

# al majdal

ISSUE NO.19 ~ September 2003



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

## Back to Basics

### Building Durable Solutions from the Ground Up



Sign: The house of Yousef Naim Najim  
in al-Majdal until 1948

**BADIL** 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.

**BADIL** was established in January 1998 and is registered with the Palestinian Authority and legally owned by the refugee community represented by a General Assembly composed of activists in Palestinian national institutions and refugee community organizations.

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The views expressed by independent writers in this publication do not necessarily reflect the views of BADIL.

**al- Majdal** is a quarterly magazine of BADIL Resource Center that aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues

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## Back to Basics

### Building Durable Solutions from the Ground Up



Zochrot Visit to al-Majdal, 20 September 2003. source: Zochrot

*Less than six months after its official release in April 2003, 10 years after Oslo, and 3 years of Israeli measures to suppress the second Intifada, the latest international initiative to resolve the Israeli-Palestinian conflict is hopelessly mired in the quagmire of Israeli occupation, denial of the right of refugees to return and repossess their properties, the virtual collapse of the Palestinian Authority, and international inaction and indecision.*

The irony of the Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict is that the two-state solution appears to be a more distant reality today than it was six months ago when the Road Map was released. Ongoing expansion of Israeli colonies, expropriation of Palestinian land, and the construction of the so-called separation/apartheid wall deep into the occupied West Bank render the very premise of the Road Map - 'two states for two peoples' - effectively inoperable.

Over the last three years of the second *intifada* Israeli forces have killed more than 2,200 Palestinians of whom 400 were children. Nearly 550 Israelis have been killed including 99 children. Nearly 21,000 dunums of Palestinian land has been leveled, more than 1,200 homes completely destroyed, 312 industrial facilities demolished, and 43 educational facilities demolished. The combined effect of these policies has created a new generation of Palestinian refugees and internally displaced persons more than five decades after the first mass displacement of Palestinians in 1948.

There is no doubt that the conditions for a Palestinian state - a permanent population, a defined territory, a government, and the capacity to enter into relations with other states - are far from met.

#### What went wrong?

From the beginning it was always questionable whether the Road Map would really provide the machinery that would enable the parties to negotiate a comprehensive solution to the long-standing Palestinian-Israeli conflict, including durable solutions for Palestinian refugees.

The initiative was neither a framework for an imposed solution nor was it an elite pact making approach solely between two antagonists. Implementation of the Road Map was linked to the performance of the parties themselves. While Israel and the PLO were consulted they were neither the initiators nor the drafters of the Road Map. The Road Map was never a grassroots, popular, and participatory approach to peacemaking. Neither was the initiative derived from 'best practice' elsewhere.

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In both its architecture and substance, the Road Map largely followed the basic outlines of the failed Oslo process - i.e., a multi-phased political process in which obligations of the parties under international law were subject to agreement by the parties themselves or, more accurately, subject to the will of the more powerful party - i.e., Israel. In failing to make the rule of law central to the political process, the Quartet surrendered a primary, not to mention impartial, tool to measure and hold the parties accountable for implementation of the plan.

To be fair the Road Map had to compete for political attention and resources in an arena already crowded by western intervention and occupation of Afghanistan and then Iraq. What little political capital the US may have been willing to expend on implementation of the Road Map was soon consumed by Iraq. The prospect of serious American engagement, moreover, was always assumed to dissipate with the start of the US presidential campaign in late 2003. And, despite proximity and strategic interests in the Mediterranean basin, the EU was largely preoccupied with its own expansion in eastern Europe.

Nevertheless, given the large amount of international experience and literature on principles and best practice in peacemaking generally, and in crafting durable solutions for refugees in particular, one has to ask the basic question - how is it that the international community (in this case the US, the EU, Russia, and more shockingly the United Nations) came up with such an inadequate approach to the Israeli-Palestinian conflict?

### Back to Basics

The apparent failure of the Road Map, ongoing colonization and *de facto* annexation of 1967 occupied Palestine, the virtual collapse of the Palestinian Authority, accompanied by the failure of the international community to ensure minimal conditions that would facilitate the establishment of an independent and fully sovereign Palestinian state necessitate a critical rethinking of the entire conflict.

Israel's policies strongly imply that it is not interested in a real two-state solution to the conflict. On the contrary, the situation on the ground appears headed towards *de facto* and long-term Israeli annexation of large parts of the West Bank, including eastern Jerusalem. The very existence of the Palestinian Authority meanwhile is wedded to the political process that began in Oslo 10 years ago. Any approach outside the two-state solution

would almost certainly mean the dissolution of the Palestinian Authority.

Unfortunately the international community, as represented by the Quartet, also appears incapable of either facilitating conditions that will lead to the creation of an independent and fully sovereign Palestinian state

or, in the absence of such conditions, undertake such a critical rethink of its approach to the conflict. Speaking to the press at a meeting of the Quartet in September, for example, UN Secretary General Kofi Annan warned that "the only alternative to the two-State solution is long-term conflict and instability."

Past experience and best practice suggests that rule of law should be central to any future peace making process. As the UN Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied by Israel in 1967 observed in his most recent (September 2003) report, both "the road map, like the Oslo Accords, fails to give sufficient weight to this factor." The rule of law can address fears of annihilation, domination, and discrimination that motivate claims to territory and statehood, potentially diffusing such claims.

Past experience and best practice also suggest that the extent to which the rule of law is incorporated into peace agreements is largely dependent on agreement between the parties concerning the nature of the conflict itself. At present there is no such agreement between Palestinians and Israelis. Palestinians largely view the conflict as one of colonization of an indigenous population by a foreign settler population. For mainstream secular Israelis, the conflict is one between two national movements competing over the same territory.

Creative civil society initiatives - i.e., public participation - that facilitate open discussion and debate about root causes of the conflict should therefore also be central to any future peace making process. Such initiatives can transform taboo subjects into normal subjects of political dialogue, problem-solving and constructive action. Here the issue of Palestinian refugees is central. Palestinian refugees and displaced persons comprise three-quarters of the Palestinian people. There is no way to avoid addressing the refugee issue.

Finally, an alternative approach must pay close attention to language and encourage more accurate discourse about the conflict. As John Dugard observes in his most recent report to the Commission on Human Rights,

Given the large amount of international experience and literature on principles and best practice in peacemaking generally, and in crafting durable solutions for refugees in particular, one has to ask the basic question - how is it that the international community (in this case the US, the EU, Russia, and more shockingly the United Nations) came up with such an inadequate approach to the Israeli-Palestinian conflict?

"Language is a powerful instrument. This is why words that accurately describe a particular situation are often avoided out of fear that they will too vividly portray the situation, which they seek to depict. In politics euphemism is often preferred to accuracy in language."

Dugard states, for example, that "The word 'annexation' is avoided as it is too accurate a description and too unconcerned about the need to obfuscate the truth in the interests of anti-terrorism measures. However, the fact must be faced that what we are presently witnessing in the West Bank is a visible and clear act of territorial annexation under the guise of security." To the extent that they accurately describe the conflict, terms such as annexation, war crimes, apartheid, and even ethnic cleansing should not be avoided, as they also provide the basic analytical framework for solutions.

In this issue of *al-Majdal* the role of international law is addressed in a series of interviews with survivors of the 1982 Sabra and Shatila massacre who were also plaintiffs in the war crimes case against Ariel Sharon filed in Belgium. Articles on Israel's Supreme Court decision to prevent the return to IDPs to the village of Iqrit, and recent UN human rights treaty body observations and resolutions on Israel's compliance with human rights law also address the role of international law in the conflict.

An overview of renewed popular initiatives among refugees in 1967 occupied Palestine provides one example of public participation in peacemaking towards durable solutions for Palestinian refugees. An interview with the grassroots organization Zochrot shows an example of a recent Israeli initiative to address the refugee issue through public education and awareness-raising campaigns.

This issue of *al-Majdal* also includes a summary of the most recent (September 2003) survey of the role of international aid and living conditions in 1967 occupied Palestine conducted by the Graduate Institute of Development Studies of the University of Geneva. The summary focuses on refugee living conditions and thinking about the future as regards UNRWA assistance.

Finally, the negative role of language is addressed in a short article about the campaign against UNRWA conducted by the World Jewish Congress. Refugee Voices in this issue pays tribute to Palestinian intellectual Edward Said who passed away in September after a long struggle with pancreatic cancer. Said, a prominent spokesperson for Palestinian rights, was the quintessential master of the written word, known worldwide for his clarity of analysis of the Palestinian-Israeli conflict. ■

## Upcoming Events

### **BADIL Expert Forum on the Palestinian Refugee Question (2003-2004) "Housing and Property Restitution in Durable Solutions for Palestinian Refugees"**

Hosted by the University of Geneva, Graduate Institute for Development Studies (IUED)  
Geneva, 2-5 October 2003

The Geneva Seminar is the second in a series of four seminars to be held in the framework of BADIL's Expert Forum on the Palestinian Refugee Question. This Expert Forum aims to convene legal experts, academic researchers, practitioners of refugee law, human rights activists and media workers, in order to examine obstacles to and strategies for rights-based solutions for Palestinian refugees.

The Geneva Seminar aims to challenge the almost complete absence of research, public debate and political efforts on behalf of Palestinian refugees' right to housing and property restitution. The exclusive focus on financial compensation for Palestinian refugees will be analyzed in the light of international law and comparative practice, and strategies for the promotion of Palestinian restitution will be elaborated. The Geneva Seminar is hosted by the University of Geneva, Graduate Institute for Development Studies (IUED) and sponsored by the Swiss Federal Department for Foreign Affairs (PD IV), Stichting Vluchteling/Netherlands, ICCO/Netherlands and the APRODEV NGO Network.

Additional Seminars/BADIL Expert Forum are scheduled as following:

- **Seminar 3:** International and Regional Mechanisms for Palestinian Refugee Protection (with focus on protection mechanisms in the Arab world/Arab host countries), Cairo (spring 2004)
- **Seminar 4:** Implementation of Return, Housing and Property Restitution and Compensation for Palestinian refugees (stocktaking of resources/mechanisms available vs. technical and political obstacles), Palestine (summer 2004)
- **Closing Conference:** Geneva (Autumn 2004). Agenda to be determined.

For more on the BADIL Expert Forum see the BADIL website: [http://www.badil.org/Campaign/Expert\\_Forum.htm](http://www.badil.org/Campaign/Expert_Forum.htm).  
Copies of working papers presented by participants are available in electronic format on the website.

UPDATE

## Campaign for the Defense of Palestinian Refugee Rights

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**2003** Year of *al-Nakba* Awareness and *al-Awda* Activism

### Popular Organizing Re-launched in the West Bank: Towards Right-of-Return Coordination and Refugee Community Participation

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by Muhammad Jaradat

*The all-out war declared by the Israeli occupation against Palestinian civil society, the loss of freedom of movement, the occupation of Iraq and the take-over of Baghdad - a symbol of Arab heritage and culture - by the US-UK coalition forces have had a devastating affect on the Palestinian public mood and spirit.*

The drop of popular morale was heavily felt in the month of April during the annual commemoration of the 1948 Deir Yassin massacre. For the past 55 years, this has been the time of the year when preparations are launched for the annual commemoration of the Palestinian *Nakba*. Not so in 2003. Talking with activists and refugee community organizations about plans for *Nakba* memorials was like speaking from a different planet.

"Baghdad has fallen, the occupation forces are vandalizing our heritage there, and you want us to do something? No thanks, we are not in the mood and the spirit for activities."

As on numerous occasions in the history of the Palestinian struggle, a strong and trusted group of activists had to come together and work out a plan in order to challenge this dark mood of disappointment and frustration. It was one of those times when well-organized initiatives are most needed. Irrespective of their limited resources, local refugee community organizations in the West Bank were able to live-up to their responsibility by setting up an immediate and urgently needed program for enhancing popular morale.

Thus the 55th anniversary of the *Nakba* in May featured a media campaign on TV and radio stations and in the Palestinian press, community workshops and meetings, and a series of popular activities targeting old and young Palestinian generations (See, *al-Majdal*, Issue 18, June 2003).

One month of intensive work among the Palestinian refugee community in May - June resulted in a major

recommendation: to re-launch the popular right of return conferences - an initiative initially started in 1995-1996 and subsequently put on hold - in order to strengthen the voice of Palestinian refugees against the growing US-Israeli pressure for a surrender of the right of return as a pre-condition for political negotiations between Israel and the PLO. The sense of danger and awareness of the pressure exerted upon the Palestinian leadership dispersed the dark mood and united three generations of community activists in action and preparations for popular conferences.

By September 2003, preparatory committees were established in three West Bank regions - Bethlehem, Ramallah and Tulkarem. Similar initiatives are in progress in Nablus and Hebron. The regional popular conferences will elect regional representatives with the aim of establishing a higher popular right-of-return coordinating committee in the West Bank. Community activists in the Gaza Strip have adopted the same model, but have yet to take the initial steps already accomplished in the West Bank.

The strength of the new movement of refugee community activists lies in its ability to involve three generations of Palestinian refugees. The old generation of men and women usually considered 'retired' from social and political activism is accorded special respect. They are listened to by large sectors of the society, refugees and non-refugees - mainly because they are perceived as persons who are not moved by narrow personal interest or corruption.

Elderly and respected individuals from the camps have

organized themselves as delegations and visit Palestinian towns and villages, in order to raise and explain their concerns and the need of public support for their right of return. They have been received warmly wherever they go, and - for the first time in many years - the 21st commemoration of the Sabra and Shatila massacre organized in Deheishe camp/Bethlehem was joined by a considerable number of non-refugee participants, representatives of towns and villages in the region.

Major thought has been invested in developing ways of cooperation between the old and younger generations of activists. The latter move faster and easier, they easily develop ideas and plans, but the amount of their free time is limited due to work and family obligations. The old have more free time, and visits to camps and villages can provide a framework for meaningful social activity

during the work-hours of the younger ones. In this way, the three generations have found a way to work together, both jointly and separately.

Finally, activities and efforts towards the preparation of the popular conferences are by themselves understood as an effective tool for raising awareness for refugee rights among the broader Palestinian society, and as a bell of alarm for the Palestinian leadership, who is called to maintain a clear and strong position on the basic rights of the people, i.e. self-determination and the right of the refugees to return to their homes, irrespective of US pressure to compromise these rights.

Mohammad Jaradat is the coordinator of BADIL's Refugee Rights Campaign. email: [camp@badil.org](mailto:camp@badil.org)

## Upcoming Events

### Conference and 4th Annual Right of Return Strategy Workshop, London

Debates, a conference, workshop and book launch will be part of a series of events in London from 5-10 November on Palestinian refugees' right of return. Participants will include Israelis, Palestinians, representatives of the world-wide Palestine Right of Return Coalition and UK Members of Parliament. The public is invited to attend the following events:

#### BOOK LAUNCH:

##### ***Survey of Palestinian Refugees and Internally Displaced Persons***

A 200-page overview of Palestinian refugees in the Middle East and throughout the world and internally displaced persons living in Israel. Illustrated with charts, maps and photos. Published by BADIL Resource Center, Bethlehem, Palestine

6 November 11:00-13:00

Atlee Suite, Portcullis House, Westminster

Organized by: Joint Parliamentary Middle East Council and Al-Awda Palestine Right of Return Coalition (for further information contact: 020-7832-1350)

#### CONFERENCE:

##### ➤ "Right of Return for Palestinian Refugees, the Real Road Map to Peace"

8 November 12:00-16:00

Old Cinema Hall, University of Westminster, 309 Regent St., London W1R5AL (Oxford Circus tube station)

##### ➤ "The 'New History' of 1948 and the Palestinian *Nakba*"

- Dr. Karma Nabulsi, Nuffield College, Oxford
- Prof. Avi Shlaim, St. Anthony's College, Oxford

##### ➤ "One State of all its Citizens, including the Refugees: The Future of Palestine/Israel?"

- Prof. Anat Biletzki, Chair, Philosophy Dept., Tel Aviv University and Board Chair, B'tselem
- Omar Barghouti, Palestinian political analyst and writer

The conference is organized by Al-Awda Palestine Right to Return Coalition, London in partnership with the International Coalition for the Right Return, Al-Awda U.K. It will be chaired by Neil Gerrard, MP and Chair, All Party Parliamentary Group on Refugees and will conclude with a workshop on: "International Campaigning on the Right of Return" (Victoria Britain, chair; Jaber Suleiman, researcher and writer, Lebanon; Sharif Nashashibi, Arab Media Watch, London; Julia Wickham, Coordinator, Labour Middle East Council-LMEC).

The above public events are being held within the framework of the 4th Annual Meeting of the Palestine Right of Return Coalition convening in closed session in London. This Meeting will bring together some 35 delegates of initiatives working world-wide to strengthen Palestinian refugees' right of return in the context of a just and durable solution of the Israeli-Palestinian conflict. This fourth annual meeting of the coalition aims to finalize the organizational framework for broad and democratic coordination of Palestine right-of-return activities and Palestinian exile communities and to set priorities for coordinated action in 2004.

For additional information, contact: [info@al-awda.org.uk](mailto:info@al-awda.org.uk); [www.al-awda.org.uk](http://www.al-awda.org.uk);  
or tel. 020-7900 6767. Please note that the organizers cannot arrange accommodation. Guest are advised to arrange their own accommodation.

For accommodation in youth hostels in London, contact the Youth Hostel Association: [www.hya.org.uk](http://www.hya.org.uk)



Commemoration of Sabra & Shatila  
Massacre, 2003 Dheisha Camp.  
19 September 2003



# What Do Palestinian Refugees Really Want?

## A recent opinion poll won't tell you

by Terry Rempel

*The choices that Palestinian refugees will someday confront will inevitably be far more complex than the process set out in a recent poll conducted by the Ramallah-based Palestinian Center for Policy and Survey Research (PSR). Survey results were released in July 2003. The PSR poll may provide some insight into refugee attitudes towards particular scenarios for resolving the refugee issue. However, opinion polls are, in general, bad indicators of future social behavior and action. Particular biases and flaws in the PRS poll give special reason to doubt the value of its results in predicting what refugees will ultimately do.*

### Understanding Refugee Choice

The scenario presented in the PSR questionnaire reflects little understanding of the basic principle of refugee choice. Refugee choice or voluntariness is the cornerstone of repatriation programs and is dealt with extensively in the UNHCR *Handbook on Voluntary Repatriation: International Protection*. The UNHCR notes that "Voluntariness [or refugee choice] means not only the absence of measures which push the refugee to repatriate, but also means that he or she should not be prevented from returning, for example, by dissemination of wrong information or false promises of continued assistance."

Refugees must be given as much information as possible concerning the current conditions in their country of origin to which they will be returning. This includes information about what type of protection and assistance will be provided upon their return. Prior to making choices, refugees should receive a text of guarantees or assurances provided by the government of the country of origin, supplemented by explanations as to their content and scope.

And they must be provided with accurate information on education and employment possibilities as well as their mobility within the country and their ability to leave and return to the country. Details about the repatriation procedure should also be provided, including customs, immigration and health formalities; procedures for bringing personal and communal property; access to land and restitution procedures; registration and documentation

for repatriation; and special arrangements for vulnerable groups such as women, children and the elderly.

None of this information is presented in the PSR questionnaire. Such detailed information may be beyond the capacity of such a poll but in its absence - key elements of which, it should be noted, are actually

addressed in the Palestinian proposal at Taba (*See box below*) - the questionnaire cannot be interpreted as an accurate reflection of the choices that refugees will make in the context of a final status peace agreement.

Individual choices, moreover, will inevitably be influenced by the individual and collective decisions of family members, community, and other social networks. What happens when a refugee who is thinking about not returning finds out that his brother and sister and their families have both decided to return? What happens when those

wishing to return find out that the majority of their village or community has decided against return?

Moreover, the scenario in the PSR questionnaire offers real choice to only a limited number of refugees. According to the scenario Israel and the PLO will agree to limit the number of refugees returning to their homes of origin inside Israel (*See box*). In other words, only a small number will be able to choose to return. Once the limited quota for return is filled, that choice is removed from the deck of options, arbitrarily depriving the majority of refugees who, for various reasons, have a lower preference status, of that particular choice.

#### PSR Questionnaire

Establishment of a Palestinian state in the West Bank and Gaza Strip and Israeli recognition of UN General Assembly Resolution 194 or the right of return, but both parties, Palestinian and Israeli, agree to a limited return of a small part of the refugees to Israel in accordance with a time table of several years. Every refugee family will be able to choose one preferred solution among four solutions including:

- a) Return to Israel (1948 areas) based on an annual quota and receipt of Israeli citizenship;
- b) Remain in the Palestinian state to be established in the West Bank and Gaza Strip and receipt of just compensation for properties expropriated by Israel and for damages and suffering incurred;
- c) Receipt of Palestinian citizenship and return to certain areas in Israel (1948 areas), which will then be annexed to the Palestinians state in the framework of an exchange of land with Israel and receipt of all due compensation;
- d) Receipt of just compensation for lost properties, damages and suffering, migration to a country in Europe, America, Australia or Canada, and receipt of the citizenship of the respective state or Palestinian citizenship.
- e) Other (specify).



## Conflicting Scenarios

While the scenario states that the parties agree to recognize the right of return, in practice, this recognition is meaningless. Of what use is a right if an individual is simultaneously prevented from exercising that right? For example, what use is it to inform a starving population that it has the right to food, but the exercise of that right will be restricted to 10 percent of the population? In the case of the right of return, the limitation imposed upon return is arbitrary and related primarily to the national, ethnic, and religious origins of the refugees.

Incidentally, the scenario presented in the questionnaire, which PSR states "the Palestinian leadership says privately that it would be willing to accept and have in fact endorsed in the Taba negotiations in order to help the process of peace negotiations" is nearly identical to that presented by Israelis at Taba and subsequently published in *Le Monde Diplomatique*. (See box below)

### Israeli Non-Paper, Taba Negotiations

*Options for refugees in the Israeli Non-Paper, Taba, include return:* [Check]

- a) To Israel - capped to an agreed limit of XX refugees, and with priority being according to those Palestinian refugees currently resident in Lebanon. The State of Israel notes its moral commitment to the swift resolution of the plight of the refugee population of the Sabra and Shatila camps;
- b) To Israeli swapped territory. For this purpose, the infrastructure shall be prepared for the absorption of refugees in the sovereign areas of the State of Israel that shall be turned over to Palestinian sovereignty in the context of an overall development program.
- c) To the State of Palestine: the Palestinian refugees may exercise their return in an unrestricted manner to the State of Palestine, as the homeland of the Palestinian people, in accordance with its sovereign laws and legislation.
- d) Rehabilitation within existing Host Countries. Where this option is exercised the rehabilitation shall be immediate and extensive;
- e) Relocation to third countries: voluntary relocation to third countries expressing the willingness and capacity to absorb Palestinian refugees.

By contrast a Palestinian paper presented at Taba, also published in *Le Monde*, maps out a framework for durable solutions based on Resolution 194, international law, and individual choice. (See box below) It contains only two restrictions on choice: an annual repatriation quota that does not prejudice the right of every refugee to return to Israel; and, refugees wishing to return must declare their intention to do so within five years of the establishment of a repatriation commission. The summary of the Taba negotiations prepared by EU Special Envoy Miguel Moratinos confirms this position.

### Palestinian Paper, Taba Negotiations

In accordance with United Nations General Assembly Resolution 194(III), all refugees who wish to return to their homes in Israel and live at peace with their neighbors have the right to do so. The right of every refugee to return shall be exercised in accordance with the modalities set out in the Agreement. The modalities set out in the agreement include:

- a) All refugees who currently reside in Lebanon and choose to exercise the right of return in accordance with this Article shall be enabled to return to Israel within two years of the signing of this agreement (Paragraph 15);
- b) Without prejudice to the right of every refugee to return to Israel, and in addition to refugees returning pursuant to Paragraph 15 above, a minimum of XX refugees will be allowed to return to Israel annually (Paragraph 16);
- c) The refugees who wish to return should declare their intention to the Commission, in accordance with procedures set out by the Commission, within 5 years of the date the Commission starts receiving these declarations. The exercise of the right of return subsequent to such declaration shall not be limited in time;
- d) The Commission shall determine, according to transparent criteria, who will be allowed to return in any given year in accordance with Paragraph 16 of this Article;
- e) Repatriation should be based on an individual voluntary decision, and should be carried out in a way that maintains the family unit;
- f) The refugees should be provided with information necessary for them to make an informed decision with regard to all aspects of repatriation;
- g) The refugees should not be compelled to remain in or move to situations of danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life
- h) The refugees shall be permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their national origin, religious belief, or political opinion;
- i) The Parties shall make such modifications to their internal laws as are necessary to facilitate the implementation of the right of return;
- j) The Parties shall call upon states that currently host refugees to facilitate the early return of refugees in manner consistent with human rights and international law.

## Opinion Polls and Political Strategy

Presenting the results as somehow indicative of the number of refugees who would choose to return is dangerous for Palestinian negotiators given the numerous variables that influence refugee choices. Without the type of detailed information outlined above, and the guarantee that any choice made will be respected and implemented, it is highly questionable whether such polling can have any real practical policy implications for negotiators and planners.

What happens if it turns out that in practice more than 10 per cent of refugees want to return? Perhaps 15 per cent, 25 percent or over 50 per cent of the more than five million 1948 Palestine refugees? And, given the dynamics of the negotiation process over the past decade it is doubtful that Israel will be blamed for scuttling the deal. Inevitably the Palestinians will be blamed for failing to be honest with their Israeli counterparts and for the breakdown in the political process.

The argument that such an opinion poll is a useful political tool is simply bad advice. In addition to the problems outlined above, the argument for using such a poll is based on *de facto* acceptance of Israel's demand to preserve the Jewish character of the state characterized, among other elements, by a permanent Jewish majority. Whether one accepts or rejects the political, legal or moral arguments for such a demand, it is surely bad advice to counsel one's own negotiators to accept the basic demands of one's

negotiating opponent as the basic framework for negotiations, particularly if one's negotiating position is already severely weakened by the balance of political power on a bilateral and international level.

A much better negotiating strategy would be to push for a framework already set out in international law and practice concerning the crafting of durable solutions for refugees worldwide. Demographic concerns based on ethnic, national and/or religious preferencing do not fall within the realm of what is regarded as legally acceptable or good practice.

## Getting it Straight

Defending the questionnaire and poll results, PSR Director Khalil Shikaki (Wall Street Journal, 30 July 2003) argues that once the PLO agreed to a division of the land, it could not have logically advocated a division of the people with some becoming Israeli and others Palestinian. In reality, there is no contradiction between a two-state solution and the return of Palestinian refugees wishing to do so to the state of Israel. PLO recognition of the two-state solution is based on UN General Assembly Resolution 181.

The Jewish state recognized by the international community under Resolution 181 was a binational state with nearly the same number of Arabs and Jews. Moreover, the constitution of each state to be established under the resolution was to include

NAKBA March, Bethlehem, 15 May 2003



12 September 2003

protections for basic citizenship/nationality rights, land rights and non-discrimination. A contradiction between two-states and the individual right of return exists only in the minds of those who support the idea of exclusivist ethno-national states.

Shikaki also asks the question: "How can you be a Palestinian nationalist and at the same time advocate the de-Palestinianization of a large segment of your people?" by supporting their return to their homes of origin inside Israel. The question ignores a few basic facts. Palestinians, including internally displaced, inside Israel continue to retain their national identity despite having become citizens of the state of Israel. Even Israeli social and political scientists have noted an increasing 'Palestinianization' of those Palestinians living inside Israel over the past decades despite attempts to inhibit such a trend.

Moreover, Palestinian refugees have remained 'Palestinian' despite living in forced exile for more than 50 years. Palestinians who have acquired a second nationality are no less Palestinian and no less Palestinian nationalists just because they carry another passport. Based on the logic of Shikaki's argument, the PLO should also be opposed to any resettlement of refugees outside a state of Palestine - i.e., it should demand a forced return of all Palestinians to a Palestinian state - because to do otherwise would lead to the de-Palestinianization of the Palestinian people.

At the same time Dr. Shikaki also appears to blame Palestinians themselves for the suffering of the refugees. "Unhealthy obsession with idealized rights at the expense of vital, or even existential, needs threatens to perpetuate the suffering of millions of refugees. Rights and suffering need not go together, not for so long." Indeed, rights and suffering need NOT go together for so long. The argument presents a false dichotomy between law and

politics - i.e., rights are ideal but politics are practical and never the twain shall meet. Law is a practical tool setting basic guidelines to govern individual and inter-state relations according to minimum acceptable standards.

The principle that refugees should be permitted to return to their homes following the cessation of conflict and resumption of safe conditions is a basic principle that guides international policy in all other refugee cases. Israel's opposition to refugee return, based on the ethnic, national, and religious persuasion of the refugees (which Shikaki apparently accepts), is the real reason why rights and suffering have gone together for so long. Why a solution to the refugee issue (if such an approach could be called a solution) should be governed by an anomaly rather than best practice is left unexplained.

While the PSR survey may provide a somewhat interesting insight into the opinions of how refugees might respond to a particular scenario, under a particular set of political conditions, and in the absence of basic information, to suggest that the results are an indicator of future behavior of refugees and therefore a useful negotiation tool is an illogical leap of faith. In the end the poll really serves no practical purpose: neither for Palestinian negotiators, their Israeli interlocutors or the international community. Certainly it does not serve the refugees well.

Perhaps the PSR poll will have no long-term impact, not unlike previous polls conducted on this issue, but in the meantime the poll has resulted in misunderstandings and varying degrees of political damage that will only complicate the search for durable solutions for Palestinian refugees in the context of a just and comprehensive solution to the Israeli-Palestinian conflict.

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## Upcoming Events

### 2nd BADIL Refugee Fact-Finding Visit, South Africa

Between 10-18 November 2003 a BADIL delegation composed of refugee community activists will travel to South Africa to study the South African experience with land restitution and land reform, mechanisms of community participation in restitution and reconciliation, as well as the relation between restitution/land reform and post-conflict reconciliation.

BADIL fact finding visits are part of BADIL's regular program and organized since 1999/2000 for Palestinian refugee community activists in Palestine and in exile. These visits serve as a tool for the education of BADIL's community partners about mechanisms for return, restitution and compensation in the context of durable solutions for Palestinian refugees. The first visit in the series of three visits was to Bosnia-Herzegovina in June 2002.

Earlier visits (1999/2000) were conducted to the villages of origin of Palestinian refugees themselves (today located in Israel). These visits had to be stopped due to the restrictions of movement imposed by the Israeli authorities since September 2000.

Information about the fact finding visits will soon be available on the BADIL website.

## Belgium Supreme Court Orders Cessation of all Cases Concerning the Sabra and Shatila Massacre

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On 24 September 2003 Belgium's Supreme Court ordered the cessation of all cases filed concerning the 1982 massacre in the Sabra and Shatila refugee camps in Beirut. The decision came as a result of a recent legislative modification to Belgium's Universal Jurisdiction law. The new law effectively suppressed Belgium's universal jurisdiction law under considerable pressure from the US government. According to the legal team representing Palestinian relatives of the massacre victims, the survivors of Sabra and Shatila will examine possibilities for recourse

at the national and international level. "Today's decision by Belgium's Cour de Cassation does not put an end to the victims' legal fight," stated the legal team. "The persistent problem of the impunity of those guilty of what the United Nations defined as genocide is more than ever on the agenda of the international community."

For more information on the case against Ariel Sharon and others responsible for the 1982 massacre see the website of the International Campaign for Justice for the Victims of Sabra and Shatila, <http://www.indictsharon.net>.

## Pursuit of the Criminal and the Raising of the Voice of the Victim: Testimonies at the 21st Anniversary of the Sabra and Shatila Massacre

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by Jaber Suleiman

*It is said that massacres become a part of history and political episodes only through the remembrance of their horrors and savagery, and primarily through the raising of the victim's voice and the punishment of the executioner. In spite of all that has been written about the 1982 massacre of Sabra and Shatila, and in spite of all the efforts to commemorate the massacre, those responsible for the death of thousands of refugees remained immune from pursuit, until a group of lawyers including the two Belgian lawyers Luc Walley and Michael Verhaeghe and the Lebanese lawyer Chibli Mallat raised a case against Ariel Sharon and others in Belgium, on behalf of twenty eight of the relatives of the survivors from the massacre.*

This article is excerpted from a longer article. To read the entire article visit the BADIL website, [http://www.badil.org/Resources/War\\_Crimes/War\\_Crimes.htm](http://www.badil.org/Resources/War_Crimes/War_Crimes.htm)

Since the case was lodged in 2001 it has passed through various stages. It achieved remarkable victories, but it also suffered painful setbacks. However, the case never lost its moral force and ethical strength.

The greatest setback occurred when the newly elected Belgian government passed a draft law that effectively annulled Belgium's law of "Universal Jurisdiction." The Belgian parliament subsequently adopted the law on 30 July 2003 by a vote of 89-3 with 34 abstentions. The Belgian Senate gave its final approval one day later (39-4 with 20 abstentions).

The new law allows cases to be brought before the Belgian courts only if the victim or suspect is a Belgian citizen or long-term resident at the time of the alleged crime. It also guarantees diplomatic immunity for world leaders and other government officials visiting Belgium.

Did the train of Belgian justice stop?! Did the relatives of the victims of Sabra and Shatila lose hope in following the executioner and putting him on trial?! What is the

opinion of those people?! This article includes testimonies from seven members of the victims' families and their reaction to the developments of the case and its fate on the 21st anniversary of the massacre.

The sample includes Palestinians, Lebanese, men and women. Most of these witnesses attended at least some of the hearings conducted in Belgium. The article also incorporates individuals who took part in solidarity activities in European and Arab countries with the victims of the massacre.

Some of the interviewees were eager to speak and felt that expressing what they had so long repressed would

The legal retribution should be based on the concept of necessity. It is in the first place necessary for human relations, to avoid declining to the bottom of savageness, secondly it is necessary for the victim as to avoid the deterioration of humanity.

Hugo Grotius



*Sabra and Shatila Massacre 1982. source: UNRWA*

be enough to exorcize the horror. Others were reticent about expressing their true feelings as if forgetfulness was the way to purge themselves of the tragedy.

The latter group, thwarted by the inability to summon language capable of expressing their grief, was choked with tears. They retreated into an old wound, which they tried to smother with absurd forgetfulness. However, they were not any less expressive even if the tragedy exceeds that which could be put into words.

**Testimony No. 1: Sana' Mohammad Sarsawi (1963)**

**Nationality: Palestinian**

**Relation with the victims: Hassan (30 years), husband.**

After the massacre, we the relatives of the victims were demonstrating and holding sit-ins in front of Dar al Fatwa/ Beirut every Thursday and we devoted ourselves to do so along four years. Besides, we were contacting MP's and ministers in the hope of receiving help to find those who disappeared during the massacre and today are counted among the martyrs. This is why when I was asked to entrust the team of lawyers to sue Sharon, I accepted without hesitation; as the word goes, "a drowning man will clutch at a straw". Although in the beginning, I was anxious about the usefulness of the prosecution, this anxiety soon dispersed, especially when I traveled with the lawyer Chibli Mallat and the Belgian lawyer, Luc Walley to the United Arab Emirates to give my testimony at a seminar which the Zayed Center for Coordination and Follow-up organized about the case (28 August 2001). I felt at that time the case was serious and wouldn't take a single session, but rather would take long time. In short, this raised my morale. When I was faced with this big number of journalists and reporters at the Zayed Center, and when I was asked the first question, I cried because I was deeply affected.

I think the war on Iraq had a great impact on the decision of the Belgian government; no country supported our case as Belgium did because all our previous action to propel the case was futile. If the case causes Sharon uneasiness, I think this will be a great achievement. We thank Belgium for this achievement: our efforts didn't go in vain.

Nothing at all compensates what we have lost... However, we don't want the blood of our relatives to be spilled with impunity. We want to seize our right and don't want to see the criminal at large. Whatever is achieved for the case in Belgium will shed light on crimes such as killing, arrest, house demolishing, uprooting crops, taking place in Palestine everyday. We share the same suffering and hopes as our people in Palestine, and the cause goes beyond the Sabra and Shatila massacre.

Sharon is ruling in Israel today... there is no justice there. If there were, the road map wouldn't exist... a state dispossessing our rights can't prosecute Sharon. We don't count much on the peace forces or the Israeli women's coalition, although they sent us a solidarity letter last year. These forces are invisible; had those women suffered as we did, their position would have been different. The attitude of those women against Sharon might be sincere...but at the end of the day they are not with us.

We thank the Belgian government...they might have good reasons to fear the American-Israeli pressure... the Belgian judicial authorities have given their part; through the Belgium courts, the whole world could hear our voices. We couldn't achieve that in the past twenty years. There were people in the world that hadn't even heard of the massacre before the case was raised in Belgium. We thank our lawyers from our hearts. They



*Sabra and Shatila after the Massacre 1982. source: UNRWA*

resisted for two years and achieved something important... the case is brought up internationally and there is an anniversary commemoration which brings together European and non-European solidarity delegations from many countries. The case is going on. We've achieved a lot so far... the mere pressure on Belgium is an indication of Israeli fear and upset and at the same time success for our lawyers. I liked to go to Belgium to thank the lawyers and judges and speak in the court rather than speaking here only for the journalists.

**Testimony No. 2: Nazik Abed Al Rahman Al Jammal (1928)**

**Nationality: Lebanese**

**Relation with the victims: Salim, (22 years) and Samih (20 years) sons**

When we were asked to file the case, our hope in success was as the hope of a drowning man who clutches at a straw. At that time I thought the killer must be tried and the criminal must be punished sooner or later... our families were killed with impunity. I lost my brothers at the time I needed them most. After raising the case, my mother's health deteriorated dramatically to an extent that she lost her sight... the case reopened her wounds and renewed her pains and grief for the loss of her two sons. She liked to see Sharon behind the bars in her life.

It's shameful for a state to enact a law and fail to defend it and keep it because of American and Israeli pressures. The Belgian government yielded to the American pressure, which was asserted for the interest of Israel. This means

both have the same interests. The prosecution wouldn't return my dead brothers even if it happens. I lost them, and they won't be resurrected. They are like a collapsed mountain. Our grief is that they didn't have a natural death. The prosecution will relieve me psychologically. It will give all criminals a clear message saying: "No crime goes without punishment. . . Besides, it may prevent victimizing others as the case in Palestine today.

I absolutely reject prosecuting Sharon in Israel: "Dogs don't bite dogs... an Israeli won't prosecute another Israeli."

We ask the lawyers and the supporting committee to keep going and we are with them till the end. We have to support the lawyers. They have many ways, which I don't know, to keep the prosecution going. Perhaps it is useful if the plaintiffs go to protest before the Belgian embassy in Beirut.

**Testimony No. 3: Mohammad Shawkat Abu Rodaina (1977)**

**Nationality: Palestinian**

**Relation with the victims: Shawkat, (40 years) father; Amal (27 years) sister, who was mute and deaf. She was pregnant when she was killed; Hussein, brother in law; Mohammad (50 years), his uncle; Aida (17 years) his cousin; and Kayed another cousin.**

Since the beginning I had a feeling and conviction that something can be achieved through prosecuting Sharon. This feeling grew later on when the case achieved success on legal, political and media levels. However, I was highly depressed after the events of 11 September.



Why? Because I am aware of the US hegemony over the whole world including Europe and Belgium. On the other hand, it's not strange to me to present the case after 19 years of silence. Simply before this, we didn't have a law like the Belgium one to enable us to file such a case. Yet, I think the PLO should have presented the case legally rather than relying on media activism which prevailed since 1982.

I'm a pessimist. I don't see the light at the end of the tunnel. We are the weakest party in this process. As Belgium subdued to the American and Israeli will, practically it will be difficult to proceed, except by activating the case politically and in the media - especially after Israel chose to abandon the legal battle and chose fighting through politics and media instead. When I was invited by the Association of Norwegian Organization for Palestine (16 August 2002) to participate in the commemoration of the 20th anniversary of the massacre, I realized how important media is on the international level. The participants were raising slogans: "we won't forget Sabra and Shatila... Jenin never again... Indict Sharon... Defend the Palestinian right of return."

The loss of the father and family and their care and love is something that can't be compensated... I always blame my father (God bless him) because he didn't leave the camp when news spread about the massacre... He didn't believe it. Besides, he accused my mother (God bless her soul too) of fear when she asked him to leave the camp. However, what is the use of blame today? This tragedy accompanies me all my life... whenever I face one of life's difficulties, I return back 20 years to that black and horrible moment... Sharon's prosecution, if it takes place, won't be more than a psychological compensation for the loss, which can't be compensated at all. The trial can never turn the time back... I feel lost. There is no use to move the case to the Israeli courts. This trial is illegal... we don't recognize the legality of a trial conducted by the occupier... How can an occupier try himself?! As for the peace forces in Israel, including the initiative of the Israeli Women's Coalition for Just Peace, I think it has a very limited effect. For example, the big demonstration of Tel Aviv in 1982 to condemn the massacre only polished Israel's image internationally by showing a false humanistic side of the Israeli society.

The case hasn't been defeated morally. If the regional circumstances don't help to push it forward now, this might also not be the case in the near future. If the case isn't presented soon, it won't keep the momentum it had gained in the past two years. Besides, the lawyers have to find another way and other channels in international law to reactivate the case. Mohammad ended by saying: "The case is related to the Road Map and the current development of the peace process... Sharon becomes an angel in the eyes of USA and its president Bush while we are designated as devils."

#### **Testimony No. 4: Wadha Hassan Al Sabeq (52 years)**

**Nationality: Palestinian**

**Relation with the victims: Mohammad (19 years) and Ali (16 years) sons; Mohammad's brother; in addition, 15 of her relatives disappeared.**

I felt it odd for someone to come after 19 years to raise a case against Sharon. After the massacre happened, nobody cared for us, maybe because we were experiencing successive massacres and continuous wars as the war against the camps... When we were asked to authorize a lawyer to file the case, I felt that at last someone had noticed our tragedy. Yes I had hope that Sharon could be prosecuted, especially when I attended one of the hearings in Brussels (28 November 2001). I felt how much the international media cared for the case and the suffering of the survivors. Besides, I could feel the support of the Belgian people and the parliament. We will never forget that young MP (Mr. Quiken Bome) who received us at the airport and insisted on carrying my luggage from a hotel to another looking for a suitable residence for us.

God is greater than the American and Israeli pressure, so we have to keep going with the case. Everybody knows that Sharon is a war criminal, but the American support for Israel brought the case to the present situation. However, God is greater.

The trial won't change our reality. It won't return those I lost... the plight will always exist, even if Sharon is prosecuted. We won't forget our loved ones, but what sometimes belittles our plight is the fact that Palestine is a bigger tragedy... However, Sharon's prosecution will relieve us now because his crimes are still taking place in Palestine. Although there are many Sharon's in Israel now, his prosecution will still have a great effect on the situation in Palestine. It will help our people there... but still it won't make us forget our loved ones. Our solace is that the tragedy of Palestine is overwhelming.

The case has achieved success in international public opinion. I myself felt that during my visit to Brussels. In the beginning we were participating in sit-ins in front of Dar al Fatwa, the national museum of Beirut, and the Hobeish custody at Ras Beirut. We registered the names of our disappeared sons. At that time, I thought they weren't killed, but among the disappeared. Till now I don't know whether they are dead or alive. However, one doesn't lose hope. Even ten months ago, after a Lebanese committee started to follow up the cases of disappeared people in the wars, I went and filled in a questionnaire at Ouzai police station/Beirut. Filing the case revived hope in our hearts. We live on hope, which is God's gift to us.

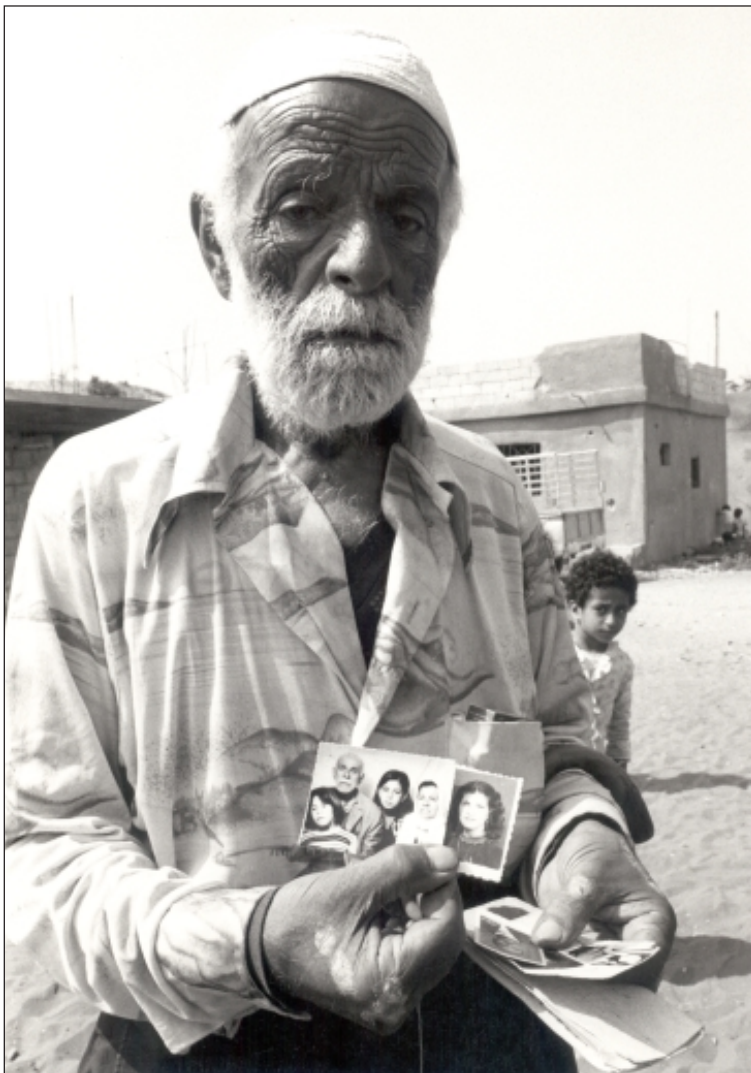
Although words are useless, I hope the case will go on. Circumstances might change, and Sharon's trial might become a reality. If we talk for days and nights, nobody will listen or reply... We have to keep commemorating the massacre annually with the support of foreign solidarity delegations so that the whole world will always remember that there is a case.

**Testimony No. 5: Bahjat Zein/ Im Salim (1948)**  
**Nationality: Palestinian**  
**Relation with the victims: Walid (22 years)**  
**disappeared brother**

I accepted to file the case and authorize a lawyer in the hope of returning part of our rights. I had big hope despite the fact that some relatives of the victims refused to authorize a lawyer after 20 years of despair. Some of them might have refused because of fear. (I asked her: "Fear of whom and what?" she answered:) If we don't speak up, the massacre might be reproduced... we lost our homeland. What can we lose more if we lose the case?! Let's try again.

America is Sharon's right hand; it pressures the whole world. Sharon was given immunity to escape trial. If Sharon had won the case, Belgium wouldn't have amended the law. America and Israel resorted to political pressure because they lost the legal battle. However, Belgium is obliged to carry out what America and Israel want.

*Sabra and Shatila after the Massacre 1982. source: UNRWA*



If we win the case, it doesn't mean we win our sons because they won't come to life again. All we want is that the massacres won't happen again. Sabra and Shatila wasn't Sharon's last massacre. Look what he has done in Jenin camp. Had he been prosecuted, we would have gotten part of our right, which in turn would support the Palestinian cause. Winning the case comes not only through the law rather through our steadfastness and insistence and upholding our right to return to our homeland. Our silence is a bigger loss. Not compensation but retaining our land is the substance of our rights. The homeland is indispensable even when you are away and a refugee, you are still Palestinian. I was born and raised in Sabra... when I go away, I long for it... But we have a homeland, so why don't we go back to it? After the liberation, when I visited south Lebanon and looked at Palestine through Fatima Gate, I said: This is Palestine: how beautiful it is! Each generation is filled with more love for Palestine than its predecessor.

Israel won't prosecute Sharon. If this were to take place, Israel would be prosecuting itself not only for Sabra and Shatila, but for all the current crimes. A tyrant won't prosecute himself, so everyone should fight for his right.

We won't abandon the case. We should keep our voices loud and our story should be heard outside. All advocates for human rights should back Sharon's trial... All tyrants should be brought to justice... Besides, the Belgian judiciary should move to defend itself.

**Testimony No. 6: Nadima Yousef Nasser (1956)**

**Nationality: Palestinian**  
**Relation with the victims: Musa Aidi, husband; Mustapha Aidi, father in law; Said, Hassan, and Ibrahim, brothers in law; she also lost 5 other relatives.**

I felt at ease when we were asked to authorize a lawyer to file the case. I also thanked God that someone took upon himself to raise the case. I didn't have much hope that Sharon would be tried. He's still committing massacres... what is happening in Palestine now is evidence that Sharon won't be tried.

We prefer that the case go on... and we also hope that our lawyers find a country other than Belgium that accepts to prosecute Sharon.

America is dominating the world, and it was behind the abolition of the case. Besides, it is behind the suffering of our people in Palestine.

If the case ended with Sharon's prosecution only, we would be psychologically relieved. God knows our situation. My husband was killed two years after our marriage. At that time I had twin girls: one got married and the other is still living with me and looking for work after she studied a one year course in business administration at NPA. I worked hard to support my mother. Now I am sick. I hope my daughter finds work soon. For the time being it's hopeless.

They occupied our country, expelled our people and nobody accused them. It's impossible for Israel to prosecute Sharon... I don't believe it. As long as Israel is powerful, Sharon won't be prosecuted.

We have to keep going in our case... Let's seek a country other than Belgium, I say to the lawyers. Don't forget us... and keep looking for a new country.

#### **Testimony No. 7: Abed Al Nasser Alameh (1967)**

**Nationality: Lebanese**

**Relation with the victims: Ali (19 years) disappeared brother; Abed also lost a number of his relatives**

In the beginning, I didn't have a glimpse of hope that the case would come to fruition despite the seriousness and commitment of the lawyers. Recalling the case after 19 years brought me back to the awful memories and first shock... I guessed the circumstances now might help to prosecute Sharon. However, I wasn't sure. After attending one of the hearings in the Palace of Justice (Brussels), and listening to the course of the session, especially the arguments of Sharon's lawyer and the Belgian Prosecutor General's response, I was filled with hope that we were strong by the rule of the law.

As soon as the case was accepted in Belgium and the pre-trial procedures began, America and Israel started to pressure the Belgian government threatening to use political and economic means to hurt Belgium. As the case was about to achieve success, the American-Israeli interference increased on the legal course of the case till they succeeded to force Belgium to abolish the law. The American influence aimed precisely at polishing the image of Sharon, illustrating him as a man of peace rather than a war criminal... Bush needs Sharon's help to support his occupation of Iraq and to avoid prosecution of American military figures who might commit war crimes in Iraq. What we are looking for in the future is prosecuting all war criminals regardless of their nationalities.

Sharon's trial for me is bringing justice and equity for victims. It also means that criminals could be challenged and punished. If the trial occurs, it will give me security, safety and a feeling of self-esteem and dignity. It's a moral rather than a physical compensation. We look forward to seeing a just trial that would comfort our souls.

If we were asked to file the case in Israel from the very beginning, we would have refused. Were Israel willing to try Sharon, it would have done it in 1982, while the blood of the victims was still wet. The substance of Israel as a state is expulsion of the Palestinian people from their homeland. Israel was established at the expense of innocent people. Such a state can't claim democracy and it is not qualified to carry out a just trial. Both America and Israel established themselves through genocide of the indigenous populations. Some believe in the necessity of acting among the Israeli peace camp taking into consideration the big demonstration against Sharon that took place in Tel Aviv in 1982. In this regard, I would say some people of conscience among the Israelis might refuse to support Sharon's practices and measures against Palestinians under occupation. Those people won't bring us justice and equity because at the end of the day they are contributing to polish the image of Israel. Besides, I am also against carrying out the trial in Lebanon, because I don't see justice in this country. For example, Mr. Hobeika, who was involved in committing the massacre, was granted immunity in Lebanon and became a minister in the Lebanese government before his assassination.

I believe that we won the legal battle that Sharon lost... the Belgian government can't do anything to face the American-Israeli pressure. We call on the Belgian people represented by the parliament, especially those MP's who backed our case, to move again to achieve justice and equity. Sharon caused a deep wound, which was reopened once the case was filed. Later on the Belgian people gave us hope to heal our awful wound in this world of real politics. Once again, I beg the Belgian people to stand with us and back our case and help heal our wounds. Also we call on the Founding Committee to support the case against Sharon along with the team of lawyers, and on the human rights organizations to push the case through the international human rights organizations, although such a move won't really change the American and Israeli positions.

Jaber Suleiman is currently acting as the coordinator of the Founding Committee to Support the Case against Sharon/Lebanon. This study does not necessarily reflect the views of the lawyers for Sabra and Shatila survivors.  
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## Palestinian and Israeli Debate about the *Nakba* and the Right of Return

BADIL Interview with Eitan Bronstein, Zochrot - an Initiative for Jewish-Israeli Nakba Awareness and Israeli-Palestinian Reconciliation



Visit to al-Majdal, 20 September 2003. source: Zochrot

**Sign:** Displacement Square, from here al-Majdal Arabs were displaced to Gaza in 1950

**BADIL:** We have been following a series of brave and very creative Zochrot activities over the past year-and-a-half or so and also reported about them in *al-Majdal*: Israelis commemorating the Deir Yassin massacre, linking protest against current demolitions of Palestinian homes in Lod (Lydda) with the *Nakba* of 1948, visiting 1948 depopulated Palestinian villages like Ain al-Ghazzal and Isdud and participating in Palestinian events organized to commemorate the *Nakba* and to call for Palestinian refugees' right of return.

**Who and what is Zochrot? Where did you suddenly come from, after years when we had become accustomed to the fact that there are no Jewish-Israeli partners in the search for a just and durable solution for Palestinian refugees, except some veteran anti-Zionist analysts and activists? What exactly triggered the formation of Zochrot?**

**Eitan Bronstein:** There are probably two levels to the answer, a historical-cultural level and a more personal one. With regard to the first, it is important to understand that in the course of recent years we have witnessed a revival of Palestinian *Nakba* awareness. We started to hear, read and see much more from Palestinians about the *Nakba* of 1948 and their collective memory. So we can be seen as an expression of a new wave of Jewish awareness following the wave of change on the Palestinian Arab side in Israel. In addition, there were the events of October 2000 [the killing of 13 Palestinian citizens by Israeli police], which exposed the devastation of most of the Israeli 'peace camp.'

However, some understood - due to this crisis in Jewish-Arab relations - that we have to tackle the hard questions and to go to the roots of the conflict. Zochrot, together with other initiatives that radicalized themselves in this period, is part of a sector of the Israeli left that understood after October 2000 that we Jews must take responsibility, take a stand and act, and not waste time with strategy discussions or wait until we obtain the approval of the Arab side for this joint project or that. So yes, Zochrot activists are not veteran activists of the Israeli anti-Zionist movement, but rather people working in the field of education that have become aware of the necessity to act politically.

The personal motivation is of course related to the above, and to the stronger interest and need among Jewish people to deal with the *Nakba*. For me personally the idea of Zochrot was born four years ago. At about this time, I was searching the internet and came across a place called Qaqun in the Tulkarem District. It was a place I had played in during my childhood, and it was very dear to me. We knew then that the ruins were the remainders of a "crusaders' fortress." And then I found the name on the internet and I thought, "what does this place have to do with it? It's my childhood place." I clicked on it and I saw that it was a Palestinian village and that it was destroyed early on in 1948, following a heavy battle with the Zionist forces. This click on the computer is what Zochrot is about. Of course, it is more difficult in the real world than in the virtual one, but this is the essence of what we are about.

**Your statements and activities show a strong emphasis on the need for Israelis to learn about the Palestinian *Nakba* and to recognize the injustice committed against the Palestinian people in 1948. Why did you decide to go back in history more than 55 years and focus on the *Nakba*? What is the rationale behind this approach?**

If there were no Palestinians or Arabs around us, somebody could maybe say why bother? However, it is not like this. The *Nakba*, i.e. the catastrophe of the Palestinian people in 1948, is something we live until today. It is the major event that continues to determine Arab-Jewish relations in the Middle East, with Jews being perceived as the strong, as the perpetrators of terrible crimes, etc. Moreover, the *Nakba* continues also in a very concrete way in the 1967 occupied territories, with occupation, land confiscation, house demolitions and killing. Palestinians haven't given up their history and collective memory, and this is good. It gives us a chance to understand how we have become what we are today, a militaristic and racist people.

The *Nakba* shows us who and what we are, so different from the humanistic society we like to consider ourselves to be. We cannot get around it. It's like telling a Jewish person, "why don't you forget about the Holocaust?" We all know how we react to that. In a more complex way, all Israelis and our behaviors towards the Palestinians are a product of the *Nakba*, whether consciously or not, including the young soldier who makes a Palestinian woman deliver at a checkpoint so her baby dies, and including the policemen who shot the thirteen in October 2000. Therefore, acknowledgement of our wrong-doing is not only a step towards the Palestinian people, it is also a favor we can do to ourselves.

In addition, we give much importance to feminine expression, collective memory and representation as opposed to the hegemonic and chauvinist male history. We are very interested in learning about women's role in the *Nakba*, for example, and we have chosen our name Zochrot - we remember - in the Hebrew feminine gender. In this aspect, we do not always get the needed support from our Palestinian partners, because they have the same problem. Their collective memory of the *Nakba* is very much a male one. The fact that until now we aren't really sure about how to translate Zochrot accurately into Arabic is related to this.

**What are Zochrot's main activities today and why?**

We are planning to undertake more guided visits to 1948 depopulated Palestinian villages. Next week we will visit al-Majdal, and we will put up signs again. There are two street signs there today, one street is Herzl street, the other is named after Eli Cohen [Israeli Mossad agent

executed in Damascus]. These are very Zionist names. And we will put up signs marking al-Ustaz street and al-Suq street, as they were called before 1948. We hope that people will see it and that we will make it into the media this time and cause some 'click.' We know that it works. We were there a few weeks ago and found a young woman selling merchandise in an old Arab building. We told her the story of the place and she was shocked.

We also try to stop the destruction of the remaining signs of Palestinian life from before 1948. For example, we are engaged in effort to stop construction for the expansion of Moshav Ya'd in the center of the destroyed Palestinian village of Mi'ar, and we try to prevent the demolition of the old home of the Baydas family in Sheikh Mo'annes (Lod/Lyda). Now the Moshav Ya'd has invited representatives of the displaced Palestinians of Mi'ar to come to a meeting, in order to decide where they should build and where not, and how to preserve the memory of Mi'ar village.

If we succeed here, and if we can prevent the demolition of the Baydas home, we will have accomplished something concrete. We also have an interesting new project, which we haven't actually started yet: a process of dialogue between internally displaced Palestinians and Jews who are living on their land; refugees of Miska and Kibbutz Ramat HaKovesh or of Bir'im and Kibbutz Bar'am designing - based on the recognition of the wrong done in the past - a plan of action aimed at improving the lives of both sides. This is something that has never been done before.

**How does Zochrot operate? How big is the initiative? How do you take decisions about your positions and activities? Who do you consider your main allies?**

We are a group of mostly Jews who work in dialogue projects and we understand that Israeli Jews don't know the *Nakba*, the injuries and losses incurred and about our responsibility for resolving the problem. We have been working very informally so far: 10 - 15 activists, mainly Jews, attend our meetings and decisions are taken together there. Of course we do have heavy arguments sometimes, especially when we have to put things in writing.

A series of days of reflection to be held shortly will help us clarify our positions and strategies. Zochrot is not only about knowing and acknowledgement; we are here to do things and to act. Some 70 - 200 people usually attend our activities. Our major allies are the internally displaced Palestinians in Israel, their local committees, the Association for the Defense of the Rights of the Internally Displaced (ADRID) and organizations like BADIL.

**It is conventional wisdom that there is an Israeli consensus about the solution of the Palestinian refugee question**

**and the right of return. Is there such a consensus? If yes, what does it mean exactly?**

Yes, there is such a consensus. It is basically along the lines of the Nusseibeh-Ayalon proposal. If there were a chance for a peace agreement tomorrow, Israelis would support a two-state solution, the removal of the settlements and the right of Palestinian refugees to return to the Palestinian state. However, I don't think this will work. Not only because it is not just, but also because there is no Palestinian partner for an agreement along these lines.

**In relation to the above, how do recent initiatives, like Nusseibeh-Ayalon and Khalil Shekaki's opinion poll, effect Zochrot's efforts? Especially since they suggest that a solution to the Palestinian refugee question and peace can be achieved not by dealing with the root causes of the conflict, but by obtaining Palestinian acceptance of the red lines as defined by Israel today?**

If we were only studying and learning about the *Nakba*, we could agree with them, even with Ami Ayalon. However, since I believe that the right of return is a condition for reconciliation, we cannot avoid disagreement. We do face their arguments sometimes with people who think that Zochrot should not be dealing with the right of return. In general, however, people are far too little educated for a substantial discussion about the right of return. It is very different from Palestinian society. The Israeli discussion is so superficial that people cannot deal with the issue in any detail.

**When speaking and writing about Zochrot we are often confronted with the argument that, "Yes, this is interesting, but isn't there somebody else?" Or: "Initiatives of this kind are marginal and unable to change the Israeli consensus against the right of return. Palestinians should rather focus their efforts on the Israeli mainstream and decision makers in order to achieve peace and not on marginal initiatives." How would you respond to this? Does an initiative like Zochrot have the capacity to impact the Israeli consensus?**

This question is difficult to answer today. I believe the chance is there, although it takes time. If Zochrot was a big initiative with resources, the amount of resources available to Ami Ayalon for example, we could do it. People would listen. We know this, because we have so many strong examples. Even without resources, there is growing interest, but we will depend very much on coincidence and good luck.

**What do you see as the biggest obstacles to the work of Zochrot?**

The major obstacle are the Zionist notions that are still

very strong among the Israeli public, meaning basically an attitude that holds that Jewish Israelis are always right and have the right to be here and live here and there is no other people and no other history. And if there is, they shouldn't be here. This is very difficult to change. A second obstacle is of course the lack of resources.

**What do you consider Zochrot's biggest achievement so far? What are your priorities and expectations for the next two-three years?**

Our biggest achievement is the growing acknowledgement among Israelis of Zochrot as the organization dealing with the *Nakba*. We have become known as those working on the *Nakba* file. People address us with questions and requests for information about Palestinians in 1948 and the *Nakba* and consider us experts. Our priority for the future is to do more of the same, but with more resources, a bigger organization and on a broader scale. Secondly, we must work hard in order to build expertise in what we are doing, we must learn the issue thoroughly and acquire more skills.

**What do you consider the best ways in which Zochrot's efforts can be supported by Palestinian community organizations and NGOs? By the international solidarity movement and other actors for a just peace in our region?**

Regarding the international solidarity movement and other international players the answer is easy: we need support with contacts, public relations and resources. With regard to Palestinians, the issue is more complex.

On the one hand, good contacts and support are vital, in order to encourage Jewish people. In fact, this relationship can be a simulation of the type of normal relationship we could have with each other. I, for example, feel very good and calm when I walk with friends, who are Palestinian refugees, on their land and we speak together about what happened and what we can do. There is trust, and this is very encouraging.

On the other hand, joint projects and formal cooperation with Palestinian organizations might be problematic. They could sabotage our initiative, because people will say - and I've heard it already - that we are subcontractors of the Palestinians. Therefore, we need to develop ways of cooperation and mutual support that allow us to maintain our independence and authentic position among the Israeli public.

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# Refugee *Protection*

## Right of Return - The Ever-present Fear and the Case of Iqrit: Israeli Supreme Court Denies IDPs Latest Attempt to Return Home

by Hussein Abu Hussein



*Between 1948 and 2003 the Palestinian inhabitants of the depopulated village of Iqrit have issued four petitions to the Supreme Court, sitting as a High Court of Justice. The central tenet of all the decisions was far removed from the legal arguments - it was the fear of a precedent for the right of return.*

The village of Iqrit, 2002

The President of the Israeli Supreme Court Justice Barak said in a speech to the Bar Association Conference in Eilat last May that:

"The courts are the defenders of democracy. The courts are working with all their capability with the tools they have to establish Israeli democracy, because they know that if they do not defend democracy, it will not defend us. Democracy is a power of values, principles and human rights that the majority cannot take from the minority."

This article will examine the extent to which these values have guided the conduct of the Supreme Court in the case of Iqrit.

Iqrit was occupied on 8 November 1948. The Israeli army ordered its inhabitants, together with those of the neighboring Palestinian village Bir'im, to leave their villages due to security concerns along the nearby Lebanese border. They left on the basis of assurances that they would be permitted to return within fifteen days. When this did not happen the residents turned to the courts.

### **The First Petition (July 1951)**

The High Court (the first petition) ruled in July 1951 that the residents of Iqrit were entitled to return to their village because the reason for the temporary evacuation no longer existed, and no legal grounds existed to deprive them of their right to return. (HCJ 64/51 *Dawwod vs. Defence Minister* 1951, P.D. 5(2): 1118).

### **The Second Petition (1952)**

However, the military defied the order, issued the inhabitants with expulsion orders and destroyed both villages. The subsequent second petition of Iqrit was denied (the second petition) (HCJ239/5 *Dawwood vs. Committees for Security Zones* 1952, P.D. 6(1): 229).

The use of the emergency legislation, in this case the 1949 *Emergency Regulations (Security Zones)*, to seize for the state large areas of Palestinian land, must be viewed as an unjustified interference with the fundamental rights of the Palestinian community to peaceful enjoyment of their property. International law

does not grant states unlimited power to violate rights in times of emergency, and has developed standards governing such situation. Restriction of rights by the use of emergency powers must be exceptional, temporary, proportional, and only to the extent strictly necessary; and some rights, such as the prohibition on discrimination, can never be derogated from even in time of emergency.

In 1953 the Knesset approved the *Land Acquisition Law*. On 28 August 1953 the Ministry of Finance expropriated 24,591 dunums (24,591 km<sup>2</sup>) of Iqrit's lands. The lands were given to the *Development Authority* and were registered in the name of the state. The 1953 *Land Acquisition Law* stated in section 2 that a property which on 1 January 1952 was not in the possession of its owners, declared as confiscated by a Minister, used for necessary development, settlement or security, and is still needed for those purposes, will be transferred to the ownership of the Development Authority. The lands in question in Iqrit were used for Jewish housing, industry and agriculture.

In November 1963 the Military Commander issued a closure order according to Regulation No. 125 of the 1945 *Emergency Regulations* that forbade entry to the village.

The residents of Iqrit re-applied for their return to the village, but the government headed by Golda Meir decided in July 1972 that the residents of Iqrit and Bir'im would not be allowed to return to their villages, and would be compensated and re-settled in their existing residences.

The case continued to be present in public discourse, and in 1977 the new government of Menachem Begin nominated a Committee headed by then minister Ariel Sharon to examine the issue of the return of the residents. The Committee decided not to allow their return.

### **The Third Petition (1981)**

In 1981 the residents filed their third petition to the Supreme Court, in which they requested the cancellation of both the closure order and the confiscation of their land. The petition was denied on the grounds of the long time delay. The Court assumed that the expropriation was legal and that there was no change in the security situation that should justify the cancellation of the orders. (HCJ 141/81 *Committee of Iqrit vs. the Government of Israel* 1982 P.D 36(1): 129).

In the early 1990s several drafts of laws allowing the return were advanced by different Knesset Members, but none were passed.

### **The "Liba'i Committee"**

Nevertheless, the former residents continued their campaign to return to the village. In 1993 a Ministerial Committee was appointed by Minister of Justice David Libai to advise the Rabin government how to resolve the problem of Iqrit and Bir'im. This Committee took the view that in this particular case there was no reason of state security to continue to prevent those evacuated from returning to their villages. They determined that it would be possible to restore a limited area of land without harming the rights of those who had subsequently settled in the area.

The Committee recommended that a total of 600 dunums (0.6 km<sup>2</sup>) be given to each village (Iqrit and Bir'im), and that the Israel Lands Administration (ILA) be responsible for defining which particular land this would comprise. This was a very small portion of the land originally owned by inhabitants of the two villages. Each head of a family that had resided in the village in 1948 would be entitled to 500m<sup>2</sup> on which to build a house, which he could assign to a family member of his choice. If the head of family was dead, a Committee would decide which family member would receive this privilege. At the same time, the person acquiring this privilege would be required to sign a document waiving further claims to land in the area.

Stalemate followed the Committee's recommendations. On the one hand branches of the government refused to implement them, while on the other, the people of Iqrit and Bir'im rejected them as inadequate. They argued that the recommendations would limit the number of those who could return and live on the land and leave no chance for future agricultural and economic development vital for employment opportunities.

The government did not make a decision on the recommendations, and in the elections of October 1996 the government changed.

### **The Fourth Petition (1997 - 2003)**

In February 1997 the residents filed a new petition in which they claimed that it was beyond doubt that the security situation had changed, and that there was also no doubt about their right to return to the village.

In the meantime, on 10 October 2001, the Israeli cabinet finally issued its decision on the recommendations of the Liba'i Committee. There was no reason, the government said, to change the decision of Golda Meir in 1972, which had rejected a return to the two villages on grounds of security concerns and because it would set a precedent for other displaced Palestinians.



Four years after the fourth petition was filed, an affidavit was given to the Court by Prime Minister Ariel Sharon. The latter argued that while promises were given to the residents by the authorities, these promises had never been confirmed by the government. Therefore, the latter could act freely when political will existed. He added that the issue was strongly raised at the Camp David negotiations, and that the subsequent wave of hostility underlined the possible negative implications of such a decision. A precedent regarding the return of evacuated residents will be used politically and for propaganda purposes by the Palestinian Authority.

The petitioners claimed that there is no link between their right to return and the issue of the refugees, because they are Israeli residents who were requested to change their residence temporarily.

The petitioners based their demand to return to their village on three grounds: the lack of a security reason for the closure order; the promise of the state; and the new precedent set by the Supreme Court in the 1990s regarding the ability of the government to cancel an expropriation.

In its decision on the fourth petition issued in June 2003 the Supreme Court agreed that there is no longer a justification for the closure order (Supreme Court Justices Donner, Englarat, and Procatichica. Petitioners: Alawi Sbit & others versus the government of Israel, Ministry of Defence and others. The decision has not yet been officially published, but is available on the Supreme Court website. HCJ 840/97).

*The village of Iqrit before 1948*



Israel's security branches agreed that there is no justification for the closure order other than political reasons.

The Court also stated that without allocation of land by the state to the residents of the villages there is no practical way to settle the issue.

With regard to the promise made by the state, the Court found that the Israeli government did not consolidate a formal decision to cancel the earlier objection to return issued by the Golda Meir government.

However, the Court also found that there were grounds to assume that a state promise was given, or that it could be assumed that such a promise was consolidated by the authorities' behavior over time, such as the IDF officer who ordered the evacuation and promised the villagers' return and the Liba'i Committee which had recommended that the villagers should be permitted to return.

The Court also stated that an administrative authority could be released from a state promise if there is a legal justification such as a change of circumstances that justifies the rescinding of the promise. It continued: "in our case, the Libai Committee based its recommendations, inter alia, on political changes that had occurred in the area, including the peace treaty with the Palestinian Authority [the Oslo Agreement]. However, the political reality since that time has changed and the Palestinians have repeated their demand for the right of return. The precedent of the return of the displaced residents might harm the interests of the state.

In these circumstances there is no place for enforcement of the state promise to settle the displaced in the Iqrit area. Nevertheless, the petitioners have the right to an alternative solution via allocation of alternative land or compensation."

The petitioners had referred to the Libai Committee's report which indicated specific areas near Iqrit and Bir'im on which community settlements could be built without causing harm to the neighbours. The petitioners argued that these areas are still

not used and therefore no longer needed for the public interest which had motivated the original expropriation. Therefore, the Minister of Finance should cancel the transfer of ownership of the land to the Development Authority. The Court rejected this argument by stating that it relied on the state's affidavit in which the state itself declared that the lands are occupied.

The Court also stated that the precedent set by the Kirsik Case in 2001 (HCJ 2390/96 *Kirsik vs. State of Israel* 2001, P.D. 45(2): 625) regarding the jurisdiction of the court to cancel a land confiscation is not applicable in these circumstances. Ownership of the land of Iqrit was transferred to the Development Authority according to the 1953 *Land Acquisition Validation of Acts and Compensation Laws*, i.e. a different law than the one that served as the basis for the decision in the Kirsik Case (1943 *Acquisition of Land for Public Purposes*).

The role played by the Israeli High Court in the cases of Iqrit and Bir'im is interesting and unusual, because it was willing to rule in favour of the Palestinian owners in the initial stage. Subsequently, however, the Court was not willing to confront the executive and has continually deferred to the government in seeking a solution.

The Supreme Court adopted the state's standpoint, i.e. the fear of the state and the Zionist movement of a precedent on the Palestinians' right of return. The decision given by the Supreme Court contradicts basic principles of democracy and the rule of law as set out by Justice Barak in the quote at the beginning of the article. The Court did not defend the minority from the power of the majority - on the contrary it provided legal justification.

The 2003 ruling by the Supreme Court regarding the right of people who were displaced from their village during the 1948 war and who have become Israeli citizens, represents the official position of the state regarding the right of return of displaced Palestinians who are Israeli citizens. The officer who gave the affidavit to the court and is quoted in the judgement on the fourth petition is nobody else but Prime Minister Sharon - who had stated that the implementation of the right of return could endanger the security of the state of Israel and be used as a precedent by the Palestinian Authority in the negotiations with Israel.

The Supreme Court ruling shows that there is a common viewpoint shared by the Israeli executive and the judiciary regarding the right of return. It is useful here to quote a recent statement by Ephraim HaLevi, the former head of both the Mossad and the Israel Defense Council:

"We should demand from the Palestinians that they acknowledge the legitimacy of Zionism. They should

## Conversation with the President of Israel's Supreme Court

by Mazen Qumsiyeh

Aharon Barak, the President of Israel's highest court, came to Yale University to speak at a Morse college 'tea'. Yes, literally we had tea and cookies for him. His talk was titled "The Legal Framework of the Fight Against Terror: The Israeli Experience." Mr. Barak spoke about attempts to 'balance' the rule of law and 'right against terror.' ...

After the public part of the talk, I had a chance to speak with him for a few minutes and so I asked about the Israeli Supreme Court decision of 1951 which told the government to allow Palestinian villagers to return to the two villages of Iqrit and Bir'im. For 52 years, the government refuses to implement this decision. Barak said that he knows the case well and he thinks they will be allowed to return 'after we sign the peace treaty.' I answered that this is unusual (hypocritical) as these are ostensibly Israeli citizens and he had earlier said that any one who is within the border is treated equally. Here he was whisked away by Mr. Weil, master of Yale's Morse College who arranged this event.

Mazen Qumsiyeh is Co-founder of the Palestine Right to Return Coalition

acknowledge that the Zionist project is legitimate as they demand that we should acknowledge a Palestinian state. This acknowledgement should not be tacit or implicit - it must be very clear [...] This acknowledgment of the right to exist is different from the acknowledgement of existence itself. The Palestinian right of return cancels our right of existence. The right of return is more dangerous than the return itself ... the acknowledgement of the right of return means to acknowledge the right of four million people to come back here, even if they do not actually do so, as the Palestinian leadership claims. Granting the right of return will give to the Palestinians that basic right of ownership in the homeland and will de-legitimise Israel. The right of return means no right of Israel to exist. We must demand that the Palestinians cancel the right of return."

In my opinion the statement of HaLevi represents the Israeli national consensus - the official as well the public viewpoint - regarding the right of return.

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The article was originally prepared for the Geneva Seminar/BADIL Expert Forum. The second part of the paper, which provides an overview of the strategy of the Israeli state towards Palestinian land, is available on the BADIL website: [www.badil.org/Campaign/Expert\\_Forum.htm](http://www.badil.org/Campaign/Expert_Forum.htm)

## The Unprotected Palestinians of Egypt

by Oroub Al Abed

*A day-long workshop took place on Saturday, September 13 to discuss the research findings of Oroub al-Abed on the livelihood of Palestinians living in Egypt. Approximately sixty people attended the workshop at the American University in Cairo, including representatives of the Red Cross, the United Nations High Commissioner for Refugees (UNHCR), the Arab League, various human rights' organizations, and a representative of a Palestinian PLO union. This summary report of the history and status of Palestinian refugees in Egypt was submitted to al-Majdal prior to the September workshop.*

While the main motorway to Cairo International airport is the path that takes one anywhere in the world, the road parallel to this highway leads to Madinet el Salam, a newly-constructed housing complex, where many Palestinians live. It represents the dead end for Palestinian youth whose future is limited to becoming a factory worker, if they are lucky, earning US\$30 a month.

Ever since 1978 subsequent generations of Palestinians cannot attend Egyptian public schools, must pay university fees in foreign currency, and cannot work legally without a work permit. Palestinians have been known as the most educated people of the Middle East, but rapidly they are becoming the illiterate people in some host countries of the Arab world.

The Arab League's 1965 protocol concerning the 'Treatment of Palestinians in the Arab States' made all host countries responsible for treating Palestinians as nationals in respect to mobility, free education, and work, without jeopardising their Palestinian identity through such measures as naturalisation. Except for Palestinians in Jordan who were naturalised, the standards of 'treatment' of Palestinians in host states have been plummeting. They are today the 'unprotected' stateless Palestinian refugees of the Arab world.

The Zionist military attacks in 1947-1948 resulted in the expulsion of 700,000 to 900,000 Palestinians from their own homes and villages in historical Palestine. The majority were expelled to Jordan, Syria and what has become the West Bank. Those who were living on the coastal plains of Jaffa and Haifa left for Lebanon and Egypt. The intensive attacks from the sea and encirclement of the cities by British forces left the local inhabitants of Jaffa no choice but to flee by boats to the south. Some arrived in Gaza and remained there, others continued on to Port Said, Egypt.

As in any mass exodus, people tend to group themselves according to their common origins, villages, families and networks. At the beginning these headed directly towards Cairo, the capital. The authorities permitted some of them

to use old British military settlements and gave tents to shelter the rest: "We lived in military barracks with the same people who left Jaffa with us. We had sheets dividing the one from another. Then the Mukhtar (chief) of Mohammadi area permitted us to choose our space of land to build little houses with the collected bricks from the roads", remembers Um Walid. She was one of those who moved in the 1980's to Madinet El Salam after the demolition of Arab el Mohammadi slums in Abbasieh.

Palestinians who lived near Mohammadi mosque were called Arab El Mohammadi. She said that they chose to stay in Cairo when in 1949 the Egyptian authorities gave Palestinians the choice of going to Maghazi camp in Gaza. They expected life to be easier for them in a well-established city like Cairo. It was not really the case. No schools were available at the time in the Abbassieh area, jobs were scarce and there was little money. Many of this generation and their descendants ended up becoming small entrepreneurs with minimum education.

With the increased numbers of refugees coming to Egypt, the authorities prepared what became called the 'city of refugees', located in Qantara, the north east Egypt. The 'High Committee for Palestinian Migrants Affairs' was formed to respond to the needs of refugees in the Qantara, inhabited by some 12,000 refugees. According to Laurie Brand, they were provided such basic services as water, electricity and primary education schools, a sports club, and a postal service.<sup>(1)</sup> Palestinians were employed in some of the jobs of the camp.

In September 1949, an Egyptian ministerial council decided to move Palestinians to Gaza, as the situation had become more stable. With the help of the Quakers, Palestinians were sent mainly to Maghazi camp. Another group of Palestinians were later sent to Gaza in 1951 sponsored by the Arab League and the Egyptian authorities. The Government of Egypt never welcomed the idea of establishing any refugee camps on its territory nor did it welcome the international assistance provided by the specially created UN body to assist Palestinians, the UN Relief and Works Agency.

Only well-to-do Palestinians or those who had support of a local guarantor were to stay in Egypt. Others who remained because they did not want to go to Gaza for reasons of safety ended up staying in the slums of Cairo or its suburbs working in the informal sector or depending on wage labour in factories where they are exploited.

The estimated figure today of Palestinians in Egypt is 70,000 according to government officials. 52 percent of this population is found in urban areas as in Cairo and its districts and in Alexandria. The rest live in North Sinai, Areish and the Sharqieh areas working in the agricultural wage labour jobs.

The purpose of establishing UNRWA was to carry out relief and works programme and to ensure the economic independence of Palestinian refugees, but as Susan Akram points out, all Palestinian refugees have been treated as ineligible for the most basic protection rights that international law should proffer refugees and stateless persons.<sup>(2)</sup> UNRWA's responsibilities, based on UNGA Resolution 302, are, in fact, only "to prevent conditions of starvation and distress among them and to further conditions and stability", not to protect.

The mandate of UNRWA was limited to the five field operation of Jordan, Lebanon, Syria, West Bank and Gaza. In accordance with paragraph 7(c) of the UN High Commissioner for Refugees (UNHCR) statute and Article 1(D) of the 1951 Convention relating to the Status of Refugees, 'the competence of the HCR does not extend to a person receiving from other organs or agencies of the UN protection or assistance', hence persons enjoying the assistance of UNRWA are excluded. One would have expected, however, that Palestinian refugees living elsewhere were to be protected by the UNHCR. On the ground, UNHCR did not undertake its responsibilities to the Palestinian refugees in Egypt until 2000.

Throughout the 1960s and 1970s, Palestinians in Egypt were provided some assistance by the Egyptian authorities - free primary, secondary, and university education and were employed in public sector jobs. Since the signing of the peace agreement with Israel in 1977 and the killing of the Minister of Culture in 1978, all has changed. The Palestinians were not welcome anymore and they were required to live without any of the public services that are available to Egyptians.

In principle, the Government of Egypt has been abiding by the Arab League's 1954 Resolution on the issue of 'Unified Travel Documents for Palestinian Refugees'; it issues travel documents as identity cards. This travel document can be used for travel outside Egypt so long

as it does not exceed six months of stay abroad. If it is exceeded, the person is not permitted to re-enter Egypt. Many Palestinian families, whose children travelled for work, study or marriage, despair ever seeing them again.

The stay of Palestinians in Egypt requires the renewal of the residency permit. Renewal requirements vary with the year of arrival in Egypt. For those who arrived in 1948, a residency permit is valid for five years, while those who arrived in 1967 must renew it every three years. People who arrived after 1967 are given permits which are valid between three to nine months.

For some, the regulations of residency cannot be met. Young men who are not attending school are asked to provide a bank statement indicating a balance of at least 25,000 Egyptian pounds or a work permit. A vicious circle. A work permit will not be issued without a residency permit and accumulating a 25,000 Egyptian pound bank account is impossible if there is no work. Many men live in the shadows of illegality not having a valid residency permit.

In 1991, after the Gulf War, there were said to be 130,000 Palestinians living in Egypt. Today they are said to be about half that many. What happened to the others? Some of them, because they were members of Palestinian Liberation Organisation (PLO) received 'family reunification' cards to move to Gaza and the West Bank. They received a Palestinian Travel Document with the indirect blessing of the Israeli authorities. Others simply moved to the 1967 occupied territories on the invitation of a friend or relative. This visiting permit (tasreeh) is only valid three months. Evidently many have overstayed the permit and have lost their Egyptian travel document as a result. So, whether in the Occupied Territories or in Egypt, Palestinian refugees remain unprotected and stateless.

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#### Endnotes

<sup>1</sup> Brand, Laurie, *Palestinians in the Arab World*. Beirut: Institute of Palestinian Studies, Beirut, 1991.

<sup>2</sup> Akram, Susan, 'Reinterpretation Palestinian Refugee Rights under International Law', in Aruri, Naseer (ed.) *Palestinian Refugees, Right of Return*. London: Pluto Press, 2001.

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## UNHCR Registers Palestinian Refugees in Iraq Highlights Lack of Universal Registration System for Palestinian Refugees

On Wednesday, 16 July 2003, UNHCR began registration of Palestinian refugees in Iraq who have been left in legal limbo and largely without aid since the US-UK led war on Iraq in April. UNHCR officials say it is vital to have the Palestinians registered to determine exactly how many are there, and to issue them with identity documents that will give them some measure of protection. The registration is eventually expected to cover up to 80,000 Palestinian refugees believed to be living in Iraq. UNHCR estimates that more than 1,100 families have been evicted from the rented homes in which they were living - over 4,000 individuals. About one-third of them are now in tents pitched in two soccer fields.

The registration process in Iraq raises the problem of the lack of a universal registration system for Palestinian refugees. A comprehensive registration system is critical the provision of international protection and crafting of durable solutions. UNRWA administers the only registration system for Palestinian refugees. Registration, however, only includes those displaced in 1948 (and their descendents) in need of assistance. There is no registration system for other categories of Palestinian refugees, including those displaced in 1948 and not requiring assistance, and those displaced in 1967 and after.

In 1982 the UN General Assembly instructed the Secretary General, in cooperation with UNRWA, to issue identification cards to all 1948 Palestine refugees and their descendents, irrespective of whether they were recipients or not of rations and services from UNRWA, as well as to all 1967 refugees and to those who have been prevented from returning to their home as a result of the 1967 war, and their descendents. The initiative failed, however, due to lack of cooperation among host states concerning information on previously non-registered refugees.



*A Palestinian refugee boy has his picture taken at UNHCR's registration point in Baghdad. source: UNHCR/M.Sunjic*

source: UNHCR, <http://www.unhcr.ch>, BADIL

## Family Reunification, Citizenship and the Jewish State UN Treaty Bodies Call Upon Israel to Revoke New Laws

In July 2003 the Israeli government adopted a temporary law prohibiting family reunification for Palestinians married to Palestinian spouses from the West Bank and Gaza Strip. The decision followed a previous decision taken earlier in May 2003 (Decision 1813).

International human rights organizations, including Amnesty International and Human Rights Watch sent a joint letter to the Knesset, Israel's parliament, urging members to reject the bill. "The draft law barring family reunification for Palestinian spouses of Israeli citizens is profoundly discriminatory," stated Amnesty. "A law permitting such blatant racial discrimination, on grounds of ethnicity or nationality, would clearly violate international human rights law and treaties which Israel

has ratified and pledged to uphold." B'tselem, an Israeli human rights organization, was equally critical of the law. "This is a racist law that decides who can live here according to racist criteria."

Information concerning this issue was brought before the 78th session of the UN Human Rights Committee (UN HRC), which reviewed Israel's second periodic report on July 24-25, 2003. In its Concluding Observations on Israel, para. 21, issued on August 6, 2003, the Committee called upon Israel to revoke the law and reconsider its family unification policy, even though the law was passed after the dialogue with Israel.

On 5 August 2003 The International Federation for Human Rights and its affiliate and partner organizations in Israel, ACRI - The Association for Civil Rights in Israel, Adalah - The Legal Center for Arab Minority Rights in Israel, B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, HaMoked, the Mosawa Center - the Advocacy Center for Arab Palestinian Citizens of Israel, requested that CERD consider the new Israeli law adopted on July 31, 2003 and entitled, "Nationality and Entry into Israel Law (Temporary Order) - 2003" for an urgent procedure. On 14 August 2003 the Committee on the Elimination of Racial Discrimination (CERD/C/63/Misc.11/Rev.1, 14 August 2003) called upon Israel to 'revoke' the new ban on family unification, and to 'reconsider its policy with a view to facilitating family unification on a non-discriminatory basis.'

It's not the current number of requests that matters, but rather the potential size of the breach: Even if the government adamantly stands its ground, saying that no right of return will ever be honoured (and there already have been proposals, of differing levels of sophistication, to allow a limited, regulated law of return), the continuation of family reunification trends is liable to change Israel's character.

Preventing the right of citizenship to Palestinians who marry an Israeli citizen constitutes an infringement of principles of democracy and equal rights. But these must be balanced against the basic right enjoyed by members of the Jewish majority of the country to preserve the state's character, which is defined as a Jewish state in the country's founding declarations and whose status as a state for the Jewish nation has been supported via the legislation of the law of return. Under this law, the state has the right to limit entry into it under criteria selected to protect its national-cultural character, along with its public order and security.

Avraham Tal, "A Legal Fence for the State," *Ha'aretz*, 11 August 2003.



The new separation/apartheid wall in the West Bank town of Qalqilya. source:Tineke D'haese

## Analysis of Israel's New Family Reunification Law

*The following analysis of Israel's new law is excerpted from Adalah's submission to the UN Human Rights Committee in July 2003. According to Adalah, "the introduction of this racist and discriminatory ban on family unification shows the increasing deterioration in the political situation in Israel. It is one of the most extreme measures in a series of governmental actions aimed at undermining the rights of Palestinian citizens of Israel as well as Palestinians from the Occupied Territories."*

The ban on family unification of Palestinians from the Occupied Territories married to Israeli citizens:

1. Severely violates the fundamental rights of individuals to family life, dignity, privacy, and equality. The ICCPR, the ICESCR, and the Convention on the Rights of the Child prohibit the arbitrary interference with these fundamental rights. In particular, the ban on family unification contravenes Articles 17 and 23(1) of the ICCPR, which protect the family.

2. Flagrantly discriminates against Palestinian citizens of Israel and Palestinians from the Occupied Territories. In practice, the ban would primarily affect Palestinian citizens of Israel, who are most likely to have non-citizen Palestinian spouses. The total ban on family unification exclusively and solely targets Palestinians from the Occupied Territories; the gradual process of naturalization for residency and citizenship status in Israel for all other "foreign spouses" remains unchanged. These measures constitute discrimination on the basis

of nationality in violation of Articles 26 and 27 of the ICCPR. Article 1 of the International Convention of All Forms of Racial Discrimination prohibits such discrimination in matters relating to the right to citizenship.

3. Is disproportionate as the alleged security reasons cited by the state for the necessity of the measures lack any basis. The state claims that the ban is essential because Palestinians from Occupied Territories who have obtained citizenship/residency status in Israel via family unification have been increasingly involved in terror activity. Contradictory data presented by the government at a 18 July 2003 Knesset hearing shows that this argument is flawed.

Senior officials from the Ministry of Interior and the Ministry of Justice who testified before the Knesset Committee stated that since 1993, 100,000-140,000 Palestinians have been granted official status in Israel following family unification. In response to inquiries by Knesset Committee members, these officials later revised these figures, admitting that only 22,414 requests for status were submitted by Palestinians, out of which 16,007 were approved and 6,400 were rejected. However, the officials failed to answer whether the number of applications submitted equaled the number of individuals who actually sought status or whether these figures merely represented multiple applications submitted by each individual. They also failed to provide numbers as to how many individuals actually received status after approval of their applications. The officials then contended that 20 Palestinians from the Occupied Territories who received status in Israel via family unification have been involved in some type of terror activity. No detailed, specific examples were provided at the hearing to support these claims.

Given the fundamental rights at stake, imposing a total ban on family unification for Palestinians from the Occupied Territories is completely disproportionate. The state has many other tools and mechanisms, which it has utilized and continues to utilize in order to address security concerns. The gradual process of naturalization grants the government wide authority to conduct criminal and security background checks on all persons seeking to gain citizenship/residency status in Israel. Throughout the four-years long process - from the initial application for status, to the renewal of status, to the upgrading of status, to the granting of citizenship - security checks are conducted. By setting forth such a sweeping measure, the proposed ban collectively punishes all Palestinian residents of the Occupied Territories as well as Palestinian citizens of Israel. Security concerns cannot justify such extreme measures, as set forth by the ban.

4. Actually aims to limit the number of Palestinian citizens/residents of Israel, the so-called "demographic threat" to maintaining a Jewish majority in the state, and

not the security concerns as presented by the government as the justification for these measures. Numerous facts support this argument. This ban is being presented in the wake of and to bypass the Supreme Court's 1999 decision in Stamka. In that case, the Supreme Court ruled that anyone who marries an Israeli citizen is entitled to equal treatment in the processing of his/her application for citizenship in Israel, provided that there is no criminal or security risk proven against the individual. Based on this 1999 decision, in 2003, the Minister of Interior was supposed to start granting citizenship to individuals who passed a four-year application process. Seemingly, to avoid the granting of citizenship to Palestinians from the Occupied Territories who have completed this process, the government now comes forward with security excuses to justify the measures set forth in this ban. In addition, Government Decision No. 1813 clearly states that there is a need for such a policy due to "... the implications of the processes of immigration and settlement in Israel of foreigners of Palestinian descent." Further, former Minister of Interior Eli Yishai told *Ha'aretz* on 9 January 2002 that he "believes there is a pressing need to find ways to limit the number of non-Jews who receive Israeli citizenship, among them Arabs, whose numbers have increased dramatically in recent years and 'threaten the Jewish character of the State of Israel.'"

**Source:** Adalah, UN Human Rights Committee - Information Sheet #3, Family Reunification and Citizenship (22 July 2003). For more information see the Adalah website: <http://www.adalah.org>

### **Concluding Observations of the UN Human Rights Committee**

The Committee is concerned about Israel's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) on 31 July 2003, which suspends for a renewable one-year period, the possibility of family reunification, subject to limited and subjective exceptions especially in the cases of marriages between an Israeli citizen and a person residing in the West Bank and in Gaza. The Committee notes with concern that the suspension order of May 2002 has already adversely affected thousands of families and marriages.

The State party should revoke the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which raises serious issues under articles 17, 23 and 26 of the Covenant. The State party should reconsider its policy with a view to facilitating family reunification of all citizens and permanent residents. It should provide detailed statistics on this issue, covering the period since the examination of the initial report.

## Council of Europe Issues Recommendations on Palestinian Refugees

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*In June 2003 the Council of Europe (CoE), an intergovernmental body comprised of members of individual European parliaments, issued a number of recommendations concerning international protection and durable solutions for Palestinian refugees. The recommendations were issued in the aftermath of a hearing on the status of Palestinian refugees in Europe held earlier in the year in Budapest and a special report prepared by the Council's Committee on Migration, Refugees and Demography (Doc. 9808, 15 May 2003) on the conditions in which the Palestinian refugees stay irrespective of the place.*

### International Protection

In the area of international protection the recommendations (Parliamentary Resolution 1338, 25 June 2003) contain a number of positive developments. The Council recognized that Palestinian refugees outside the region are at a clear disadvantage and must therefore be given a recognized legal status. Accordingly, the Assembly recommended that the Committee of Ministers calls on Council of Europe member states to review their policies in respect of Palestinian asylum seekers, with a view to effectively implementing United Nations High Commission for Refugees' (UNHCR) new guidelines published in 2002 on the applicability of the 1951 Convention relating to the Status of Refugees with a view to recommending harmonization, Council of Europe member states' policies in this respect. (See *al-Majdal*, Issue 16-17, March 2003)

The Assembly also recommended that the Committee of Ministers instruct the appropriate committee to examine the issues relating to the legal status of Palestinian refugees in Council of Europe member states, and come up with concrete initiatives to ensure that all Palestinian persons displaced from their homes of origin are provided with an appropriate legal status; call upon member states to ensure that where Palestinian refugees are legally recognized, they should be entitled to all benefits of socio-economic rights, including family reunion, normally accorded to recognized refugees in these member states; initiate the organization of an international conference devoted entirely to the question of Palestinian refugees; and recommend that member states include information on Palestinian origin in statistics concerning asylum seekers and refugees.

The recommendations are consistent with recommendations submitted by BADIL to the Committee at its hearings earlier in the year in Budapest. (See *al-Majdal*, Issue 16-17, March 2003)

### Durable Solutions

At the same time, however, the Committee recommendations on durable solutions for Palestinian refugees remain largely unchanged from earlier recommendations issued in 1998 (Parliamentary Resolution 1156). This resolution called for a solution to the Palestinian refugee issue largely through resettlement and the creation of a Palestine Refugee and Displaced Persons Final Status Fund. Resolution 1338 (2003) essentially repeats this framework.

The Council notes that "Although the establishment of a viable Palestinian state would largely contribute to the durable solution of the question of refugees, the situation of the latter, being both a political and a humanitarian problem, should not be delayed until the political settlement of the Middle East conflict." "The Assembly recognizes that there is a new reality in the Middle East since the Arab-Israeli war of 1948 which created the refugee problems. It calls on all parties involved in these problems to negotiate and achieve a just settlement based on UN Security Council Resolution 242 (1967)."

Unlike the 1998 resolution and the May 2003 report, however, Resolution 1338 drops all reference to UN General Assembly Resolution 194, the preeminent resolution concerning durable solutions for the majority of Palestinian refugees. According to the May 2003 report, "The Assembly recognizes the validity of United Nations General Assembly Resolution 194 (1948) referring to the right of refugees to return or to get compensation. However, 50 years after its adoption and in view of the historical and political developments in the region, it should be implemented with all necessary flexibility."

This framework is inconsistent with international law concerning durable solutions for refugees, relevant resolutions to the Palestinian case, and policy and





## Attacks on Camps

Attacks on refugee camps and refugee-populated areas violate international humanitarian, human rights, and refugee law. In order to continue to bring attention to the ongoing Israeli attacks on Palestinian refugee camps in the 1967 occupied territories and the urgent need for international protection, BADIL has prepared a short summary of attacks on refugee camps. The table covers the period 1 July - 30 September 2003. The information is based on reported cases.

Date	Place	Description
7 July	Rafah RC (Block J)	Houses leveled, 1 injured
10 July	Rafah RC (Block J)	House destroyed, 1 injured
16 July	Khan Younis RC	Military fires on homes, 1 injured
29 July	Rafah RC (Block J)	Military fires on children
2 August	Khan Younis RC	Military fires on homes
4 August	Balata RC	Military fires on homes, 1 injured
4 August	Rafah RC (Block J)	Military fire on homes
8 August	Askar RC	4 killed, apartment building destroyed, 6 injured
10 August	Khan Younis RC	Military fire on homes
14 August	Rafah RC (Block L)	Home demolished
14 August	Jenin RC	Home damaged
15 August	Khan Younis RC	Military fires on home, home damaged, 1 child injured
18 August	Al-Fawar RC	1 injured
20 August	Tulkarem RC	5 wounded, 1 child killed
21 August	Khan Younis RC	Military fires on homes, 1 injured
21 August	Jenin RC	
22 August	Khan Younis RC	Military fires on homes
23 August	Khan Younis RC	Military fires on homes, 1 injured
24 August	Khan Younis RC	Military fires on homes
25 August	Khan Younis RC	Military fires on homes, 1 child injured
26 August	Khan Younis RC	Military fire on homes
28 August	Jenin RC	Military fires on homes, 2 children injured
29 August	Jenin RC	Military fires on homes
30 August	Balata RC	Military fires on children, 5 injured
31 August	Balata RC	Military fire on home, 2 children injured
6 September	Khan Younis RC	Military fires on homes
6 September	Rafah RC (Block O)	Military fires on homes, 1 child injured
7 September	Rafah RC	Home damaged
7 September	Khan Younis RC (Block H)	9 homes damaged, 8 injured, including 1 child
8 September	Tulkarem RC	Military fires on homes, 1 injured
10 September	Al-Brazil, Rafah RC	2 injured
10 September	Rafah RC	3 injured
10 September	Balata RC	2 killed, 2 injured
10 September	Khan Younis RC	Military fires on homes, 1 injured
11 September	Rafah RC (Block L)	16 homes demolished
11 September	Khan Younis RC	1 injured
14 September	Rafah RC (Block J)	8 homes partially demolished
15 September	Rafah RC (Block K)	13 homes destroyed and damaged
16 September	Khan Younis RC	Military fires on homes, 1 injured
19 September	Rafah RC (Block J)	1 injured
20 September	Rafah RC (Block J)	Home destroyed
23 September	Rafah	3 UNRWA schools damaged
25 September	Al-Bureij RC	3 killed, including 1 child, 6 injured, including 1 child
25 September	Khan Younis RC	Military fires on homes, 2 injured
26 September	Yibna RC	1 child injured
27 September	Yibna RC	1 child injured
28 September	Al-Maghazi RC	
29 September	Khan Younis RC	Military fires on homes, 2 injured
30 September	Rafah RC	UNRWA school damaged, 1 child injured

Source: Palestinian Center for Human Rights

For more information see, Physical Protection for Refugee Populated Areas. BADIL Occasional Bulletin No. 6 (May 2001) available on the BADIL website, <http://www.badil.org/Publications/Bulletins/Bulletins.htm>

## Don't confuse relocation with return--18 years to move two kilometers

by Ron Wilkinson

*It took 18 years to move about 4,500 Palestinian refugees from Rafah, Egypt to Rafah, Gaza. Many lessons can be learned from the process but it didn't mean that these refugees were exercising their right of return.*

When the international border was reestablished between Egypt and Israel in 1982, almost 500 Palestinian families were stranded on the Egyptian side of the border. They had been moved to an Israeli housing project there in 1972 after their homes in Rafah, Gaza were demolished under security measures taken by the Israeli authorities to combat unrest in the Gaza Strip. At that time, Israel still controlled the Sinai Peninsula, occupied along with the Gaza Strip in 1967.

The 1979 peace treaty between Israel and Egypt specified that these refugees would go back to the Gaza Strip. The international border was reestablished in 1982.

The refugees left on the Egyptian side of the border in "Canada", as they called it, thought they would get back to Gaza in about six months. The area where they lived in the Sinai was called Canada Camp, named after the Canadian contingent to the UN Emergency Force that was stationed there in 1956, the only connection with Canada.

A few families went back to Gaza without compensation for their lost homes in Canada Camp or any land in Gaza on which to build a new home. It was not until 1989 that Israel and Egypt agreed on a relocation plan which specified that Egypt would pay each family/household \$8,000 as compensation for their home in Canada Camp. Immediately some 20 families moved back to Gaza with \$8,000 each but no land.

Refugees found that \$8,000 in the Gaza economy, really the Israeli economy, was not enough to build more than a room or two. The amount was raised to \$12,000 in 1991 and Israel began to provide serviced lots in the Tel el Sultan area of Rafah, Gaza. A group of 20 households had appealed to the Israeli High Court which said land should be provided.

By the autumn of 1992, another 105 households moved back to Gaza with both land and \$12,000. Then Egypt said it had no more money to fund the relocation and appealed to UNRWA, the United Nations Relief and Works Agency for Palestine Refugees, to help raise funds. Egypt asked UNRWA for \$1 million over four years, thinking that most families could move within that time. UNRWA never has enough money to cover its own budget let alone pay for a relocation of 4,500 refugees.



*Canada Camp residents receive their \$12,000 relocation checks. source: Ron wilkinson*

UNRWA had extended its health, relief and education services to refugees in Canada Camp and continued to do so, with great difficulty, even after the international border was reestablished. A number of UNRWA staff, including teachers, had been stranded with their families so they continued to work for the Agency at the UNRWA school and providing other services to the refugees there. Some 15 heads of households who had worked for the Israeli Civil Administration in Gaza were able to continue working and crossing the border until 1994 when their crossing permits were revoked. This left another group of families without a source of income.

### Canada responds

UNRWA did notify several donors of the need for funds to finance the relocation. It was the Government of Canada that responded first and later became a major party in the relocation process. A number of Canadian journalists and diplomats had visited Canada Camp and the Tel el Sultan relocation area in the Gaza Strip in the early 1990s to see what Canada Camp was all about.

Canada's first contribution came in 1994, enough to fund relocation for 70 families. Some began to move in the same year. A second contribution plus funds to build a community center in the Tel el Sultan relocation area came from Canada in 1995. The funds were channeled through UNRWA which paid the money directly to the heads of refugee households.

At the same time, Canada approached several Gulf States to help in the process. Kuwait provided \$1 million in 1995 and another \$1 million in 1999.

To prepare for the influx of refugees, UNRWA expanded its school facilities in Rafah, Gaza and built a clinic near Tel el Sultan. It also provided services, including monthly food aid, to refugees remaining in Canada Camp. Food aid continued for six months to all relocated refugees after they went back to Gaza in order to ease their return.

Even with some money available and refugees ready to move, the process slowed down after 1995 with a new government elected in Israel and outbreaks of violence in the occupied territories and retaliation from the Israeli army. The downward spiral into violence had begun earlier with the 1994 attack by settler Baruch Goldstein on Moslem worshipers at the tomb of Ibrahim in Hebron. Some 40 Palestinians were killed and more than 150 were wounded.

In 1998, 39 households did relocate but the process was lagging so Canada took initiatives with the Israeli Government to speed up the relocation.

More than half of the families had moved by 1999 but 149 remained. Canada provided further funds to complete the relocation and to pay for final infrastructure installation in Tel el Sultan for which the Palestinian Authority had no funds. Under Canadian prodding, a timetable was set up and in December 2000, the last 10 households moved back to the Gaza Strip despite the tense security situation with Gaza cut into three parts by the Israeli army, the revival of the Intifada and desperate economic conditions.

Relocation to Tel el Sultan				
Year	Households	Persons	Grant	Total Grants (\$US)
1982	8	55	\$0	0
1989	20	183	\$8,000 per household/no land*	160,000
91-92	105	1,079	\$12,000 + land	1,260,000
1994	70	769	"	840,000
97-98	39	515	"	468,000
1999	103	771	"	1,236,000
2000	149	1,060	"	1,788,000
Totals	494**	4,432		5,752,000***

\* In 1990, 20 households appealed to the Israeli High Court which ruled that land should be provided for the relocation.  
 \*\* The Egypt-Israel Agreement says 496 households were eligible to move. Table figures provided by the Palestinian Ministry of Housing in 2001.  
 \*\*\* Kuwait provided \$2 million, \$1.3 came via Egypt and the remainder from Canada which also funded a community center and infrastructure work in Tel el Sultan.

It was a long, painful process for the refugees from "Canada" but there are a number of lessons from the process that could be applied to other movements of Palestinian refugees.

### Five parties involved

In the beginning, only Egypt and Israel were involved but this grew to five parties by 1994. They included Israel as the dominant party plus Egypt, Canada, UNRWA and the Palestinian Authority.

With one party being dominant in the process, it helped to have a **neutral third party** such as Canada or any other nation or international body which had the trust of the other parties to help make up for the weaknesses of the others and instill some political will into the process.

The relocation was top down. Egypt and Israel agreed on the relocation and set up the arrangements. The procedures were applied and interpreted by Israel with all of the others left in a position of reacting. Canada not only provided funds but also helped bring the parties together and organize a quicker timetable for the process.

There had been no **realistic time frame** established under the Israeli-Egyptian agreement of 1989. The agreement said only that the Canada Camp residents were to be divided into groups of 35 households and when each group was finished building and crossing, the next group would begin.

At first the head of household and usually one or two sons would cross to Gaza with their \$12,000 and receive title to a piece of land in Tel el Sultan. They could then begin building their new home although they could go "home" to Canada Camp on the weekends through a border crossing gate in the center of Rafah. However, there were protracted negotiations among Egypt, Israel and the PA before permission was given for each group to start moving.

It was a precondition to start building a dwelling and finish it to the point of being habitable before the crossing of a whole household could be finalized. The Israeli authorities would decide when a house was habitable, a task later taken over by the fledgling Palestinian Authority.

The first area of Canada Camp to be emptied was that closest to the border fence. The UNRWA official in charge of Canada Camp would present a list of households and their members to the Egyptian authorities who would then pass the list to the Israeli authorities.



*Crossing through the Salahadin gate from Rafah, Egypt to Rafah, Gaza. source: Ron Wilkinsom*

When the Israelis agreed on the names, this information was passed back through the Egyptians to UNRWA in Canada Camp. Households would have to notify family members outside the area so that they could return and cross with their families when their new Gaza home was ready.

After agreement on whether their home in Tel el Sultan was ready to live in, the family in Canada Camp could begin their move. This meant loading up their household effects, hiring a truck to take them 40 km south to the Al Ouja/Nizzana border crossing between Egypt and Israel at the rate of four households a day. When they crossed, they were given new identity documents.

Then they had to hire another truck on the Israeli side for the final leg of their trip to Tel el Sultan, a distance of only 2 kms as the crow flies from their homes in Canada Camp but a long 40-km trip including an international border crossing. At this point they became permanent residents of the Gaza Strip.

The procedures were applied and interpreted by Israel with all of the other parties left in a position of reacting

to Israel's actions. Not until 1998 with Canada's intervention was there a proper schedule and regular monitoring of progress. As well as keeping the process on track, a time frame points out the needs along the way: funding, and infrastructure needs, number of students going to school, persons needing employment, etc.

Another major issue was compensation for the refugees losing their homes in Egypt and rebuilding in Gaza. While \$8,000 or even \$12,000 might go a long way in Egypt, it was very little in Gaza. Some returnees were farsighted enough to bring door and window frames from Egypt to pare down building costs. Any future move of refugees would have to include at least **adequate compensation** for the refugees.

Canada did pay the bulk of the costs and came up with emergency funding when necessary on an ad hoc basis. However, it would have speeded up the process to have **secure funding** from the beginning. Secure funding would have forced the parties to act and not make excuses that funds were unavailable.

It would, of course, been easier to organize the move if the security situation had been calm throughout.

### **Positive aspects of the move**

The move back to Gaza reunited hundreds of families, many of whom had only been in contact for years by shouting to each other across the 40-metre-wide border strip. Several families had children on one side of the border and parents on the other side. One husband and wife were separated for years. And even to visit each other, it could take months of planning to secure a permit to cross to Gaza and then go back to Egypt.

The terms of the Israeli-Egyptian agreement were fulfilled by December 2000, an achievement in itself.



*Canada Camp residents receive their \$12,000 relocation checks. source: Ron wilkinson*

## Gaps in planning

In addition to the major points on timing, funding and planning noted above, there are a number of other lessons learned for any similar process.

Those who went back to Gaza, although having lived along the border where they could see and hear some aspects of the *indifada*, were not prepared to the shock of going back. They had been cut off from family and friends for years and they were living in the Egyptian economy.

Although they were not allowed to work in Egypt, any money they had could purchase far more. They were not prepared for the cost of living or the restrictions on movement facing them in the Gaza Strip. Very little was done to give them more realistic expectations of finally returning to their homeland.

A few were under the illusion that they would be moving back to the same situation that came to an abrupt end in April 1982 with the reestablishment of the international border. They considered that they would get their jobs back in Israel thinking of a time when tens of thousands of Gazans went daily to farms or building sites in Israel for regular work. They should have been better prepared for the political and economic realities in the Gaza Strip. There was an overabundance of optimism about returning to their homeland and the arrival of autonomy and the Palestinian Authority but who has the right to take away this hope.

The refugees were not included in the planning process. It was a top down arrangement in which the refugees had very little say.

As they were expected to build their own homes, some building skills could have been taught during the long waiting period. The long wait lulled the refugees in a kind of suspended animation. Since they had no idea when they would move, they did little to plan their lives or improve their living conditions in houses that were falling apart.

While UNRWA did make efforts to employ some of the trained staff in Canada Camp, a lot of manpower was left unused. The Agency did establish a small clinic and a community center which brought some life to the community.

However the constraints of living as foreigners in Egypt made life very difficult. They had to regularly renew residence permits for a fee, they had to pay for medical or dental care or else travel to the Palestine Red Crescent Hospital in Cairo to get treatment. As noted above, they were not allowed to work in Egypt so money was scarce. Only those employed by UNRWA in Canada Camp or with relatives sending payments from abroad has a reasonably good living.

## Lessons Learned (Things done well)

Although few of the refugees had building skills, some learned and others had help from their families and friends back in Gaza. The building of homes before the full family moved was an important help in a quicker integration of the families in Gaza.

UNRWA did expand its education and health facilities in Rafah, Gaza to cope with the new residents. This was a positive factor also in the easier integration into the community. And Canada did provide funds for a community center in Tel el Sultan that was up and running by the time most of the refugees came back. It provides babysitting facilities, courses in literacy and sewing as well as women's and youth activities.

Economic and political conditions in 2003 are still no better than when the last Canada Camp refugees moved back to Gaza. Conditions in some ways are worse but the 4,500 "Canadians" from Rafah, Egypt have relocated back to Palestine.

Lessons were learned in this movement of refugees but the move cannot be used as a model for future movements. A larger movement of refugees would require more systematic planning in order to ensure that the receiving community had the absorptive capacity, both economically and socially, to integrate newcomers. Without such a capacity, an influx of refugees could further destabilize the region.

UNRWA and the Palestinian Authority made a number of attempts to keep the process moving and improve coordination. But it took the determination of an outside party to instill the political will to complete the move. When this happened, despite the violent revival of the Intifada in the autumn of 2000, the parties involved took their responsibilities seriously and completed the process.

### **Further reading:**

Initial Review: Canada Camp Relocation by Ron Wilkinson, report prepared for the International Development Research Centre (IDRC), Ottawa, Canada, May 2001. Report can be seen on <http://www.idrc.ca> (Some information in the above article was taken from this report.)

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# Refugee Assistance

## Under Attack and Under Funded

*At a time when the services of UNRWA are most needed, the Agency has found itself both under attack and its emergency operations in 1967 occupied Palestine under funded.*

In June 2002 the World Jewish Congress (WJC) launched an international campaign calling for the integration of UNRWA with the Office of the UN High Commissioner for Refugees (UNHCR) and the creation of the plan for the mass resettlement of Palestinian refugees in host and third countries. The WJC used the occasion of the renewal of UNRWA's mandate in June 2003 and a session of the UN Sub-Commission on the Promotion and Protection of Human Rights in August to press its case.

The campaign has been joined by the Simon Wiesenthal Center, prominent neo-conservatives such as Daniel Pipes (Director of Middle East Forum), US Congressmen, including Eric Cantor (Chairman of the Congressional Taskforce on Terrorism and Unconventional Warfare) and Tom Lantos (Ranking Democratic Member of the House Committee on International Relations), and the International Association of Jewish Lawyers and Jurists.

While there are critical issues that need to be addressed in the context of the mandate of UNRWA and UNHCR concerning international protection and durable solutions for Palestinian refugees, the WJC campaign is motivated by a political objective that aims to extinguish Palestinian refugee rights. Material distributed by the WJC is based on historical myth, which has been refuted by Israeli and Palestinian academics, misinformation, and conspiracy theory.

UNRWA has responded to the attacks and answered all the unfounded charges against the Agency. These materials are available on the UNRWA website.

The ongoing campaign against UNRWA comes at a time when the Agency's services are needed more than ever by a refugee community that remains under both physical and political attack. It also comes at a time when UNRWA has been forced to scale back much needed emergency operations due to major shortfalls in donor contributions. On 24 September 2003, UNRWA told a meeting of 27 donor and host governments in Amman, Jordan of the

urgent need for funding for its emergency operations in the West Bank and Gaza. As of the end of September donor governments had contributed only \$38 million of \$103 million requested by UNRWA in its June appeal to fund food aid, shelter reconstruction, job creation schemes, counseling for traumatized children and other emergency humanitarian work in 1967 occupied Palestine.

As a result of donor shortfalls, food distributions to refugees in Gaza have been cut by one-quarter with reductions in the contents of food parcels. According to UNRWA, food aid now meets only 30 percent of a family's nutritional

needs. The Agency has been able to implement only 12 percent of its shelter rebuilding program. Only 23 percent of planned workdays under the emergency job creation program have been created. Just 17 percent of the needed cash assistance for impoverished refugees has been distributed while only one-fifth of remedial education has been delivered. A planned distribution of shoes and school uniforms to 70,000 refugee children was cancelled.

For more information see the UNRWA website: <http://www.unrwa.org>

"Currently 60 percent of our appeal is not funded. I think the international community must consider not only the humanitarian consequences of this, but also the psychological, social and political consequences of not meeting even half of the refugees' needs."

**Peter Hansen, UNRWA Commissioner General**



It is the unfortunate lot of many Palestinians that the loss of their homes to the maws of Israeli military bulldozers or powerful explosive charges is now so commonplace that it fails to make the grade as news.

**Peter Hansen, UNRWA Commissioner General, 22 June 2003**

## UNRWA Report on Emergency Activities, In the West Bank and Gaza Strip, April-June 2003

■ UNRWA hired a total of 5,078 people between April and June 2003, in a range of professional and support posts, including teachers, medical staff and administrative and support staff. Three-quarters of persons hired under this program were in the Gaza Strip where poverty is more pronounced than in the West Bank. Since the beginning of UNRWA's emergency activities, the Agency has provided 3.2 million job days through direct hire activities.

■ No funding was available for indirect hire projects under the January-June 2003 appeal either in the West Bank or Gaza Strip.

■ UNRWA provided 387,173 food parcels in the West Bank and Gaza Strip between April and June 2003 benefiting 252,023 families with 25,479 tons of food. Due to funding shortfalls only half of the Agency's capacity to distribute food is currently being utilized. In Gaza all reserve food stocks will be gone by the end of the August food round, and



*Rafah Refugee Camp. source: UNRWA*

in the West Bank by the end of September. The food aid program has expended \$81 million since October 2000, providing nearly 3 million food parcels of varying size to the West Bank and Gaza Strip.

■ UNRWA's cash assistance program benefited 5,958 families comprising 36,431 individuals between April and June 2003. In the first half of 2003, cash assistance was cut from \$3.8 million to \$950,000 in the Gaza Strip. Of the \$3.3 million required in the West Bank, only \$2,600 was available at the end of the Appeal period for the coming months. Since the beginning of the emergency program, UNRWA has distributed nearly \$22 million in relief and social assistance programs to families. Grants enable families to buy basic items such as food or meet urgent expenses.

■ Emergency funding supported UNRWA clinical care to 587 disabled people between April and June 2003 and provided 40 prosthetic devices for injured.

■ Due to funding shortfalls, UNRWA has not been able to build or rebuild new homes for the 1,241 refugee families from the Gaza Strip so far identified as being eligible for re-housing. In the Gaza Strip, 138 units for 142 families have been completed since October 2000. A total of 39 dwelling units were completed between April and June 2003. In the West Bank UNRWA provided 66 grant installments, 60 for houses that are being rebuilt and six for homes with major structural damage. UNRWA financed 1,318 shelter repairs between April and June 2003, 492 in the Gaza Strip and 826 in the West Bank. During the first two years of the conflict, the average number of homes demolished in Gaza was 32 per month. Since the start of 2003 that average has risen to 72.

■ During the reporting period, 322 supplementary medical staff were hired, 149 in the Gaza Strip and 173 in the West Bank. An UNRWA assessment of the six-week occupation of Beit Hanoun revealed extensive damage to sewage lines and contamination of water wells affecting environmental health. UNRWA provided refugees who are unable to reach hospitals with hospital care in accessible locations. Two additional mobile health teams began work in June 2003. Three clinics that operated between April and June 2003 treated a total of 4,465 patients, primarily addressing acute illnesses and chronic ailments like hypertension, diabetes and coronary disease. UNRWA's emergency psychological counseling continued during the reporting period.

■ During the reporting period a total of 47,056 students were enrolled in remedial classes supported by emergency funding. Nevertheless, the ability of students to score well in these courses has been seriously eroded. In the West Bank, for example, only 58.4 percent of 8th grade students passed their Arabic exam this school year and fewer than half (49.3 percent) of the sixth grade students passed their examination in mathematics. UNRWA continued to provide educational psycho-social support including group-counseling sessions, individual-counseling sessions, workshops and parent meetings. Workshops were held on trauma, crisis management, human rights, tolerance, crisis management, stress management, adolescent health, and communication skills. When the school year ended students in only 74 of 95 UNRWA schools met the minimum attendance requirements and consequently the school year for the remaining schools was extended into the summer.



# Refugee Status and Living Conditions

## Summary of

### Palestinian Public Perceptions on Their Living Conditions

### The Role of International and Local Aid during the Second *Intifada*

Report VI, September 2003

Graduate Institute of Development Studies, University of Geneva

*Since the outbreak of the Intifada al-Aqsa, the debate around the future of the refugees has focused quasi-exclusively on the highly sensitive issue of the legal and political relevance of the right of return. Very little attention has been devoted to the various socioeconomic aspects of the refugee issue, as regards their living conditions within the Occupied Palestinian Territories (OPT) or vis-à-vis the assistance programs carried out on their behalf by local and international, public and non-governmental agencies. Yet, these elements may be instrumental in substantiating - or invalidating - whatever permanent status scenarios are put forward regarding the refugees' future, especially in terms of basic needs and socioeconomic reintegration.*

The "Refugees" chapter of the report aims at reviving the socioeconomic dimension of the refugee question through an analysis of the actual relevance of the refugee status. Namely, do the refugees constitute a specific entity separate from the rest of the population? It should nevertheless be borne in mind that the survey's findings are provisional. Indeed, the *Intifada al-Aqsa* and Israel's response to it have largely contributed to blur the socio-economic and political divides inherent in the OPT's society between refugees and non-refugees - and among camp, city and village dwellers - either as a result of Israel's "even-handed" coercive policies or of the sense of unity that was fostered among Palestinians in the face of shared hardships. From a more political perspective, the survey's aim is by no means to favor any political option pertaining to the permanent settlement of the refugee issue. For that matter, the refugees and their representatives have long acknowledged that repatriation and compensation are rights protected by international law, regardless of the current living conditions of their potential beneficiaries.

Two complementary lines of analysis were selected. The first one focused on the perceptions of the OPT population about their living conditions (mobility and security, employment, level of income and basic needs) in the January-July 2003 period. The second one addressed the refugee/non-refugee status discussion from an international assistance perspective. In so doing, we also tackled political issues regarding the refugees' specific interpretation of material assistance and in particular UNRWA's assistance programs.

## Refugees status and perceptions of current living conditions

Our survey found that, except for structural independent variables related to area, place of origin and poverty level, there are no marked or significant differences between refugees and non-refugees when it comes to living conditions. One of the outcomes of the *Intifada al-Aqsa* is the narrowing of the gap between the various socioeconomic segments of the Palestinian society, which have all been impoverished.

Mobility and security: As far as security and mobility are concerned, refugee status did not emerge as a significant indicator. Both categories have been affected quite evenly within the context of the uprising as regards both feeling of insecurity and constraints to mobility. In the latter case, the area of residence seems to be far more significant factor as refugee status. In the West Bank as well as the Gaza Strip, refugee camp dwellers appear to have been less affected than the residents of the cities and the villages: 73% vs. 76% in the West Bank and 63% vs. 67% in Gaza. That statement also applies to the socioeconomic consequences of the closure. As a result of their comparatively disadvantaged socioeconomic status, the refugees were less affected by business-like setbacks: About 23% of them said that they or their family had sustained damage to agricultural land, versus 30% of the non-refugees. Moreover, 30% of the refugees had been unable to market products to areas, against 44% of the non-refugees.

Economic status: The refugees' levels of income are less favorable than that of the non-refugees. Only about a third of them are above the poverty line (1650 NIS) vs. 55% of non-refugees, and 23% of hardship cases vs. 19% of the non-refugees. In terms of areas of residence, the refugee camps happen to be the main areas of poverty, as they comprise a relative majority of hardship cases and people below the poverty line (67%). The inhabitants of the cities and of the villages (56% each) are comparatively better-off.

Unexpectedly, the survey demonstrates that there are no significant differences as regards the perceptions about the employment situation and even no marked gap in terms of material needs. During the period under review, the refugees' average income - and more particularly that of the camp refugees - has even increased comparatively to that of the non-refugees. About half of our respondents in both categories said that household income had remained the same, but fewer refugees said their income had decreased (38% vs. 45% of the non-refugees), and twice as many said that it had actually increased (8% against 4%). The camp refugees appear to have been the main beneficiaries of that trend. The percentage of those refugees whose income had increased stood at 14% vs. only 4% of the citizens and the villagers each. Conversely, income decrease affected less camp refugees (33%) than citizens (49%) or villagers (35%).

That phenomenon may be warranted by increased job opportunities for the refugees thanks to the (slight) opening of the Israeli job market at the end of the period under review and enhanced financial or employment or cash assistance programs. The relative optimism that trickled into the refugee collectivities is also expressed in terms of previsions about poverty for the six next months. Indeed, more refugees considered that poverty in the OPT would stabilize (38% vs. 29% of the non-refugees), and fewer that it would increase (44% vs. 53% of the non-refugees). These findings do not necessarily mean that the refugee situation is satisfactory. Rather they may well shed light on the problems encountered by institutional welfare institutions to trace and target efficiently the needy non-refugees.

Basic needs: Perceptions of basic needs among refugees and non-refugees are quite similar. Both categories selected education and employment as their main priority need. Slight differences appear according to the place of living. While employment was seen as the main priority at the community and household levels in the Gaza refugee camps, education remained the primary aim at the household levels in the West Bank refugee camps.

Regarding public facilities, refugees from both regions largely pinpointed the improvement of the electricity and

the water networks as the main priority. We found it interesting to link our analysis on public facilities with the issue of the camps' evolution. Since the mid-1990s, the development of the camps' infrastructure has remained, in keeping with the refugees' full agreement, on the agenda of the PA and UNRWA.<sup>(1)</sup> Our survey reveals that in terms of area of residence, the camp refugees see electricity as their major priority in absolute terms (48%), but comparatively less than the inhabitants of the cities (55%). In relative terms, they appeared to be more concerned by the improvement of the water supply (35% of first-choice opinions) than the citizens (21%) of the villagers (32%), and comparatively less interested in the rehabilitation of the road system (9% against 15% and 24%, respectively) and of sewage disposal (9% against 10% and 24%, respectively).

### **Refugees status and material services**

More than the general socioeconomic situation of the OPT or the peculiarities of the *Intifada*, aid programs may be the main differentiator between refugees and non-refugees. The refugee respondents, most of the "UNRWA refugees", are the main recipients of aid. Among the refugees, the camp refugees are the best serviced.

As expected, the refugee respondents - 97% of them being registered with UNRWA - came out of the survey as the main assistance recipient group. 68% of them, whatever their level of income, said they had received assistance, compared to 32% of the non-refugees. More specifically, Gaza and West Bank camp refugees were by far the prime beneficiaries, 70% of them or of their family having received some kind of assistance, well ahead of urban residents (45%) and villagers (58%). The camp bias was especially significant in the West Bank, where 71% of the camp dwellers and only 43% of the non-camp dwellers received assistance. In Gaza, the difference was less marked as 71% of the camp dwellers and 62% of the non-camp dwellers received assistance. The difference according to refugee status is also striking when one focuses on poverty status. 88% of the refugee hardship cases and 79% of the refugees below the poverty line received assistance, while only 50% of the non-refugee hardship cases and 43% of the non-refugees below the poverty line received assistance.

One observes that employment assistance, which was referred to as one of the refugees (and non-refugees) as a priority at both the household and community levels, did not match the demand. About 80% of the OPT population (refugees and non-refugees) emphasized food rations as the main type of assistance received, a trend due to the acute humanitarian crisis in the OPT: A majority of both refugees and non-refugees indicated that they had received very little employment assistance during the

period under review. What is more, at a household level, such aid has targeted mostly short-term employment (24% of the refugees vs. 8% of the non-refugees) than long-term employment (8% of the refugees vs. 3% of the non-refugees). The refugees' comparative advantage when it comes to assistance programs is confirmed with that field in particular: More refugee households benefited from unemployment funds (22% vs. 10% of the non-refugees) or from resources to sustain the activities of their members (4% vs. 2% of the non-refugees).

The survey also highlighted the refugees' actual material dependency on UNRWA in the context of the *Intifada*. 68% of them said that the Agency had been the provider of their first most important type of assistance, largely ahead of trade unions (9%), Islamic organizations (6%), the Red Cross (6%), the PA (5%), etc. UNRWA's activities have been felt more in the refugees camps of the West Bank and Gaza, where 69% and 68%, respectively, of the dwellers said they had been the recipients of its emergency assistance. By comparison, non-refugees' sources for such kind of assistance are much more diverse, with UNRWA targeting them only within emergency relief distribution schemes. This concerned about 6% of the non-refugees.

Although UNRWA's approach to assistance is "status centered", most beneficiaries of its regular and emergency programs belong to the poorer categories of the society. But this correlation has more to do with the refugees, its main recipient group, being on average poorer than average. Only 22% of UNRWA's beneficiaries were above the poverty line. As we found out, the other major assistance providers were less "poverty-based": The "above-the-poverty-line" beneficiaries of the Islamic organizations, of the local NGOs and of the PA reaches 48%, 37% and 34%, respectively.

### Refugees status and the future of assistance

The study has tried to look into the refugees' perceptions regarding the future of UNRWA by determining the nature of their attachment to UNRWA as an institution and as a services provider. In that regard, two different perspectives ought to be considered: The operational and the political/sociological perspectives.

Satisfaction: From a purely operational perspective, one may first look at the degree of satisfaction aired by the refugees regarding UNRWA's assistance programs. Our survey indicates that, overall, the refugees were somewhat more satisfied by the services received than the non-refugees, except for the two sectors where the supply did not match the demand - i.e., employment and financial support. However, satisfaction is a fluctuant item that varies according to changes in the quality and

the quantity of UNRWA's services. Since the start of the *Intifada al-Aqsa*, the level of the donors' contributions to the Agency has improved, enabling the Agency to maintain its regular services at a satisfactory level.<sup>(2)</sup> New decreases in the donors' contributions, such as those that occurred repeatedly during the (first) interim period (1994-2000), would compel UNRWA to curtail or suspend its programs, thereby reducing the refugees' satisfaction.

Perceived material dependence: By comparison, the refugees' perceived degree of reliance on UNRWA's services seems to be a more relevant indicator to determine their own vision of the future. When asked which services they would keep were UNRWA's services reduced to two, a large majority of respondents answered "education" (61%) and "health" (49%), which happen to be UNRWA's major programs. "Relief", which has traditionally been considered by refugees, be they beneficiaries or not, as UNRWA's more politically significant program, comes only in third position. But here as well, the findings need to be qualified. The respondents may have downplayed relief at a time when the Agency has been conducting within the framework of the uprising effective food distribution campaigns that have exceed the usual Special Hardship Cases category. They may have also discounted any possibility of seeing relief terminated, as they have usually considered it an entitlement in the fullest sense. The least activities to be mentioned are the "developmental" ones, namely camp rehabilitation and income generation (job) services. The latter's comparatively low standing contrasts with our previous finding that employment is held by the refugees as their main priority. This may result from the refugees' dissatisfaction with those services, which are held by the Agency as temporary projects and are thus unable to represent a long-term income source.

Sociological/political factors: The refugees' attachment to their *bona fide* "UNRWA-refugees" status may stem more from sociological/political factors. When asked about the main factor *currently* binding them to UNRWA, the respondents placed material factors accruing from the Agency's services (from 11% for health services to 20% for food) on a par with subjective factors pertaining to the preservation of the right of return (11%) or related to a "refugee identity" based on shared experiences and a common destiny (18%).

The camp refugees' attachment to UNRWA was markedly expressed in terms of "refugee identity" (26% vs. 15% of citizens, and 16% of villagers) and of employment services (18% vs. 15% of citizens and 14% of the villagers). They laid comparatively less emphasis on health (6% vs. 13% of citizens and 10% of villagers) and food distribution (13% vs. 18% of citizens and 28% of villagers). These global findings sometimes hide differences based

on the place of residence. For instance, the camp dwellers in the West Bank ascribe much more importance to free lodging than in Gaza (44% vs. 6%). Conversely, Gaza camp refugees are more attached to UNRWA's services per se such as education (17% vs. 8% in the West Bank refugee camps), health (13% vs. 7%), food assistance (17% vs. 3%), and employment services (20% vs. 8%).

The refugees' emphasis on sociological/political factors shed light on the intricacies of relations that bind the refugees to international assistance as channeled by UNRWA. They indicate clearly that the settlement of the so-called "humanitarian dimension" of the refugee question is not only a matter of supporting more efficiently the most needy refugees and empowering them. The humanitarian dimension also includes significant non-operational aspects linked to the preservation of the right of return (i.e., the right to choose) and of a declared separate "refugee identity" that coexists with the Palestinian national identity. If not attended to, the political implication of that refugee specificity may turn into an operational liability once, following any type of interim or final-status agreement for instance, the permanent reintegration of the former refugees within the new Palestinian state is dealt with.<sup>(3)</sup>

#### Endnotes:

<sup>1</sup> Since the first *Intifada* and the Expanded Program of Assistance (EPA, 1988), UNRWA has implemented a series of special projects in the camps aimed at rehabilitating their physical infrastructure and facilities. In late 1993, the Peace Implementation Program replaced the EPA on a larger scale. As to the PLO, it has established at the end of the 1990's refugee service committees in each camp, with a view to facilitating UNRWA's tasks and carrying out small-scale development projects. Officially, none of these projects are meant to dismantling or replacing the camps.

<sup>2</sup> About 95% of UNRWA's budget is made of voluntary contributions from the members of the United Nations.

<sup>3</sup> The survey carried out in late 2002 by the Palestinian Center for Policy and Survey Research (PCPSR) in the OPT bears out the political implications of the future of UNRWA and of the camps. It finds that a majority of the respondents (55%) calls for the preservation of UNRWA subsequent to the creation of a Palestinian state, and until the refugee issue is satisfactorily solved. An even larger percentage (78%) opposed the idea of dismantling the camps, favoring their rehabilitation (see the PCPSR website: [www.pcpse.org/Survey/Survey.htm](http://www.pcpse.org/Survey/Survey.htm)). Despite their relevance within the current debate on the future of the refugees, these results have been totally ignored, the public opinion focusing exclusively on the controversial (but highly abstract) figures regarding the refugees' will to return to their homes in Israel.

*The report was written by Riccardo Bocco, Matthias Brunner, Isabelle Daneels, Frederic LaPeyre, and Jamil Rabah. The summary was prepared for al-Majdal by Jamal al-Husseini. Copies of IUED reports are available at the IUED website, [http://www.iued.unige.ch/information/publications/rapp\\_palestine.html](http://www.iued.unige.ch/information/publications/rapp_palestine.html)*

## Jenin Rehabilitation Project



With approximately 90 percent of repairs to 419 dwellings that had sustained major structural damage completed, the first phase of the Jenin Rehabilitation Project is nearing completion. Phase I will be completed with improvements to between 60 and 70 dwellings of some of the poorest residents of the camp. Work is now beginning on the hundreds of housing units that need to be rebuilt in the devastated center of the camp.

The first invitation to tender for housing reconstruction went out on 12 May 2003. The tender was for housing on the northern edge of the destroyed portion of the camp. Construction began on 16 June. In all, nine dwellings and one commercial store will be built under this tender. The project issued a second tender for the reconstruction of another four dwellings on the western edge of the destroyed portion of the camp, and construction began on 30 June. Bids on a third tender were under evaluation at the end of June. A fourth tender was issued on 30 June.

Because the area of each dwelling to be reconstructed will be based on the size of the family and the area of their home that was destroyed, engineering designs cannot be completed until the families agree to the size and location of their new dwellings. The identities and sizes of the families who had occupied 63 destroyed buildings on the edges of the devastated center of the refugee camp have been long known, and their new dwellings will be constructed on the plots of land of their former homes. For these reasons, the first dwellings to be reconstructed will be theirs.

Discussions with community representatives on the public facilities to be constructed began during the reporting period. Facilities that are under consideration include a new elementary school, an UNRWA women's program center, an addition to a mosque, and a community center.

Dwellings damaged or destroyed after the April 2002 invasion (not covered by the current pledge) are a source of tension in the refugee camp. With winter only four months away, many face the prospect of a second winter in poor living conditions.

For more information see the UNRWA website: <http://www.unrwa.org>

# In Memoriam

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List of 78 Palestinian victims of Israeli violence between 1 June and 27 September 2003. In total 12 of those killed were 18 and under. Between 29 September 2000 and 27 September 2003, 2,258 Palestinians, including 23 inside Israel, have been killed by Israeli security forces. 129 Palestinians were killed since the release of the Road Map by the Quartet on 30 April until 27 September 2003.

**Sources:** Jerusalem Media and Communication Center and Palestinian Center for Human Rights.

Between 29 September 2000 and 25 September 2003, 548 Israeli civilians were killed and 246 members of the Israeli security forces. 74 Israelis were killed since the release of the Road Map on 30 April until 27 September 2003. **Source:** B'tselem.

Mahmoud Abu Amrah, 23, Rafah	Khaled Adnan Saqer, 19, Askar camp
Naser Abdul Qader Baker, 54, Gaza	Hasan Mohammed Za'aneen, 32, Beit Hanoun
Salem Suleiman al-Masaddar, 57, Gaza	Amal Salem Jaroushiyye, 8, Gaza
Amir Khalil Abdul Latif, 17, Tulkarem	Nabil Ahmad Jradat, 45, Silet Harthiyye
Adel Abu Zaytoun, 24, Ateel	Hamed Haboush, 35, Gaza
Kamal Shalabi, 27, Ateel	Abdullah al-Qawasmi, 41, Hebron
Ibrahim Abdul Fattah Abu Hableh, 15, Ateel	Faker Mahmoud Za'aneen, 25, Beit Hanoun
Mohammed Yousef Abu Beid, 21, Jabalia camp	Khaldoun Shanbari, 24, Beit Hanoun
Rami Mohammed al-Beik, 22, Zaytoun Quarter - Gaza	Mohammed Hasan Hamdan, 25, Beit Hanoun
Musa Ibrahim Suhweil, 22, Gaza	Rushdi Za'aneen, 25, Beit Hanoun
Walid Mohammed Hijazi Obeido, 21, Hebron	Suad Abdul Aziz Al-Bahdawi, 27, Rafah
Ala' Eddin Naim al-Fakhouri, 23, Hebron	Iyad Hamdi al-Masri, 23, Beit Lahia
Isam Ibrahim, 35, Jenin	Sayyed Abdul Jawad Muheisen, 20, Jabalia Camp
Khadra Yousef Abu Hamadeh, 52, Gaza	Akram Ali Abdul Qader Farhan, 28, Khan Yunis
Mustafa Saleh Abed, 25, Gaza	Niveen Ahmad Abu Rjeleh, 19, Khan Yunis
Hamoudeh Faraj Abed Rabbo, 19, Jabalia	Mahmoud Ahmad Shawar, 30, Qalqilia
Mohammed Khaled Abed Rabbo, 22, Jabalia	Omar Mohammed Yousef Omar, 15, Qalqilia
Maryam Rajab Abed Rabbo, 16, Jabalia	Iyad Mohammed Ali Shalameesh, 27, Burqein
Jihad Jaser Hasanein, 22, Khan Yunis	Amjad Eanaji Zakareia, 15, Nablus
Tito Masud, 24, Gaza	Nihad Rezq Qasem, 27, Tulkarem
Suheil Abu Nahel, 28, Gaza	Fayez A-sader, 24, Nablus
Yasser Hasan Hamid, n/a, Gaza	Khamis Abu-Salem, 26, Nablus
Khalil Hasan Hamid, n/a, Gaza	Mohammed Ayyoub Daoud Sider, 26, Hebron
Azzam Al-Ja'al, 27, Gaza	Sameeh Mohammed Ramadan Ja'bari, 50, Jabalia Camp
Majdah Mohammed Daloul, 25, Gaza	Saeed Mohammed Niroukh, 17, Jabalia Camp
Mohammed Adel Daghmash, 25, Gaza	Mustafa Ali Mohammed Slahat, 38, Bethlehem
Rawi Abu Kamiel, 25, Gaza	Mohammed Ibrahim Ba'lousheh, 16, Gaza
Yasser Mahmoud Taha, 35, Gaza	Hamdi Kalach, 36, Khan Yunis
Islam Mahmoud Taha, 30, Gaza	Sabrah Salem Hamdiyye, 74, Gaza
Afnan Mahmoud Taha, 2, Gaza	Fareed Yousef Mayt, 29, Bureij Camp
Jihad Jaser Al-Suudi, 32, Gaza	Abullah Aqel, 34, Bureij Camp
Ahmad Mohammed Abdul Fattah Sammour, 20, Gaza	Ayah Mahmoud Fayyad, 9, Khan Yunis
Saed Zuheir Ghabayen, 30, Gaza	Abdul Qader al-Da'meh, 20, Tulkarem
Mohammed Khalil Matar, 24, Gaza	Sana' Jamil al-Daour, 9, Gaza
Rateb Mahfouth al-Ja'al, 50, Gaza	Riyad Lutfi Sbeih, 29, Gaza
Yasin Murtaja, 52, Gaza	Khaled Masoud, 20, Gaza
Saleh Suleiman Jradat, n/a, Silet Harithyyeh	Ali Abu-Slim, 20, Balata Camp
Fadi Taysir Jradat, n/a, Silet Harithyyeh	Mohammed Abdullah Abul Husna, 17, Jabalia
Fuad al-Lidawi, 26, Gaza	Ahmad Mufid Halawah, 21, Shate' Camp

# Refugee Voices

*On 25 September 2003, Palestinian intellectual Dr. Edward Said passed away after a long struggle with pancreatic cancer. In the days after his passing many thoughts were circulated on the internet. Many referred to Said's outspoken opinions on the issue of Palestinian refugees in the context of a comprehensive peace in the region.*

For Israeli Jews, like myself, [Edward Said] was the lighthouse that navigated us out of the darkness and confusion of growing up in a Zionist state onto a safe coast of reason, morality and consciousness.... A few weeks ago we had our last meaningful conversation on the phone - in which he beseeched me, as he did others I am sure, not to give up the struggle for relocating the Palestinian refugee issue at the heart of the public and global agenda. He stressed the need to continue the effort of changing American public opinion on Palestine and he was very hopeful and encouraged by what he recognized as a significant change in European public opinion. Edward probably left more than one spiritual and moral will to us. The one I am taking is the one above. In his memory and out of respect to his intellectual genius as well as to his moral courage, we should regroup our energies and reorganize our efforts to impress on the world that there will be no justice and no peace in Palestine, no stability in the Middle East and no tranquility in the US relationship with the Muslim world, without the return of Palestinian refugees to their home, the end of the Israeli occupation of the West Bank and the Gaza Strip and the building of a state in Palestine that would respect human and civil rights, as did Edward all his life.

**Dr. Ilan Pappé**

Edward Said conquered death by his daily contribution to the cultural monuments of our human values, and he will stay a brilliant shrine and a marvelous example of the strength of the will for our oppressed people against the huge dark powers who try to suppress and cancel our dreams and our rights to exist on equal footing with other people of the earth. Palestine with Edward Said was more rich, wide, critical, humane and sublime. Palestine without Edward Said is, different, sad, missing one of its loyal voices who carried freedom's symphony to the four corners of the world. With Said, Orientalism as methodology was changed forever, while the orient and its people were empowered with more knowledge of their richness and rootedness. With Said, Palestinians and Israelis had a vision for a better future: personified by the long cooperation with his Jewish musician Daniel Barenboim, with whom he established a common group of more than 200 hundred Israeli and Palestinian young musicians, playing together Beethoven and Mozart... With Said culture, knowledge and power had different connotations with culture seen as a symphony with all its variation, rather than the short minded Samuel Huntington thesis of the clash of civilizations. With Said, universities and streets, the 'intellectual' and the 'normal' are one, philosophy, politics, art, music and thought are variations of the same humanity. With Said, Marx, Conrad, Gramsci and Foucault were reread differently: by crossing the borders of different disciplines and connecting knowledge to power, to representation and to decolonization processes in the third world.

**Dr. Mahmoud Issa**

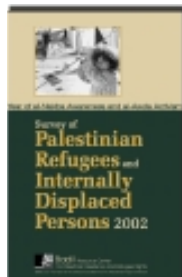


*Conference "The Right of Return: Palestinian Refugees and Prospects for a Durable Peace" Boston University School of Law Auditorium. April 8, 2000*

# Resources on refugees

## New BADIL Publications

### **Survey of Palestinian Refugees and Internally Displaced Palestinians 2002.**



This new publication by BADIL provides basic historical and current information on Palestinian refugees and internally displaced persons. The Survey includes 6 chapters covering the historical circumstances of Palestinian displacement, population, legal status, socio-economic profile, international protection and assistance, and durable solutions. The Survey will be published

annually by BADIL Resource Center.

Available in English and Arabic. 200 pages. ISSN 1728-1679. For orders contact, [admin@badil.org](mailto:admin@badil.org) (US \$10/copy).

### **Experiencing the Right of Return, Palestinian Refugees Visit Bosnia.**

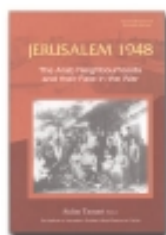


This 20 video documents a study visit of a delegation of Palestinian refugees to Bosnia-Herzegovina in June 2002. The delegation, comprised of refugees from Palestine/Israel, Lebanon, Jordan, Syria, and Europe traveled to Bosnia in order to understand: What was done and how? What didn't work and why? What are the lessons for Palestinians and their struggle for the implementation of the right of return and real property restitution?

**Producer** (Copyright): BADIL Resource Center.  
**Technical Production:** ISIS for Audio-Visual Production.  
**Director:** Alexander Goekjian. Palestine, 2002.

Available in English and Arabic. For orders contact, [admin@badil.org](mailto:admin@badil.org) (US \$10/copy).

### **Jerusalem 1948, The Arab Neighborhoods of the City and their Fate During the War.**



Salim Tamari (ed.).  
Available in English and Arabic. Published by BADIL Resource Center and the Institute for Palestine Studies, 2002. ISBN 9953-9001-9-1. To order contact IPS-Beirut, [ipsbrt@cyberia.net.lb](mailto:ipsbrt@cyberia.net.lb), or [www.palestine-studies.org](http://www.palestine-studies.org).

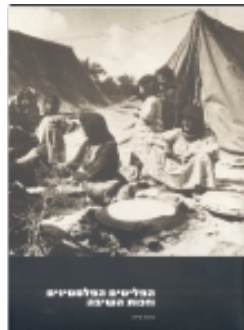
### **Proceedings of the Third Annual Meeting of the Global Palestine Right of Return Coalition.**



Includes working papers submitted to the third annual meeting of the Global Palestine Right of Return Coalition held in Copenhagen, December 2002. The publication also includes a summary of discussions and debate as well as the final statement issued by the Coalition. Arabic with English summaries.

For orders contact, [admin@badil.org](mailto:admin@badil.org).

### **BADIL Hebrew Language Packet/The Right of Return.**



The Packet includes:  
- Main Reader, 'Palestinian Refugees:' overview of the issue and demands of Palestinian refugees; law and principles guiding solutions to refugee problems; answers to frequently asked questions; obstacles to be tackled by a law- and rights-based solution (24 pages);  
- Legal Brief, 'Palestinian Refugees and their Right of Return, an International Law Analysis' (16 pages);

- Executive Summary, 'The Right of Return:' Report of the Joint British Parliamentary Commission of Inquiry into Refugee Choice (28 pages; translation from the English original published in London, March 2002);  
- Readers' feedback sheet and background information about BADIL Resource Center for Palestinian Residency and Refugee Rights.

The BADIL Hebrew-language Information Packet is available for NIS 30. For postal orders inside Israel, please send a check to Andalus Publishers, PO Box 53036, Tel Aviv 61530 ([andalus@andalus.co.il](mailto:andalus@andalus.co.il)).

### **BADIL Expert Forum Working Papers:**



*The Right to Housing and Property Restitution in Bosnia and Herzegovina.*

**Working Paper No. 1**  
Paul Prettitore  
28 pages, English and Arabic  
ISSN 1728-1660

*Justice Against Perpetrators, The Role of Prosecution in Peacemaking and Reconciliation*

**Working Paper No. 2**  
Alejandra Vicente

19 pages, English and Arabic  
ISSN 1728-1660

*The Role of International Law and Human Rights in Peacemaking and Crafting Durable Solutions for Refugees: Comparative Comment*

**Working Paper No. 3**  
Lynn Welchman  
19 pages, English and Arabic  
ISSN 1728-1660

*Popular Sovereignty, Collective Rights, Participation and Crafting Durable Solutions for Palestinian Refugees*

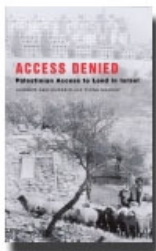
**Working Paper No. 4**  
Karma Nabulsi  
13 pages, English and Arabic  
ISSN 1728-1660

A complete list of all working papers is available on the BADIL website: [http://www.badil.org/Campaign/Expert\\_Forum.htm](http://www.badil.org/Campaign/Expert_Forum.htm)

## Resources from other Publishers

### **Access Denied: Palestinian Land Rights in Israel**

Hussein Abu Hussein and Fiona McKay



The struggle for land has been a key element of the conflict between Jews and Arabs in Palestine for the past hundred years. While international attention focuses on Israeli settlements in the West Bank and Gaza Strip, legally outside Israel's boundaries, there is another dimension to the land question altogether. Nearly one-fifth of Israel's population is Palestinian. This book examines how Israeli land policy today inhibits access to land for its own Arab citizens even within the 1948 boundaries of the state of Israel.

Its authors - one a Palestinian lawyer and Israeli citizen, the other a British international human rights lawyer who worked in Israel for many years - examine the system of land ownership, the acquisition and administration of public land, and the control of land use through planning and housing regulations. The book reveals that the law is used to discriminate against non-Jewish citizens and restrict Israeli Palestinians' access to land. The authors demonstrate that Israeli land policies breach international human rights standards and that these standards could be used as a basis to challenge discriminatory policies.

The book may be ordered from Zed Books, [www.zedbooks.demon.co.uk](http://www.zedbooks.demon.co.uk)

Hb ISBN 1 84277 122 1 £ 49.95 \$75.00

Pb ISBN 1 84277 123 X £ 15.95 \$25.00

### **Records of Dispossession, Palestinian Refugee Property and the Arab-Israeli Conflict**

Michael R. Fischbach



Afforded unprecedented access to the UN Conciliation Commission for Palestine's untouched archives, Michael Fischbach has written a path-breaking study of one of the largest and most vexing refugee movements of the twentieth century. From late 1947 through 1948, more than 726,000 Palestinians - about one-half the entire population - left their homes and villages. While some middle class refugees fled with liquid capital, the

majority consisted of small-scale farmers whose worldly fortunes were the land, livestock, and crops they had left behind. For the first time this book tells the full story of how much property was left behind, what it was worth and how it was used by the fledgling state of Israel. It then traces the subsequent decades of diplomatic activity on the issue.

December 2003, 520 pages, 99 figures. ISBN 0-231-12978-5. USD 39.50. Contact [www.columbia.edu/cu/cup](http://www.columbia.edu/cu/cup)

### **National Perspectives on Housing Rights**

Scott Leckie (ed.) Forward by Nelson Mandela



More than one billion people around the world do not have adequate housing. How far does human rights law help to remedy this problem? What measures must governments take to protect people against housing rights violations? What are the strengths and weaknesses of human rights law in the housing area? Is the current law enough, or are new laws necessary? These and many other questions are addressed in the various chapters contained in this book.

May 2003, 335 pages/hardcover. ISBN 90-411-2013-0. USD 125.00. To order contact, [www.kluwerlaw.com](http://www.kluwerlaw.com)

### **The Politics of Denial, Israel and the Palestinian Refugee Problem:**

Nur Masalha

The aim of this book is to analyse Israeli policies towards the Palestinian refugees as they evolved from the 1948 catastrophe (or nakba) to the present. It is the first volume to look in detail at Israeli law and policy surrounding the refugee question. Drawing on extensive primary sources and previously classified archive material, Masalha discusses the 1948 exodus; Israeli resettlement schemes since 1948; Israeli approaches to compensation and restitution of property; Israeli refugee policies towards the internally displaced ('present absentees'); and Israeli refugee policies during the Madrid and Oslo negotiations.

October 2003, 298 pages, ISBN/cloth 0 7453 2121 6 USD 75.00 or ISBN/hardcover 0 7453 2120 8 USD 24.95. To order contact Pluto Press: <http://www.plutobooks.com>

### **Beer Sheba and Gaza Map 1948**

Palestine Land Society



Second Edition, February 2003

This map, covers an area which has been largely unknown or misunderstood. It provides information 77 Bedouin clans in the Beer Sheba and Gaza area, including their location in 1948, their expulsion,

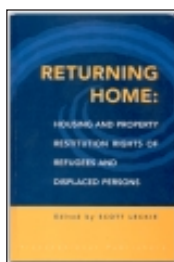
their current place of refuge and their land claims. The map is based on travellers and military maps before WWI, British Mandate maps, papers of the Beer Sheba District Officer Aref al-Aref, information from Beer Sheba Societies in Gaza, Jordan and Israel, and personal interviews.

Scale 1:120,000. Size: 70 x 100 cm.

For orders contact: [info@prc.org.uk](mailto:info@prc.org.uk)

### **Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons.**

Scott Leckie (ed.). Forward by Theo van Boven



This volume is a unique effort to cover the topic of the restitution of housing and property in light of lessons learned in the Balkans, South Africa, East Timor, and in a range of other countries that have made the shift from conflict to peace. Individual chapters by authors with direct experience dealing with housing and property restitution in particular contexts will bring into focus the legal and human rights aspects of this question. Several chapters deal with

unresolved restitution cases, all of which will require resolution sooner or later, including in Georgia, Turkey, and for specific groups including Palestinian refugees, indigenous peoples and the internally displaced themselves. Housing and property restitution is now viewed as an essential element of post-conflict reconstruction. It is a primary means of reversing 'ethnic cleansing' and vital to securing a war-torn nation's future stability. All parties involved in human rights, refugee assistance, post-conflict reconstruction and reconciliation, and property rights will find this volume to be an indispensable resource.

Summer 2003. Approx. 450 pages. ISBN 1-57105-241-0. USD 125.00/hardcover. Special 30% Pre-Publication Discount for Orders Received by 8/30/2003.

Contact Transnational Publishers, Inc., [info@transnationalpubs.com](http://info@transnationalpubs.com) or [www.transnationalpubs.com](http://www.transnationalpubs.com)



# Documents

*This section includes recent statements from refugee community organizations, human rights organizations, and other relevant documents related to Palestinian refugee rights.*

## 1. Resolutions and Recommendations issued by the Popular Conference, Tulkarem, 30 July 2003 2. Final Statement Issued by the "No Substitute for Return" Conference, Ramallah, 16 August 2003

### 1. Resolutions and Recommendations issued by the Popular Conference,

Tulkarem, 30 July 2003

Based upon the debates and discussions of papers presented by the Preparatory Committee, the draft final statement, speeches and commentaries made by guests and participants, the Popular Conference issues the following resolutions and recommendations:

#### A. Resolutions:

- Establishment of the Popular Committee for the Defense of the Right of Return in Tulkarem. This Committee will include representatives of all national and Islamic parties; refugee organizations and initiatives in camps; and refugee affairs committees in the rural areas.
- Approval of the working paper presented to the Conference, in which principles, objectives, membership, and mechanisms of the Committee are determined.
- Approval of the Final Statement.
- To send letters to PA President Yasser Arafat, and copies to Refugee Committees of the PLC, PNC, and PLO Refugee Affairs Department to inform them of the popular position concerning recent developments, our position reaffirming the sacred right of return, and the necessity to stop Sari Nusseibeh and his group.
- Sending letters to all organizations and committees that have relations with Sari Nusseibeh, in order to expose his suspicious project, and defeat his claim that to national and organizational legitimacy; and demanding that these people announce their position to the public.
- The Committee should carry out the tasks of popular enlightenment and education in the district and include the voice of refugees in all local and international fora including the press, bulletins, internet pages...etc.
- The Committee should coordinate and reinforce its relations with other similar local committees and organizations in order to unify efforts towards defending refugee rights, foremost the right of return to the original homeland.
- The Committee should monitor services and supplies provided to refugees, address their daily concerns and problems, and coordinate and cooperate with other organizations in solving these problems.
- The Committee should work in cooperation with PLO Refugee Affairs Department, to submit complains against individuals collecting peoples signatures and falsification of the results.
- Focus more attention on keeping the refugee national memory alive by naming schools, streets, neighborhoods...etc. with the names of original towns and villages displaced in 1948.

- The Committee should form a delegation to meet PA President Arafat.

#### B. Recommendations:

- Work hard to unify refugees in Palestine and exile, based on the necessity for them to participate in making decisions about their national fate.
- Unify all efforts in the district and in Palestine to isolate all those who compromise the right of return.
- Recommend that Sari Nusseibeh's official party mandate (includign license, permission) be revoked; and to prohibit authorization of any other party that compromises national rights.
- Recommend that the PLC Refugee Committee, and supervisory committee question the government about their commitment to refugee rights (durable solution based on UNGA Resolution 194) and about their support to Sari Nusseibeh's initiative.
- The PLO Refugee Affairs Department should efficiently perform its political and educational duties in refugee camps. They should issue proper budgets for Popular Service Committees.
- Services offered to refugees in camps should be integrated (i.e., compliment each other).
- Demand that donor countries increase their contributions to UNRWA in order to solve the Agency's financial crisis and improve services to avoid the transfer of UNRWA's mandate to any other party.
- Unify all efforts and use all methods to inform and educate refugees in particular and Palestinians in general about the refugee issue in school curriculums, and the popular and official media.

Popular Committee for the Defense of the Right of Return  
in Tulkarm, 3/8/2003

### 2. Final Statement Issued by The "No Substitute for Return" Conference

Ramallah, 16 August 2003

The Palestinian nation is passing through a critical stage: Israel's systematic terror and the destruction of basic infrastructure continues through land confiscation and construction of settlements; closure; house demolitions; collective arrest; assassinations; violation of holy sites; closure of institutions; Judaization of Jerusalem; and the suffocation of Palestinians by the discriminatory wall that separates our towns and villages.

This systematic terror aims to destroy any possibility to establish and independent Palestinian state. In addition, Israel applies discriminatory Zionist policies against our brothers and sisters inside the Green Line. This is taking place while the American administration has explicitly aligned itself with Israel, offering

all possible political and material assistance, providing deadly and destructive military tools, and supporting Israel's defiance of all international resolutions related to the Palestinian issue including UNGA Resolution 194. This is taking place while Arab regimes and the Arab people are unable to affect Western colonial and economic expansion in the Arab world and while the international community fails to challenge this expansion and force Israel to comply with international law. The international community welcomed the adoption of the 'Road Map' even though it ignores the Palestinian refugees' right of return and ends (if it reaches any end) with a 'Temporary Palestinian state' on less than 24% of the West Bank and Gaza (10% of historical Palestine).

We remain committed to the legitimate Palestinian rights, foremost the refugees' right of return to their original homes and properties; and reaffirm our commitment to defend the right of return. We, Palestinian refugees and non-refugees, meet today to express our unified position that Palestinian refugees forcibly displaced from their homes and properties have the legitimate and natural right to return to their original land, and that any attempt, initiative, negotiation, or settlement of the Palestinian issue that passes over our right of return or even limits this right is rejected. Our moral, national, and religious responsibilities oblige us to challenge and defeat it and their supporters.

Palestinian refugee initiatives, groups, and organizations and representatives of Palestinian National and Islamic Forces all participated in the "No Substitute for Return" Conference held at the Bir-Nabala Charitable Society, Ramallah, on 16 August 2003. We are all aware of those dangerous initiatives and conferences that aim to liquidate the refugee issue by accepting Israel's pre-conditions for the establishment of a Palestinian state. These pre-conditions are supported by the Americans and some marginalized and defeated groups under various slogans - "These conditions must be accepted by the other side," "practical and realistic", or "to save what is left..." etc. - including suspicious opinion polls financed by enemies of the Palestinians and the so-called "Popular Initiative for Peace" which aim to eliminate the Palestinian refugees' right of return.

The "No Substitute for Return" Conference reaffirms its adherence to internationally legitimized resolutions related to the Palestinian refugees' right of return. Foremost among these resolutions is UNGA Resolution 194, which explicitly guarantees the Palestinian refugees' right of return to their original lands and homes. At the same time it links recognition of the new Hebrew state with the implementation of this resolution, the state that is morally, legally, and politically responsible for the refugee catastrophe for more than 55 years. We completely reject the so-called "Nusseibah-Ayalon Initiative" or "Target Map" which complies with Israeli policies by recognizing Jewish historical rights in Palestine while limiting the Palestinian right of return to the future Palestinian state.

Refugees met in Ramallah today to reaffirm that the refugee issue embodies the Palestinian peoples' unity in Palestine and in the Diaspora. From this Conference we reject any attempt to partition this right or exchange it with other national rights. We reject compensation as a substitute for return and any integration or settlement of refugees in others countries including the West Bank since it aims to deprive refugees from returning to their homes and properties occupied in 1948. We believe that there is no statute of limitations on the right of return, it is an individual, collective and inalienable right, and it cannot be partitioned or restricted in any peace settlement regardless of who signs it. It is a sacred right that is passed on from one generation to the other until it is achieved.

We observe the degree of suffering among the refugees in camps in Palestine and in exile. We also observe the attempts made by some parties to exhaust camps residents, pushing them to leave by making the living conditions very difficult. This is an attempts to remove the witnesses to the crime committed against the

Palestinian people. The conference participants reaffirm that the international community should fulfill its responsibilities to UNRWA in order to overcome the Agency's deficit and improve the quality and quantity of services provided to refugees until their return. We also call for an empowered role for the PLO and improvement of its performance to defend Palestinian national rights foremost the right of return.

#### **Recommendations:**

- Reaffirm the necessity of Palestinian national unity on the base of our people's right to resist, struggle, and oppose all dangers that threaten our future. Therefore, the Palestinian Authority is requested to release all detainees from its jails, foremost, Ahmad Sa'adat, PFLP Secretary General;
- Conduct a thorough review of the Palestinian official position and of the negotiation process regarding Palestinian refugees since Oslo until now;
- Demand the PA to cease any financial support to Sari Nusseibeh and his suspicious projects and to end the official political cover for his activities;
- Undertake a serious project to collect signatures and petitions that affirm the illegitimate nature of the so-called "Popular Initiative for Peace and Democracy";
- Prepare for a joint press conference by all refugee organizations; invite representatives of the Quartet in order to inform them of the official position of refugees concerning political issues especially the refugees' inalienable rights.
- Work hard to maintain the right of return present among the children and youth. Concentrate on the educational curriculum; and comprehensive press and other media.
- Empower the role of refugees in camps; activate legitimate refugee initiatives in Palestine, and continuous coordination with refugee initiatives in exile.
- Send memorandums to the United Nations, the Arab League, and the Palestinian leadership with the conference conclusions.

Finally, in order to avoid occasional refugee activities that only appear in response to threats here and there, it has been decided to form the National Committee for the Defense of the Right of Return in the Ramallah district in order to unify efforts and empower relations with other refugee related committees in all other districts of Palestine and in exile. We believe that this will increase the efficiency of our work.

We appreciate the struggle of our prisoners in the occupation jails and support it; we are proud of our martyrs' sacrifices, pain and suffering, and we are committed to their sacrifices. We call upon all national and Islamic parties and initiatives to support the National Committee for the Defense of the Right of Return. We call them to work seriously to root out all suspicious projects until we reach a balanced settlement that guarantees our people's national rights.

We send our sincere regards to the brave Iraqi resistance that faces an American occupation. We call upon the international community and all peace lovers to pressure America to withdraw from Iraq.

**Victory for our people  
Return of refugees to their original homes  
Immortality for brave martyrs  
Freedom for brave prisoners in the occupation jails  
Rapid recovery for the injured**

## About the meaning of al- Majdal

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Al- Majdal is an Aramaic 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 expel 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 Palestinian population in Jerusalem, the remaining Palestinians were driven out of the city by early 1951. Palestinian refugees from al- Majdal now number over 71,000 persons of whom 52,000 are registered with UNRWA. Like millions of other Palestinian refugees, many of whom 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.



*Remnants of AL-Majdal / Asqalan*  
Source: [www.palestineremembered.com](http://www.palestineremembered.com)

## **2003 Year of**



## ***Al-Nakba Awareness & Al-Awda Activism***

**al- Majdal** is a quarterly magazine of BADIL Resource Center that aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues