages of Iqrit and Bir'im. A deferral had previously been granted by the High Court in May in consideration of Israel's withdrawal from south Lebanon. The new request is based on claims that the government was soon to deal with issues in the "Arab sector" pertaining to the resident's petition and that a decision at the current time would have ramifications on negotiations with the PLO concerning the issue of Palestinian refugees.

With another Israeli election scheduled for the first part of 2001 it is unlikely that the fate of the internally displaced Palestinian citizens of Israel from these two villages will be dealt with any time soon despite a legal process that has dragged on for 50 years. "We are now convinced that the present Government continues the policy of postponement initiated by its predecessors," stated Ihsan Ta'amem member of the Committee of the Iqrit's Uprooted. "[A]s to its declared intention to solve our case, it turned out to be a crossed check."

The Palestinian residents of the two villages were ordered by the Israeli military in 1948 to temporarily evacuate their homes until fighting in the northern border area resided. The

villagers were later prevented from returning and their homes were demolished despite a 1951 High Court ruling in favor of the return of the villagers. A classified document entitled "very secret - personal", written by Emanuel Mor, commander of the military government, following the High Court decision in favor of Iqrit residents and before their homes were exploded, shows how he looked at the issue: "The results of the high court decision are liable to bring about great damage to state security and IDF concerns." Mor raised four arguments: a) there will be an additional Arab village next to the border; b) following this precedent, additional legal cases of the same type will be submitted; c) the issue will lead to Arab settlement in places which are not wanted; d) it will cause serious damage to the plan of security settlement.

For more information on internally displaced Palestinians see al-Majdal, Issue No. 3, 1999.

**Source:** IDF Archives, 81/55/68, letter dated 12-8-195 cited in Hillel Cohen, Present Absentees. [Hebrew] Jerusalem: The Institute for Israeli Arab Studies, 2000. Al-Sinnara (Translation from the Arab Human Rights Association, Weekly Review of the Arab Press in Israel, No. 11/14-10 to 20-11)

## **Committee on the Covenant on Economic, Social and Cultural Rights (CESCR)**

Session: November-December 2000

During the last two weeks in November, the UN Committee on the Covenant on Economic, Social and Cultural Rights, to which Israel is a signatory met in Geneva to consider the reports of the countries scheduled for review regarding implementation of the Covenant. Numerous local and international NGOs, including BADIL, submitted briefs to the Committee relative to the social, economic and cultural rights of the Palestinian people. Israel issued a note verbale on 3 November stating that its second periodic report, including issues referred to and information requested by the Committee in its Concluding Observations date 4 December 1998, would be ready for submission no later than March 2001. The report was scheduled for submission to the November-December session, including material on the occupied territories not included in the first report. While Israel did not

**20 December 2000**

submit the required report as scheduled, the Committee noted a list of concerns to be addressed in March 2001. These included: interference by Israeli military and security forces with medical aid and personnel in the occupied territories and inside Israel; closure of schools and attacks on children; destruction of Palestinian agricultural land; unemployment due to the Israeli military closure; house demolition and land confiscation, and; restrictions on freedom of movement.

BADIL's report to the Committee focused exclusively on the rights of Palestinian refugees, 1967 displaced Palestinians and internally displaced Palestinians. The submission is part of BADIL's new legal project related to refugee rights.

For more see In Our Own Affairs (backcover).

### **BADIL Submission to the CESCR: *Executive Summary, 13 November 2000***

As noted by the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the "**Committee**") in Paragraphs **13, 11** and **25** of its 1998 "Concluding Observations," Israel continues to fall far short of complying with its treaty obligations under the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the "**ICESCR**"). As the Committee's 1998 Concluding Observations noted with clarity, Israel continues to practice widespread institutionalized, state-sanctioned and state-enforced discrimination based on racial, ethnic, religious or political criteria which negatively affects millions of Palestinians (i.e., Palestinians resident within Israel, including the "internally displaced," as well as externally displaced Palestinians currently in forcibly maintained exile outside Israel, whether resident in the occupied territories or in exile even beyond those areas) with regard to fundamental official Israeli state policies and laws governing **citizenship (and in the occupied territories, residency) rights** and **private property ownership rights**. Such institutionalized, state-sanctioned discrimination based on racial, ethnic, religious or political criteria is patently illegal under customary international law and is, accordingly, expressly prohibited by the ICESCR.

Israel, as a party to the ICESCR, is thereby fully obligated to bring its laws and policies into compliance with its treaty obligations thereunder.

It will be readily apparent that **the right to hold citizenship in the state of one's origin and the right to own private property free from illegal governmental interference** constitute what may be conceived of as "core" foundational rights which the ICESCR categorically prohibits governments from interfering with on racial, ethnic, religious or political discriminatory grounds. These rights may be termed core, foundational rights because their realization is absolutely necessary in order to make possible, in turn, the enjoyment of all the other rights enumerated in the ICESCR (which rights might conceptually be referred to as "second-level" rights). Similarly, **the right of peoples to self-determination** is another such core, foundational

right, expressly enumerated in the ICESCR. Since none of the second-level rights enumerated in the ICESCR can be enjoyed by Palestinians - and especially by displaced Palestinians (otherwise known as Palestinian "refugees") - unless their core, foundational rights of citizenship and private property ownership are fully respected by the state of Israel, the Committee is urged to censure, in the clearest possible terms the massive scale and grave severity of Israel's patently illegal violation of the core, foundational rights of citizenship, private property ownership and self-determination of the Palestinian people, and in particular the displaced Palestinians (who represent the group whose rights are being violated on the most massive scale).

While the Committee has already made some observations leading in this direction in its 1998 Concluding Observations, it is possible that

#### **Concluding Observations of the CESCR 1998 (excerpts)**

11. The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/ Jewish Agency and its subsidiaries including the Jewish National Fund to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies, constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties by non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant.

13. The Committee notes with concern that the Law of Return, which permits any Jew from anywhere in the World to immigrate and thereby virtually automatically enjoy residence and obtain citizenship in Israel, discriminates against Palestinians in the diaspora upon whom the Government of Israel has imposed restrictive requirements that make it almost impossible to return to their land of birth.

25. The Committee expresses its concern over the plight of an estimated 200,000 uprooted "present absentees" who are Palestinian Arab citizens of Israel, most of whom were forced to leave their villages during the 1948 war on the understanding that they would be allowed to return after the war by the Government of Israel. Although a few have been given back their property, the vast majority continue to be displaced and dispossessed within the State because their lands were confiscated and not returned to them.

35. The Committee urges the State Party to review the status of its relationship with the World Zionist Organization/ Jewish Agency and its subsidiaries including the Jewish National Fund with a view to remedy problems identified in para 11 above.

36. In order to ensure the respect for article 1(2) of the Covenant and to ensure the equality of treatment and non-discrimination, the Committee strongly recommends a review of re-entry policies for Palestinians who wish to re-establish domicile in their homeland, with a view to bring such policies to a level comparable to the Law of Return as applied to Jews.

the Committee has not yet taken note of the massive scope or the fundamental gravity of the illegality of Israel's violations of the individually-held **citizenship rights** and **private property ownership** rights of individual Palestinians - and in particular the displaced Palestinians - as well as the collective **self-determination right** of the Palestinian people. We therefore draw the Committee's attention to our quantification of the scope of Israel's violation of the individually-held citizenship and private property rights of displaced



PHOTO: Refugee with his ownership documents and the key to his home. al-Quds, 12/10/2000

Palestinians, as well as our survey of the international law principles upon which these two respective rights are grounded, in order to highlight the urgency of the Committee's clearest possible formulation of the fundamental illegality, under the ICESCR, of Israel's actions with respect to these two rights as well as the need for clear and unambiguous recommendations for immediate implementation of appropriate legal remedies designed to protect fully these two core, foundational sets of individually-held rights from any further violation by Israel, which thus far has continued unabated for 52 years.

With regard to the occupied territories (including East Jerusalem), we also review the international law principles governing military occupation, which reveal that a military occupier can never attain *de jure* sovereignty over occupied territory. Consequently, the *de jure* sovereignty over the occupied territories which vested in the Palestinian people with the 1919 League of Nations Covenant - which is the fundamental legal basis of the Palestinian people's collectively-held **right of self-determination** in those areas - can never be overridden by the

lesser order of *de facto* sovereignty currently exercised there by the Israeli military occupation forces. Accordingly, Israel's entire military presence in the occupied territories must be completely withdrawn, and all actions purported to have been based upon the authority of the military occupation - for example including Israel's massive violation of the **residency** and **private property rights** of millions of Palestinians in the occupied territories, and including, in particular the roughly one million 1967 displaced Palestinians (who constitute the most vulnerable group) - must be overturned, to restore the situation to the *status quo ante*. We urge the Committee to clarify the fundamental illegality, under the ICESCR, of Israel's military occupation presence in the occupied territories (including East Jerusalem), which conclusively violates the Palestinians' prior and legally superior collectively-held **right to self-determination** in that area, which right is enshrined in the ICESCR. We similarly urge the Committee to censure in the clearest possible terms Israel's concomitant violations, under the ICESCR, of the core, foundational individually-held rights of **residency** and **private property ownership** of Palestinians in the occupied territories, and in particular of the 1967 displaced Palestinians, which constitute the most vulnerable group. These violations have flowed from Israel's mass-scale abuse of its *de facto* sovereign authority as a military occupier in these areas during the past thirty-three years, which, as already noted, has illegally infringed upon the prior and legally superior vested *de jure* sovereignty rights of the Palestinian people, upon which their ICESCR-protected collectively-held right of self-determination is irrevocably grounded.

BADIL therefore requests that the Committee build upon its 1998 Concluding Observations in two ways. First, we urge the Committee to renew its condemnation of Israel's massive violations of three core foundational rights of the Palestinian people - and the displaced Palestinians in particular, who represent the most vulnerable groups - which are enumerated in and protected by the ICESCR, as noted above. Second, we urge the Committee to call clearly for the immediate implementation of three specific legal remedies, which are required under international law and which have already



been clearly articulated by the United Nations. The three remedies include implementation of two individually-held rights - the "**right of return**" and the "**right of restitution**" - which rights are held independently by each Palestinian whose citizenship or property rights have been illegally violated by Israel. The third remedy - implementation of the Palestinian people's collectively-held "**right of self-determination**" - is held by the Palestinian people as a group. The individually-held rights complement the collectively-held right, and neither cancels the other out. Because these three "core" rights identified are specifically protected by the ICESCR, in particular, and are protected by customary international law in general, their immediate and complete remediation by Israel should be called for by all UN bodies - including the Committee - in the clearest possible terms.

In particular, BADIL makes the following specific **Recommendations** to the Committee:

### **Regarding Israel's Laws Applied inside the Green Line**

#### The "Right of Return"

**1.** The Committee should conclude that Israel's land confiscation laws as **implemented** - i.e., as **selectively applied** against Palestinian landowners only to deprive them of their land without being equally applied to deprive similarly situated Jewish landowners, in addition to the complete failure to provide due process guarantees for the Palestinian landowners or fair market value rates of compensation for property so confiscated - inside the 1949 "Green Line," and in particular the Absentees' Property laws, are illegal under international law because they are framed and implemented in a way that discriminates on the basis of racial, ethnic, religious or political criteria (to work exclusively in favor of Jews and exclusively against the interests of Palestinian Arabs), which prima facie violates the ICESCR.

**2.** According to the foregoing principle, the Committee should conclude that Israel's Nationality Law of 1952 must be annulled or amended (to remove the bar prohibiting the 1948 externally displaced Palestinians from returning to their state of origin, i.e., Israel).

### The "Right of Restitution"

**1.** The Committee should conclude that Israel's land confiscation laws **as implemented** - i.e., as **selectively applied** against Palestinian landowners only to deprive them of their land without being equally applied to deprive similarly situated Jewish landowners of their land, in addition to the complete failure to provide due process guarantees for the Palestinian landowners or fair market value rates of compensation for property so confiscated - inside the 1949 "Green Line," and in particular the Absentees' Property laws, are illegal under international law because they are framed and implemented in a way that discriminates on the basis of racial, ethnic, religious or political criteria (to work exclusively in favor of Jews and exclusively against the interests of Palestinian Arabs), which *prima facie* violates the ICESCR.

**2.** According to the foregoing principle, the Committee should conclude that all of Israel's illegal land confiscation laws based on racial, ethnic, religious or political criteria must be repealed or amended (to allow full restitution, as required by international law, of all private property of the 1948 displaced Palestinians which was illegally confiscated from them).

**3.** Regarding the preceding recommendation, the Committee should specifically recommend that the official land records and archives of both the government of Israel and the United Nations Conciliation Commission for Palestine (which was empowered in G.A. Resolution 194 to record, tabulate, monitor and preserve the private property rights of the 1948 group of Palestinians) (hereinafter referred to as the "UNCCP") should be opened up to the public - and in particular to potential Palestinian claimants seeking to reclaim their property - for inspection and duplication.

### **Israel's Military Orders Applied in the 1967 Occupied Territories**

#### Israel's Temporary Status as Belligerent Occupant Must Immediately Come to an End

**1.** With regard to the 1967 occupied territories, the Committee should conclude that as Israel can never obtain *de jure* sovereignty in the 1967 occupied territories under international law, it must accordingly relinquish *de facto* sovereignty (i.e., its military occupation) there to the group of

persons with the priority legal right to that area under international law, i.e., the Palestinian people, who hold the prior legal right by virtue of their collective **right of self-determination** in the land covenanted to them in the League of Nations Covenant, which right of self-determination is enshrined in **Articles 1(1), 1(2) and 1(3)** of the ICESCR. Accordingly, the Committee should conclude that Israel's military presence in the occupied territories violates international law, as codified in **Articles 1(1), 1(2) and 1(3)** of the ICESCR.

#### Residency

**1.** According to the foregoing, the Committee should conclude that with cessation of the military occupation and the annulling of Israel's military orders (including those regulating residency), the 1967 group of externally displaced Palestinians would rightfully be allowed to return to their land of birth (and Israel's illegal violation of their "right to return" would cease).

#### Land Confiscation

**1.** Similarly, the Committee should conclude that with cessation of the military occupation and the annulling of Israel's military orders (including those under which land and property was illegally confiscated), any and all property illegally confiscated under military orders in the occupied territories should be fully restituted and restored to the rightful, original Palestinian owners (and Israel's violation of their "right to own property free from illegal governmental interference" would cease).

### **Right of Return Opinion Poll - United States**

Nearly three-fourths of Americans believe that Palestinian refugees should be able to return to their homes in Israel according to recent opinion poll. 74% said they believe that Palestinians should be allowed to return to their old homes if they choose; 9.2% said they thought it would be better for the Palestinians to stay where they have relocated; 16.7% are unsure. (National telephone survey of 890 adults by Zogby America. Margin of error of +/- 3.4%)

**Source:** Reuters/Zogby 23 October 2000



## REFUGEE ASSISTANCE

Contributions to UNRWA, 1990-1998 (Regular Budget + Projects)										
Top 13 Donors (Contributions in US\$)										
Donor	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
USA	57	62.8	68.1	67.5	81.3	80.6	92.2	83.7	80.4	80.9
EU	58.4	58.9	64.7	11.1	92.5	68.8	53.8	57.5	50.4	63.9
Japan	20	17.4	16.2	21.3	41	27.7	21.7	28.6	18.5	25.6
Sweden	21.5	21.6	26.3	16.3	19.4	22.5	23.3	18.8	18.2	18.3
Norway	10	10.5	10.4	8.4	11.4	15.4	17.7	14	13.2	13
Denmark	5.5	2.3	9.9	2.6	10.2	6.9	11.3	13.5	8	8.9
UK	9.2	10.6	10.4	10.3	8.9	9.7	12.1	10.6	13.8	13
Netherlands	5.6	6.2	7.2	5.3	9.9	8.8	13.8	9.2	7.4	10.9
Germany	11.5	10.3	8.5	7.5	7.4	10.8	9.3	8.4	8.8	8.5
Saudi Arabia	0	1.2	2.4	1.2	1.2	7.9	4.6	7.6	10	7.8
Italy	12.1	10	2.1	21.1	10.4	7.4	5.7	5.1	4.4	3.5
Switzerland	9.1	4.2	7.7	9.3	8.8	7.4	4.7	7.6	3.3	7.5
Canada	8.9	10	9.2	8.6	10.6	8.9	8.3	7.5	8.5	10

### Donor Report Card

UNRWA requires a 5% increase in donor funding annually to keep pace with the growth in the refugee population. The pass/fail report card below is based on the difference between 1998 and 1999 individual donor contributions to UNRWA's regular budget.

#### Pass

EU, Japan, Netherlands, Switzerland, Canada

#### Fail

USA, Sweden, Norway, Denmark, UK, Germany, Saudi Arabia, Italy

#### General Notes:

1. The table is compiled from data supplied in UNRWA's annual reports. It includes all contributions in cash and kind (mainly food commodities from the EC). Not included are exceptional contributions from EMLOT fund (emergency fund for Lebanon and the Occupied Territories, used to finance the special intifada programs and Lebanon emergencies, phased out since 1994), as these donations came usually from special budget lines.
2. Figures consist of actual receipts, i.e., all losses and gains accounted for by exchange rates are included. (All donors give in their own currencies, which are then converted to dollars.)
3. There is no calculation for inflation, so the comparisons between 1990 and 1999 are even less than cited.
4. Comparisons between 1990 and 1999 do not reflect real changes in contributions in the years between 1990 and 1999.



## Interview with Sami Msha'sha', Public Information, UNRWA

December 2000

### On the issue of Protection

The constant call by Palestinians, including the refugees, for international protection underlines the prevailing sense of worry and uncertainty about the future. The "protection" theme has been raised before by UNRWA's Commissioner-General in his meeting with refugees and camps' activists.

It is true, as the refugees in the West Bank and Gaza have pointed out, that UNRWA ran an effective "Passive Protection" programme during the previous *intifada*. It is also true that the "Refugee Affairs Officers" programme created a sense of protection and was credited with saving lives and reducing tension. But it is also true that the situation that prevailed then was completely different from the situation that prevails today. The fact that there exists a Palestinian Authority and the existence of various agreements and understandings regulating the relationship between the Palestinian and Israeli authorities changes things. In addition, the way the situation plays itself out on the ground, the recourse to different means during the clashes and the confrontations, including the use of tanks, gunships, shelling, and heavy machinegun fire renders the previous approach during the first *intifada* ineffective. A quick appraisal as to the intensity of the clashes, the large number of Palestinians killed and injured in the past eight weeks attest to the above.

"Protection" takes different forms and could be articulated at different levels. Indeed in several other crises around the world the dispatching of peacekeeping forces or other "Protection" forces proved, at times, to be less effective than envisioned. UNRWA, even though it is a large humanitarian agency, does not work in a void and any discussion about actual "Protection" involves first and foremost the concerned disputing parties and takes place in a very complex international setting.

UNRWA's 10,000 staff members that work in the West Bank and Gaza field offices are present on a daily basis among the refugees and

that could be looked at as an engaging form of protection. UNRWA's ability to continue rendering regular services despite the closures and other obstacles and to couple it with effective emergency services is yet another form of practical protection. UNRWA in that regard seeks to re-enforce its operational response.

Finally comprehensive and accurate reporting to the United Nations headquarters in New York by UNRWA is a major component of protection. On a daily basis and since the start of the on-going clashes, UNRWA sends detailed reports about the situation to concerned bodies of the United Nations.

### Assistance Role

#### *Emergency Appeal*

Since the beginning of the clashes, UNRWA has placed its health services on an emergency footing, providing a 24-hour service in areas most affected. UNRWA has also used its ambulances in the West Bank and the Gaza Strip to transport the injured. The Agency's 43-bed hospital in Qalqilya, West Bank, has treated many of the most severely injured.

In view of the deteriorating economic situation, UNRWA launched a special Emergency Appeal to assist the refugee community in the West Bank and Gaza Strip. With its large operational capacity in the field, and working closely with the refugee community, UNRWA has a special understanding of the most urgent needs; this should enable the Agency to deliver help quickly where it is most required.

The \$39 million emergency appeal for contingency will cover our needs for the next three months; some \$20.5 million for Gaza and some \$18.8 million for the West Bank. The appeal covers many different categories but the main thrust is Relief including essential food supplies, shelter, and cash assistance and employment generation. Medical Assistance, includes physical rehabilitation and counseling for the several thousands injured or disabled as a result of recent clashes. The top priority is for food and shelter. Some \$30 million, or 75% of the appeal is to fund basic food commodities and blankets, the repair of shelters, cash assistance for those who have had to move out of damaged/vulnerable shelters, and cash subsidies to the very poor.

Through this appeal the Agency will be able to give food (flour, rice, sugar, milk, lentils) to 127,000 families or some 85% of the refugee population in Gaza, blankets to some 16,000 refugee families and cash assistance to the 1,000 relocated families affected by the shelling (\$800 one-off payment) and to 5,000 (3 x \$300) of the poorest families.

UNRWA will be able to repair or reconstruct some 600 shelters damaged by the fighting. UNRWA will also give post-injury social help to the permanently disabled (estimated at 3,000 refugees) to the value of almost \$800,000 for special food items, transport to medical facilities, and prosthetic devices.

In the West Bank the appeal money will go to provide emergency food provisions and cash subsidies in lieu of food (\$40 each to some 90,000 poor families) as well as selective cash assistance (\$250 to 30,000 families), cash subsidies to repair or reconstruct some 2,000 shelters which have been damaged by violence, blankets to some 10,000 families, and 5,000 tents.

Due to the rising unemployment, with unemployment estimates in the Occupied Territories ranging from 40-65% (Compared to around 11% before the current crisis), the Agency intends to provide short-term jobs at a cost of just over \$400,000 for sanitation laborers and social workers (the latter to assess eligibility and facilitate delivery of emergency assistance to needy families) in Gaza, and community-based infrastructure works with a budget of \$1.8 million in the West Bank.

Until 7 December, six countries have announced pledges totaling some \$22 million towards the \$39 million special emergency appeal that UNRWA launched on 8 November. One country, the Netherlands, announced a pledge of \$13 million, or one-third of the total amount of the emergency appeal. Other major pledges to the appeal came from the United Kingdom, (5 million pounds or about \$7.1 million at current exchange rate). Denmark (5.8 million Danish kroner, or \$670,000); Switzerland (1 million Swiss francs or some \$568,000); Norway (5 million Norwegian Krona or \$536,500); and Sweden (1 million Swedish Krona or just under \$100,000). It is expected that the United States will be contributing a considerable amount toward the fund.

### ***Secondary Education in Lebanon***

In accordance with the mandate, UNRWA provides basic education only at the elementary and preparatory levels. However, due to the living conditions of Palestinian refugees in Lebanon, UNRWA has exceptionally introduced secondary education since 1993, for students aged 16-18 years. By the year 2000, full secondary cycles were available for Palestinian refugees in Beirut; Saida and Tyre North and Beqaa areas were not covered.

Due to the steep increase of Brevet holders in the school year 1999/2000, as well as the difficult economic situation of Palestinian refugees in Lebanon, UNRWA has decided to establish two new secondary schools in North Lebanon and Beqaa areas. Part of the financing of the North Lebanon school will be donated by PLO who will also contribute for the following two years in case other donations will not fully cover the relevant expenses.

Arrangements have immediately started for the establishment of the two secondary schools on gradual basis starting with the first secondary classes for this school year 2000/2001. The secondary cycle will be completed by the school year 2002/2003.

### ***Effects on UNRWA's operations of Closure, etc.***

All UNRWA programmes have felt the impact of recent events. Field and HQ operations have been affected by clashes, road closure, and travels restriction and communications problems.

The education programme has been greatly affected. On many occasions teachers and students have been unable to reach schools. Schools have been closed for periods of mourning. To date UNRWA schools have lost almost one month in curriculum time thus far. Damage to school infrastructure has occurred in Khan Younis following shelling of adjacent PA base and at al-Mazra'a school, Aida Camp, West Bank. Children have experienced trauma. This sample survey of damages also includes:

**Health:** UNRWA has experience heavy pressure on facilities, while ambulances have been stopped by the IDF. The high number of injures and many permanent disabilities will place great pressure on remaining rehabilitation services.



## Letter from Refugee Children in Lebanon

Following protests by refugee students in Lebanon in September and an international advocacy campaign, UNRWA has agreed to open secondary schools to provide spaces for students. (see Al Majdal Issue No. 7)

**Dear Friends and Supporters,**

Yes, we feel we can call you friends because you stood with us during our sit-in of UNRWA. You were with us when nobody was, and this is true friendship. We read your emails many times, which made us feel warm and secure and strong enough to continue our struggle. This is what friendship is all about.

Yesterday UNRWA informed us that it decided to establish two secondary schools for Palestinian refugees in north Lebanon and the Bekaa. The PLO will finance the one in north Lebanon, and UNRWA will finance the Bekaa school. The establishment of the two schools will be gradual starting with the first secondary level for this year, and completing the secondary cycle by 2002-3.

We don't know how to thank you for supporting us. Your support meant the world to us. It kept us strong. It kept us holding fast to our struggle. It is sad that UNRWA would not listen to us for the first ten days, because we had no support, and we are only refugees. Luckily, when people started writing to UNRWA offices they agreed to meet us and listen to our demands. It needed support from the outside to get our voices heard. We have always been required to fight for our basic rights.

We are grateful because you opened our eyes on how to use technology to make the world listen to us. It is the first time we used these means to achieve our aims and to spread information about our condition. We held many protests before for our basic needs, but no one knew about us and no one cared. We were not on TV, even in Lebanon. We were not in the press and even our fellow Palestinians outside the camp would not know about us. You know, in Lebanon and the whole world, Palestinians are only in the press when they make mistakes, even small mistakes. We used to feel so isolated and alone. But not this time. We were strong with your support and your emails even played a major role in making UNRWA hear our demands. Please keep up your support for us and for all refugees, because without your support we count for nothing in this world.

We were happy to achieve our aims and win schools, but the spilling of blood in Palestine and South Lebanon has tempered our happiness with sadness.

We went home sure that if we all stand together for our rights, we will achieve them. We hope to achieve our right to return to our homeland soon, and live in peace forever. Thank you so much for your help. You made us hopeful. You made us regain our trust in ourselves, and in a just, fair world. Keep up your work for just causes all over. Until we meet all Palestinians and supporters in Palestine, under an olive tree...

**Much Love,**

**Strong, Hopeful, Refugee Students; Lebanon**

**Relief:** Great need is arising from unemployment and increasing poverty among Palestinians. Thousands without jobs have no money to spend and therefore rely more on UNRWA's relief services.

**Income-Generation:** Very serious affects have been felt in this programme. Repayment rates are falling due to the economic situation. The credit system is in danger of collapse. People are refusing loans because they know they can not repay them.

**Logistics:** Movement of UNRWA vehicles has been severely hindered. Local Palestinian drivers have been prevented from entering Israel. UNRWA has also experienced problems importing humanitarian goods into Gaza. Other problems include new routes, imposition of fees, new procedures and port changes.

**Projects:** Many projects have been ground to a halt due to restrictions on movement of laborers and materials.

**Privileges and immunities:** In a number of cases of UNRWA vehicles/installations have been fired on/attacked. Staff have been stopped and delayed at checkpoints.

## **2001 Budget**

The current crisis demonstrated anew the depth of feelings aroused by the continuing absence of a solution to the Palestinian Question, and that at the heart of that issue were the people whom UNRWA has served for 50 years - the Palestinian refugees.

UNRWA works among the refugees. In periods of strife we are therefore in the midst of it, trying as best we can to continue our humanitarian work. UNRWA clinics have been kept open around the clock. Its ambulances and medical supplies have been made available to those affected, and newly converted mobile clinics have assisted with medical evacuations.

Throughout its area of operations - in Jordan, the Syrian Arab Republic and Lebanon as well as in the West Bank and Gaza Strip -

UNRWA has faced increasing demands for its services. The growth of the refugee population and the need to introduce new or expanded activities in its education, health, relief and social service programs has placed growing pressure on UNRWA's staff and its network of facilities.

The major donors to the Agency's budget, and the countries hosting the refugees have recognized the vital need for UNRWA's services to continue at adequate levels, in the interests of the well-being of the refugees and of continuing stability in the region. The financial stringency under which UNRWA was forced to operate - with a cash deficit of some \$25 million in its budget expected by the end of this year, left little room even to meet the predictable growth in demand not to mention unexpected needs.

Years of under funding of UNRWA's budget have led to the prospect of a steady decline in the quality of services UNRWA provides. Shortfalls in the resources made available to the Agency were seen in a political light, as a sign of the weakening of that commitment. To that end our task has been not only to maintain and improve services to the refugees, but also to reassure them that we will not falter in our commitment.

Pledges of contributions worth about \$38.5 million for the year 2001 financial needs of UNRWA were announced at the annual Pledging Conference for UNRWA, held at United Nations headquarters on 4 December 2000. Many donors were not able to make pledges at the conference that was held last week due to either their national budget cycles or parliamentary procedures.

UNRWA has presented a needs-based cash budget of some \$290 million for 2001 to run its education, health, relief and social services programmes for 3.8 million Palestine refugees. In addition, the Agency is in need of some \$7 million to replenish its working capital reserve, \$4 million to implement new pay policies for its 22,000 local staff and \$10 million for newly emerging needs of the refugee community. The lack of working capital has now required the Agency to seek a minimum of \$25 million in cash income early in January 2001 just in order to be able to continue its operations.

## Feature Article

### From Mandate to Partition, Lessons Learned or Mistakes Repeated - The United Nations and Palestine

(This article is based on a shorter bulletin released on the 22nd International Day of Solidarity with the Palestinian People, 29 November 2000)

More than five decades after the United Nations first addressed the issue of Palestinian rights, it is appropriate to revisit the discussions, debates, and proposals of 1947 and 1948 that led up to the adoption of UNGA Resolution 181(II) to see what kinds of lessons can be drawn from the UN's first attempt to deal with the so-called question of Palestine. This is particularly relevant at the current time with renewed, albeit limited, involvement of the United Nations after the collapse of the Madrid/Oslo process and Israel's brutal policy to destroy legitimate Palestinian resistance to the occupation and the denial of Palestinian rights.

There are at least two primary lessons to be drawn from the UN experience of dealing with Palestine in 1947 and 1948 that remain relevant today. First, a peaceful and just resolution of the Palestinian-Israeli conflict must be consistent with the principles the United Nations Charter and international law. Secondly, the international community must be fully engaged in the implementation of any solution, including the deployment of international forces to monitor and facilitate the period of transition and implementation to ensure respect for international law.

#### Palestine and the United Nations

From the beginning of 1947 the Palestine question assumed a major place in the agenda of the United Nations. After three decades of occupation and mandatory rule, the British government had decided it was time to cut its losses and withdraw from Palestine. In a situation of mounting tensions and chaos, Great Britain turned to the UN in February of the same year.

For several weeks, officials examined the various avenues of UN involvement in Palestine. Both the Security Council and the Trusteeship Council were rejected as appropriate venues, the first because of potential obstacles created by permanent member vetoes, and the second because transferring the authority of the League of Nations Mandate to the UN Trusteeship Council would have entailed an agreement between the UN and the Mandatory power, Great Britain, which was in a process of trying to extricate itself from Palestine, rather than to enter into new agreements and obligations.

With the situation on the ground continuing to deteriorate, British officials submitted a request to the UN Secretary General to place the question of Palestine on the agenda of the upcoming regular session of the General Assembly. The Assembly was further requested to make recommendations, under Article 10 of the UN Charter, concerning the future government of Palestine.<sup>(1)</sup>

The conflict in Palestine was to be one of the first major attempts by the United Nations to resolve a major conflict that was considered to be a potential threat to international peace and security and there was concern among member states that the UN "get it right." In the words of several delegates, the eyes of the world were focused on the Assembly.

Two major issues surfaced repeatedly during discussions at the UN in the latter half of 1947 and the first part of 1948. The first issue focused in general on the legal implications of UN involvement in Palestine. More specifically: (a) What was the appropriate legal outcome of the British decision to unilaterally terminate the Mandate in Palestine? (b) Did the UN have the legal authority under its Charter to issue recommendations on the future status of Palestine? and (c) Did the UN have the legal authority to enforce such recommendations? The second issue focused on the broader aspects of implementation of any future arrangements or agreement on Palestine. As explained below, the United Nations was unable to reach conclusions on these critical issues before the British withdrew from Palestine in May 1948.

## The Mandate System

The Mandate system was established under Article 22 of the Covenant of the League of Nations in order to accommodate existing colonial interests and the need to recognize the rights of colonized peoples to self-determination. Under Article 22, the "tutelage" of colonized peoples was "entrusted to advanced nations" until such a time as such peoples were "able to stand by themselves under the strenuous conditions of the modern world." The degree of "tutelage" depended upon the political development of the territory concerned. "A" Mandates were regarded as the most developed, through to "C" Mandates as least developed. Palestine was considered to be an "A" Mandate. According to paragraph 4 of Article 22, "Certain communities formerly belonging to the Turkish empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principle consideration in the selection of the Mandatory." In other words, the future status of Palestine was deemed to be political independence. In the case of Palestine, unlike other self-governing territories placed under the Mandate system, the British administered Mandatory period did not lead to independence. This was due in large part to the decision, in consultation with Zionist officials, to include the unilateral recommendation of the British cabinet (1917 Balfour Declaration) to establish a "national home for the Jewish people" in Palestine within the terms of the Mandate. A month prior to the approval of the Mandate by the British government, the British House of Lords had voted to repeal the Balfour Declaration based on concerns about its immediate and future potential to destabilize the region. A similar motion in the British Parliament, however, was defeated. Contrary to the obligations rendered under Article 22 of the League of Nations (i.e., provisional independence in the case of Palestine), the primary objective of British "tutelage", as set by the British government under Article 2 of the Palestine Mandate, was to "secure the establishment of the Jewish national home", rather than the independence of Palestine. The majority of the inhabitants of Palestine were only referred to secondarily as the "non-Jewish communities in Palestine" in reference to provisions for safeguarding their civil and religious rights, thereby excluding their right, as recognized by the League of Nations, to self-determination.

## International Law

Legal implications of United Nations involvement in the future of Palestine were raised at the outset when the General Assembly convened in April 1947 to consider the issue of Palestine. Key Arab states, several of which had already gained independence after a period of Mandatory administration <sup>(2)</sup>, objected to the draft agenda (UN Doc. A/293) under which the General Assembly was requested to approve to the creation of a special committee to further investigate issues surrounding the future status of Palestine.

In heated exchanges, and repeated challenges to the chair of the Assembly, these states argued that under the terms of the Mandate system and subsequent provisions in Article XII of the Charter of the United Nations, there were only two options before the Assembly. The General Assembly was either required to recognize Palestine as an independent state following the withdrawal of British forces, or, pending an agreement with Britain, the UN should establish a Temporary Trusteeship in Palestine pending independence.

### **The Iraqi delegate, Mr. Jalami, summarized this position as follows:**

*"I believe the world today is suffering from a lack of regard for certain fundamental principles of international relations and human life. We either lack these principles, or, if we do not lack them, we disregard them, or we are inconsistent in their application. This is the essence of the trouble with the world today.*

*The question of Palestine, for which a committee is being proposed, is no exception to this state of affairs. It is only a question resulting from a disregard of certain fundamental principles of human life; namely, the principle of self-determination, the principle of the right to live peacefully in one's own home, and the principle of self-government in a democratic way.*

*I submit that if these principles were to be recommended by the Assembly the issue would be settled. If the consideration of these*

*principles were put forward, there would be no problem in Palestine. The problem of Palestine consists merely in a disregard of the fundamental principles of the Covenant of the League of Nations, a disregard of the very principles for which the mandate was made; it is the imposition of the will of one people over another without their consent. The Balfour Declaration violated these fundamental principles. It sold one peoples' land to another without their consent, without their knowledge. That is why we in Iraq believe that the question is very simple. [...] I am afraid that if this problem is not solved in the spirit of the United Nations it will create a world problem.*"<sup>(3)</sup>

During the course of the debate, several members raised the issue of Jewish refugees and displaced persons in Europe and questioned whether it should be connected to the issue of Palestine. The decision of the General Assembly on this issue would determine the course of UN intervention in Palestine. Three reasons emerged for not connecting the fate of European Jewish refugees to the issue of Palestine. First, international protection had already been accorded to these refugees through the Preparatory Commission of the International Refugee Organization. Second, the UN had previously decided that resettlement of displaced persons should not be undertaken in any Non-Self-Governing Territory without the consent of the local population of that territory. Third, the issue of Jewish refugees could be resolved either on a temporary or permanent basis if member states, such as the United States, would rescind restrictive immigration policies that denied entry to Jewish refugees.

At the end of the Assembly's deliberations, however, the Arab states were unable to muster enough support for placing the issue of the independence of Palestine on the agenda of the General Assembly. The majority of the Assembly members voted in favor of the draft agenda recommended by the General Committee to establish a Special Committee to investigate what was subsequently referred to as the "question of Palestine" and make recommendations to the Assembly no later than 1 September 1947.<sup>(4)</sup> Moreover, the terms of reference for the Special Committee were so broad, as to effectively give

license to include the issue of Jewish refugees at its own discretion.

Thus, exactly one year before the scheduled withdrawal of British forces from Palestine, the General Assembly, in the absence of solid legal counsel about the implications of its decision, acceded to the request of Great Britain to assume responsibility for Palestine.

When the General Assembly reconvened in September 1947 as a special Ad-Hoc Committee<sup>(5)</sup> to discuss the recommendations of the Special Committee, legal issues once again became a focal point of discussion and disagreement. After some two months of hearings in Palestine in the summer of 1947 followed by a visit to Jewish refugee camps in Germany and Austria, the Special Committee submitted two proposals for discussion in the Assembly.<sup>(6)</sup> The first proposal, supported by the majority of the Committee members, recommended the partition of Palestine into Jewish and Arab states with an economic union. The second - minority - proposal recommended a single independent state with guarantees for equal rights and freedoms of all of its inhabitants.

Given the serious ramifications of the Special Committee's recommendations, including concerns already expressed in April and May, Iraq, Syria, and Egypt once again submitted requests that the General Assembly obtain an advisory opinion from the International Court of Justice (ICJ) about the legal implications concerning the termination of the Mandate and UN intervention in Palestine.<sup>(7)</sup> Syria further proposed an initial step of assembling a sub-committee of jurists to consider the Assembly's competence to take and enforce a decision (as distinct from making a recommendation) and to deal with the legal aspects of the Palestine Mandate, before referring the issue to the ICJ.

Again, however, these requests were rebuffed, this time by the Chair of the Ad-Hoc Committee who opposed addressing matters of principle because it would hamper attempts to facilitate a consensus among parties to the conflict. The Assembly thus approved the creation of additional sub-committees to further examine the two proposals submitted by the Special Committee.

Before the sub-committees emerged themselves in further deliberations, however, the



second sub-committee concerning the minority proposal requested the Chair of the Ad-Hoc Committee to reconstitute membership of the sub-committee. There was a consensus in the sub-committee that it lacked sufficient representation of neutral countries. In order to facilitate the request, two of the Arab members offered to withdraw from the sub-committee. The Chair, however, rejected this request.

The General Assembly reconvened in November 1947 to consider the detailed reports of the sub-committees. Both sub-committees had invested considerable efforts to ensure that the domestic law of the future state/s to be established under the relevant proposals would be fully consistent with fundamental human rights standards. This included guarantees for freedom of religion, minority rights, non-discrimination, and equal political representation.

When the second sub-committee presented its conclusions to the General Assembly it attempted to address those issues previously deferred or ignored by the Assembly through a comprehensive set of three resolutions. The resolutions recommended that the issue of Palestine and the role of the UN be submitted to the International Court of Justice for an advisory opinion; that the issue of Jewish refugees be considered separately within the framework of existing refugee law and under the auspices of the agency already established for refugees in Europe; and that a provisional government be established in Palestine, guaranteeing equal rights for all of its citizens, upon termination of the Mandate. Rejecting repeated interventions about the necessity of obtaining sound legal advice from the ICJ, the Assembly then turned to the report of the first sub-committee on partition.

#### **Resolutions of Sub-Committee Two**

The full text of the resolutions are archived on the BADIL website. These include:

**Resolution No. I** - Draft Resolution Referring Certain Legal Questions to the International Court of Justice;

**Resolution No. II** - Draft Resolution on Jewish Refugees and Displaced Persons'

**Resolution No. III** - Draft Resolution on the Constitution and Future Government of Palestine.

## **Implementation**

Upon their arrival in Palestine in mid-June 1947, the 11-member Special Committee immediately faced the issue of implementation of any future arrangements or agreements recommended by the United Nations. The situation on the ground was already chaotic. According to the Committee report subsequently filed with the General Assembly,

*"The atmosphere in Palestine today is one of profound tension. In many respects the country is living under a semi-military regime. In the streets of the Jerusalem and other key areas barbed wire defense, road blocks, machine-gun posts and constant armored car patrols are routine measures. [...] Freedom of personal movement is liable to severe restriction and the curfew and martial law have become a not uncommon experience."*<sup>(8)</sup>

The report went on to describe the use of arbitrary detention, mass arrests, and lack of judicial redress under the Defense Emergency Regulations.

The issue of implementation resurfaced during deliberations in the General Assembly in September following the return of the Special Committee. Early on, Great Britain had indicated that it would not participate in any transition arrangements that did not have the full support of both Arabs and Jews. While the United States subsequently lent its support to the majority recommendation to partition Palestine, it had been reluctant to place its full weight of support behind the plan based on concerns that it might be required to send troops to Palestine as part of an implementing force.<sup>(9)</sup>

Concerns regarding implementation of any General Assembly recommendations would be repeatedly raised during subsequent discussions throughout the fall of 1947 and spring of 1948. These misgivings grew as the Assembly neared the end of its deliberations on the proposals of the Special Committee. The situation in Palestine remained at best unstable. The representative of New Zealand, for example, announced his abstention from the vote and "urged, as a duty which the UN owed to itself as well as to Arabs and Jews, that all Members, particularly the big Powers, pledge at the current Assembly that, if bloodshed and upheaval broke out in Palestine, a

united effort to suppress it would be made by means of an international force to which all would contribute in proportionate strength."<sup>(10)</sup>

During last minute discussions in the General Assembly before a vote on the two proposals members attempted to sway each other in favor of one of the two proposals. The words of the delegate of Pakistan summed up the heavy decision faced by members of the Assembly:

"In effect, the proposal before the United Nations General Assembly says that we shall decide - not the people of Palestine, with no provision for the self-determination, no provision for the consent of the governed - what type of independence Palestine shall have. We shall call Palestine independent and sovereign, but Palestine shall belong to us and shall [...] become the apple of discord between East and West, lest, perchance, the unit which our name so wistfully proclaims may have a chance to establish itself. "We shall first cut the body of Palestine into three parts of a Jewish State and three parts of an Arab State. We shall then have the Jaffa enclave; and Palestine's heart, Jerusalem, shall forever be an international city. That is the beginning of the shape Palestine shall have.

"Having cut Palestine up in that manner, we shall then put its bleeding body upon a cross forever. This is not going to be temporary; this is permanent. Palestine shall never belong to its people; it shall always be stretched upon the cross.

"What authority has the United Nations to do this? What legal authority, what juridical authority has it to do this, to make an independent State forever subject to United Nations administration?...

"Our vote today, if it does not endorse partition, does not rule out other solutions. Our vote, if it endorses partition, bars all peaceful solution. Let him who will shoulder that responsibility. My appeal to you is: do not shut out that possibility. The United Nations should seek and strive to unite and bring together rather than to divide and put asunder..."<sup>(11)</sup>

When the vote was tallied, 33 states voted in favor of the resolution, 13 against, and 10 abstained. The entire matter was then sent to the UN Security Council for further deliberations regarding provisions for implementation under Articles 39 and 41 of the UN Charter.<sup>(12)</sup> During deliberations in early December, however, the

Security Council was unable to take any effective decision, even though members understood the potential problems that would be faced in implementing the resolution given the fact that the majority of the inhabitants of Palestine were opposed to partition. Further discussion was postponed.

At the beginning of 1948, as the situation on the ground in Palestine continued to deteriorate, the General Assembly recommendation to partition Palestine began to show signs that it was unraveling. Reviewing the situation in Palestine in early mid-January, the British representative at the UN stated that violent conflict between the two communities had been intensified; courts and essential government services had been either unable to operate or were seriously crippled; there was but one month's supply of certain types of fuel oil in the country; there was general insecurity; communications were obstructed; the collection of public revenue was expected to drop sharply; and "generally speaking, there has been a very severe diminution in the functions and authority of Civil Government..."<sup>(13)</sup>

While the UN Security Council remained seized of the questions regarding implementation that had been brought to its attention in December 1947, no action had been taken despite working papers prepared by the UN Secretariat that provided background information on the creation of international forces and affirmed the authority of the Security Council to intervene in Palestine under Chapter VII of the UN Charter.<sup>(14)</sup> Perhaps fearing that there might be increased pressure to send US troops to Palestine as part of an international force, the United States had begun to question the authority of the United Nations to enforce the partition plan. Reports to the UN in early 1948 increasingly raised the alarm bells about impending disaster due to absence of any kind of implementing force. The Palestine Commission, for example, strongly recommended in mid-February in a Special Report on the Problem of Security in Palestine that a special force should be immediately deployed following the withdrawal of British troops. Without such a stabilizing force, the Commission warned, a period of "uncontrolled, widespread strife and bloodshed" would follow. "This would be a catastrophic conclusion to an era of international concern for

that territory." (15) Again the Commission warned the General Assembly that the "calamitous results for the people of Palestine will be intensified" without adequate forces "to restore and maintain law and order." (16)

The warnings continued through February 1948. In the midst of the chaos, Egypt appealed to the Security Council to scrutinize the legal basis of the resolution and whether it served the interests of peace. By the first week of March 1948 the Palestine Commission itself had come to the conclusion that Resolution 181(II) could only be implemented with assistance of a non-Palestinian military force. The Chairman of the Commission stressed that unless either a peaceful arrangement could be effected, or effective control could be imposed by sufficient outside forces, far-reaching consequences might arise from the situation, which existed at the moment. (17)

In early March, the US delegation submitted a proposal to the Security Council to enable it to act on the partition resolution. The proposal failed and with the situation increasingly falling apart on the ground, including the first large-

scale displacements of Palestinian Arabs, US officials finally concluded that the partition plan could not be implemented by peaceful means. Two weeks later, the US requested the UN Security Council to suspend action on the partition plan and to call a special session of the General Assembly to work out a new solution even though the US had previously taken a leading role in applying pressure in the General Assembly to get the partition plan adopted. (18) Several Arab states as well as Great Britain continued to call upon countries, including the US, to open their doors to relieve the pressure that Jewish refugees were placing on Palestine, but with no results.

Meanwhile the US drafted a working paper for a Temporary Trusteeship in Palestine as provided for under Chapter XII of the UN Charter, a proposal that had been raised a year earlier by Syria. Without prejudice to the future status of Palestine, the US stated that a Trusteeship was the only way "to safeguard human lives and to create an atmosphere in which negotiations for a permanent solution could proceed."



### Voices from the General Assembly Debates

"The Arabs are unmistakably convinced that the partition plan and any activity in the direction of its implementation are the only causes of the acts of violence occurring in Palestine. When those causes are removed, law and order will be automatically restored. In regards to the cessation of violence in the last paragraph, "...we should be reminded that we are not dealing with two regular armies facing each other in battle. We are dealing with two sections of the

population, living in adjacent dwellings, intermingled, using the same streets, quarters, town and villages, and charged with hostile feelings and deep animosity. It is difficult to expect that such an appeal to them, namely to obey a "cease-fire" order or to cease violence, would be effective in any respect if we do not search for the cause of the disease and remove it. As long as this hostility and this animosity exists between these two sections of the population of Palestine, it is very difficult to hope in any way that they will live peacefully together in friendliness and good-neighborliness. We should not deal with the symptoms of the disease. The Security Council would do very well if it made a good diagnosis and found the reason for these disturbances in Palestine."

Mr. El-Khouri (Syria)

"In the proposed Jewish State, outside of the Tel Aviv area, the Arabs constitute the majority of the population and are by far the greater owners of the land. What is the answer to their unequivocal intent that neither their persons nor their land should belong to a Jewish State? What would then be left of that proposed State, except a harbour without a country? Can that harbour without a country constitute the territorial element of a State? If, as we believe, it cannot, may one earnestly and safely suppose that the Arabs should then supply the necessary territorial element and, on top of it, literally submit to a rule which they have every reason to consider foreign?"

Mahmoud Fawzi Bey (Egypt)

## The US Trusteeship Proposal

Entitled, Draft *Trusteeship Agreement for Palestine: Working Paper Circulated by the United States Delegation*, the paper outlined a transition phase in Palestine that respected the territorial integrity of the country. The agreement provided for a transition Administering Authority, with full emergency implementation powers in case of serious obstructions, non-cooperation, or interference in the functioning of the administration. The proposal provided for fundamental human rights and freedoms of the inhabitants of Palestine along with provisions for non-discrimination. It further outlined the executive, legislative and judicial branches of the transition authority. Outstanding disputes were to be submitted to the International Court of Justice. The proposal included provisions for termination of the temporary trusteeship upon formation of a government as agreed upon by the majority of the Arab and Jewish communities in Palestine.

UN Doc. A/C.1/277  
20 April 1948



The proposal gained support in the General Assembly and was submitted to the First Committee (Disarmament and International Security) for further study and recommendations. During a meeting of the First Committee on 21 April the US representative introduced a draft resolution (A/C.1/278) calling for referral of the US working paper on a draft Trusteeship Agreement to the Fourth (Trusteeship) Committee for study and report with recommendations to the General Assembly. The resolution was adopted at a later meeting of the First Committee, which subsequently established a sub-committee to further examine the proposal. At its final meeting on the 13 May, the sub-committee adopted the US proposal for a temporary trusteeship.

The United Nations appeared to be stepping back from the brink of a humanitarian disaster brought on by its own decision to partition

Palestine against the wishes of the majority of its inhabitants and in apparent contravention of international law and the UN Charter, but the events on the ground had developed a momentum of their own. The massacre of more than 100 men, women, and children in Deir Yassin in early April had exacerbated the already swelling number of Palestinian Arab refugees that had been uprooted as a result of such atrocities and other massive violations of human rights and humanitarian law. By the time the First Committee submitted its recommendations to the General Assembly, some 400,000 Palestinian Arabs had been displaced, the day of British withdrawal had already arrived, and the Zionist movement unilaterally declared the establishment of the state of Israel. In the light of this new state of affairs, the United States dropped its Trusteeship proposal and within hours recognized the new Jewish state.

## Endnotes:

**(1)** Article 10, The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters. Charter of the United Nations,

June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, entered into force Oct. 24 1945.

**(2)** Legal issues were raised by Egypt, Iraq, Lebanon, Saudi Arabia, and Syria. Iraq was placed under a British Mandate until 1932. The French Mandates in Lebanon and Syria ended respectively in 1943 and 1944.

**(3)** UN Do. A/2/PV.70, 70th Plenary Meeting of the General Assembly, 1 May 1947, Discussion of the report of the General Committee on the provisional agenda and the supplementary list.

**(4)** UNGA 106(S-1), 15 May 1947.

**(5)** During the discussion of the Special Committee's report in September 1947 the General Assembly had reconstituted itself as an Ad-Hoc Committee to deal separately with the Palestine question.

**(6)** When the Special Committee had wrapped up its work on the 31 August 1947, it had received some 27,000 communications, letters and postcards. The workplan had included a 15 day tour of Palestine, a five day trip to Lebanon and Syria, one day in the Transjordan and a 7 day tour of displaced persons camps in Austria and Germany. The Committee held 13 public hearings during which 37 persons representing 6 Arab states and 17 Jewish organizations gave evidence as well as 4 private hearings.

**(7)** The texts of the questions to be submitted to the ICJ were as follows: Iraq (A/AC.14.21) "Did not the pledges given by Great Britain to the Shereef Hussein of Mecca and her subsequent declarations, promises and assurances to the Arabs that in the event of Allied victory the Arab countries would obtain their independence include Palestine and its inhabitants?"; Syria (A/AC.14/25) "Are the terms of the Act of the Mandate [i.e. United Kingdom Mandate for Palestine] ... consistent or not consistent with the Covenant of the League of Nations ... and with the fundamental rights of peoples and their right to self-determination and International Law? "Is a forcible plan of partition ... consistent with the objectives of the mandate and with the principles of the Charter and with the ultimate fate of mandated territories referred to in Chapter XII of the Charter? "Does the plan of partition in its adoption and forcible execution fall within the jurisdiction of the General Assembly?"; Egypt (A/AC.14/14) Does it lie "within the competence of the General Assembly to recommend any of the two solutions proposed by the majority or by the minority of the United Nations Special Committee on Palestine? Does it lie "within the rights of any Member State or group of Member States to implement any of the proposed solutions without the

consent of the people of Palestine?" Support for sending the question to the ICJ was later given by Colombia and France concerning the question of whether the UN is competent to enforce or recommend enforcement concerning constitution and future government, especially partition, which is against the wishes or without the consent of the inhabitants.

**(8)** Report of the UNPC to the 2nd Special Session of the GA A/532, 10 April 1948.

The Special Committee also faced another problem. While the Arab League and representatives of the Zionist movement had agreed to meet with the Committee, the Palestinian Arab leadership refused on principle to meet with the Committee. The Palestinian leadership had found itself in a catch-22 position. Meeting with the Committee would imply recognition of the terms of reference which the leadership regarded as both improper and illegal; if Palestinian Arabs refused to meet with the Committee it might impact negatively upon their claims and the UN response to these claims. In the end the Palestinian Arab leadership informed the Committee that they would present their claims to the United Nations in New York rather than to the Committee.

**(9)** The US was also concerned that any international force would involve Soviet participation to which it was also opposed. The US was also concerned that the decision to partition Palestine would negatively affect its access to oil supplies in the Arab world. UNGA, 2nd Session, 17 September 1947, Opening of the General Debate, Plenary Meetings 1,21 cited in Feintuch, p. 10. Memorandum, January 27, 1948, Foreign Relations of the United States, 1948, V, 564, cited in Yossi Feintuch, US Policy on Jerusalem, New York: Greenwood Press, 1987, p. 22.

**(10)** Yearbook of the United Nations, 1947-48, Department of Public Information, United Nations, New York.

**(11)** Ibid.

**(12)** These provisions were included under Part A of Resolution 181(II), sub-section (c). Article 39 of the UN Charter authorizes the Security Council to adopt measures under Articles 41 and 42 in order to maintain or restore international peace and security.

**(13)** Yearbook of the United Nations, 1947-48.

**(14)** UN Doc. A/AC.21/W.18, 22 January 1948, Precedents Concerning the Creation of an International Force. UN Doc. A/AC.21/W.45, 3 February 1948, Relations Between the United Nations Commission and the Security Council.

**(15)** S/676, 16 February 1948.

**(16)** A/532, 10 April 1948.

**(17)** Yearbook of the United Nations, 1947-48.

**(18)** This despite the opposition of some key figures in the US administration, including James Forrestal, Secretary of Defence, Warren Austin, US representative at the UN and Loy Henderson, Director of the Office of Near Eastern and African Affairs. Report of the Policy Planning Staff, 19 January 1948, Foreign Relations of the United States, Department of State, 1947), vol. V, p. 1150, cited in Henry Cattán, The Palestine Question, London: Croom Helm, 1988, p. 36.

## resources

**Bulletin No. 1** - International Protection: Overview and Special Relevance for Palestinian Refugees, English/Arabic, 5 pages

**Bulletin No. 2** - International Protection Forces: Overview and Relevance for Palestinians, English/Arabic, 5 pages

**Bulletin No. 3** - Revisiting the Partition Plan (UNGA 181): Lessons Learned or Mistakes Repeated? The United Nations and Palestine, English/Arabic, 5 pages

Executive Summary "**When Refugees Go Home**" (August 2000) (*English and Arabic*)  
Electronic copies (not for citation) available from BADIL.

### New! Right of Return Postcards

The set of 7 black/white postcards highlight major components of the campaign for Palestinian Refugee Rights, including an historical overview, number and location of refugees, the right of return, right of restitution, refugee protection, refugee assistance and refugee empowerment. Use the postcards to educate others about Palestinian refugee rights!



Professional photos by Tineka D'haese, Oxfam Solidarity. Postcards are available from BADIL. For order by E-mail: info@badil.org



Professional photos by Tineka D'haese, Oxfam Solidarity. Postcards are available from BADIL. For order by E-mail: info@badil.org



**Jerusalem 1948: The Arab Neighbourhoods of the City and Their Fate in the War** (BADIL/IJS, 1999) The book is available in *English with Arabic translation of the introduction*, 304 pages, US\$15. ISBN 0-88728-274-1

**NEW: Arabic Edition forthcoming!**

### Refugee Campaign Packet: The Right of Return

(*English and Arabic, 2nd Edition, BADIL, 2000*)

The packet includes a program of action for the campaign, background information about Palestinian refugees, refugee lands and properties, the right of return, protection and assistance, and a list of Palestinian refugee organizations and NGOs. Includes Campaign Guidebook, Country Profiles - Palestinian Refugees in Exile, and BADIL Information & Discussion Briefs. US\$10.

### Badil Information & Discussion Briefs

**Brief No. 1:** Reinterpreting Palestinian Refugee Rights Under International Law, and a Framework for Durable Solutions (Susan M. Akram-February 2000)

**Brief No. 2:** Fora Available for Palestinian Refugee Restitution, Compensation and Related Claims (Susan M. Akram-February 2000)

**Brief No. 3:** The Evolution of an Independent, Community-Based Campaign for Palestinian Refugee Rights in the 1967 Occupied Palestinian Territories and 1948 Palestine/Israel (Ingrid Jaradat Gassner-February 2000)

**Brief No. 4:** Temporary Protection Status and its Applicability to the Palestinian Case (Susan M. Akram-June 2000)

**Brief No. 5:** The United Nations Conciliation Commission for Palestine, Protection and a Durable Solution for Palestinian Refugees (Terry Rempel-June 2000)

**Brief No. 6:** The UN Relief and Works and Relief Agency (UNRWA) and a Durable Solution for Palestinian Refugees (Terry Rempel-August 2000)

**Additional Briefs forthcoming.**

US\$5 print copies; free copies on the BADIL website (*HTML and PDF format*)

PLO Refugee Department: New Book: **The Final Status Negotiations on the Refugee Issue: Positions and Strategies**, Prepared and edited by the PLO's Department of Refugee Affairs (DORA), a publication which includes all papers submitted during proceedings of the workshop "Preparing the Final Status Negotiations on the Refugee Issue" held at the Nativity Hotel - Bethlehem, Palestine (August 28-29, 1999) is now available at both DORA and the PLOs Negotiations Affairs Department. Contents of the publication include an agenda of the workshop, analytical report on the workshop, papers submitted for publication by John Quigley, Guy Goodwin-Gill, Saji Salameh, Elia Zureik, Salim Tamari, Salman Abu Sitta, Jalal al-Husseini, and Atif Kubursi, and a selective bibliography. Contact: tel. 972-2-296-3741/6, fax, 972-2-296-3740, email, [srantissi@nsu-pal.org](mailto:srantissi@nsu-pal.org); or DORA at tel. 972-2-298-4801/2 or fax 972-2-296-1313.

New Book! **Imperial Israel and the Palestinians. The Politics of Expansion**  
Nur Masalha

In *Imperial Israel and the Palestinians*, Nur Masalha provides a history of Israel's expansionist policies, focusing on the period from the June War of 1967 to the present day. He demonstrates that imperialist tendencies in Israel run the political gamut, from Left to Right. Masalha argues that the heart of the conflict between Zionist immigrants/settlers and the native Palestinians as always been about land, territory, demography and water. He documents how Israeli policy has made it a priority to expel the Palestinians, either by war or peaceful measures. Published by Pluto Press.

For more information see [www.plutobooks.com](http://www.plutobooks.com) or email: [pluto@plutobks.demon.co.uk](mailto:pluto@plutobks.demon.co.uk)



## Videos

Yoom Ilak, Yoom Aleik, Palestinian Refugees from Jerusalem 1948: Heritage, Eviction and Hope (BADIL 1998) US\$ 25

Seeds of War in Jerusalem : The Israeli Settlement Project on Abu Ghnam Mountain (BADIL/AIC 1997) US\$ 10

Jerusalem: An Occupation Set in Stone? (PHRM 1995) US\$ 20

**For a complete list of BADIL publications and videos, please visit the resource center website.**

## Websites

**WWW**

BADIL

[www.badil.org](http://www.badil.org)

Across Borders Project

[www.acrossborders.org](http://www.acrossborders.org)

SHAML

[www.shaml.org](http://www.shaml.org)

Eye to Eye

[www.savethechildren.org.uk/eyetoeye/](http://www.savethechildren.org.uk/eyetoeye/)

Palestinian Refugee ResearchNet

[www.prrn.org](http://www.prrn.org)

Palestinian Return Centre

[www.prc.org.uk](http://www.prc.org.uk)

Al-Awda, The Palestine Right to Return Coalition

<http://al-awda.org>

Al-Awda (London)

[www.ataha.com/londonrally/](http://www.ataha.com/londonrally/)

Council for Palestinian Repatriation and Restitution

[www.cpr.org](http://www.cpr.org)

All That Remains (Destroyed Palestinian Villages)

[www.allthatremains.org](http://www.allthatremains.org)

Centre on Housing Rights and Evictions (COHRE)

[www.cohre.org](http://www.cohre.org)

Office of the United Nations High Commission for Refugees

[www.unhcr.ch](http://www.unhcr.ch)

Office of the United Nations High Commissioner for Human Rights

[www.unhchr.ch](http://www.unhchr.ch)

Arab Association for Human Rights

[www.arabhra.org](http://www.arabhra.org)

Adalah - The Legal Center for Arab Minority Rights in Israel

[www.adalah.org](http://www.adalah.org)

Nazareth Arab Institute

[www.nai.org.il](http://www.nai.org.il)

## In our Own Affairs

### BADIL Establishes Legal Unit for Palestinian Refugee Rights

The lack of international support for Palestinian refugee rights (return, restitution and compensation) is, among many other reasons, also the result of insufficient use by Palestinian refugee rights advocates of the mechanisms provided by international human rights fora. These fora, if efficiently addressed and linked with a broad public refugee rights campaign, could serve as a tool to put Palestinian refugee rights on the international agenda and to publicize the legitimacy of the Palestinian claims, especially since the latter have no redress within the domestic legal system.

Based on this conclusion, BADIL has established a new in-house legal unit, which - in cooperation with a local and international legal support team - will work to place Palestinian refugee rights, especially the right of return and restitution (UN Resolution 194), on the agenda of international, regional, and domestic human rights forums. BADIL's new legal unit will work to:

- Develop, in cooperation with local and international legal experts and law students, legal resources and legal research urgently needed for the development of effective lobby and advocacy work on behalf of refugee rights;
- Prepare reports and petitions for, and litigate refugee claims in, these forums in order to obtain their maximum support (e.g. declaratory decisions and resolutions, reports from inquiry missions) for Palestinian refugee rights;
- Lobby for the establishment of international protection, in addition to assistance, for Palestinian refugees according to UN 194 and international law and standards applied to other refugee groups in the world, in order to guarantee that their right of return and restitution will be respected in any solution of the Palestinian/Arab-Israeli conflict to be negotiated in the future.

Legal experts and law students interested in this BADIL project and ready to join our legal support network are welcome to contact us for more information at: [info@badil.org](mailto:info@badil.org).

## al majdal

## مجدل جاد

al-majdal is an Aramic word meaning fortress. The town was known as Majdal Jad during the Canaanite period to the god of luck.

Located in the south of Palestine, al-majdal had become a thriving Palestinian city with some 11.496 residents on the eve of the 1948 war. al-majdal lands consisted of 43.680 dunums producing a wide variety of crops, including oranges, grapes, olives and vegetables. The city itself was built on 1.346 dunums.

During Operation Yoav (also known as 10 Plagues) in the fall of 1948, al-majdal suffered heavy air and sea attacks by Israel which hoped 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, frightened and without protection, had fled to the Gaza Strip.

Within a month, Israel had approved the settlement of 3.000 Jews in Palestinian homes in al-majdal. In late 1949 plans surfaced to expell the remaining Palestinians living in the city along with additional homes for new Jewish immigrants. Using a combination of military force and bureaucratic measures not unlike those used today against the Paestinian population in Jerusalem, the remaining Palestinians were driven out of the city by early 1951.

Palestinian refugees from al-Majdal now number some 70.595 persons of whome 51.400 are registered with UNRWA. Like millions of other Palestinians refugees, many of whome live close to their original homes and lands, they are still denied the right to return.

**al majdal**, BADIL's quarterly magazine reports about and promotes initiatives aimed at achieving the Palestinian right of return and restitution of lost property as well as Palestinian national rights in jerusalem.

# badil

بديل - المركز الفلسطيني لمصادر حقوق المواطنة واللاجئين

aims to provide a resource pool of alternative, critical and progressive information and analysis on the question of Palestinian refugees in our quest to achieve a just and lasting solution for exiled Palestinians based on the right of return.