

Mechanisms of Expulsion

Salman Abu Sitta

End the Nakba End the Conflict

Manuel Hassassian

**Documenting the Ongoing
Nakba**

Rawan Al-Damen

My story in Gaza

Dr Mads Gilbert

**Forceful displacement and
expulsion in Israel**

Ben White

Lobbying for Justice and Rights

Dr Phyllis Starkey

**Strategic outlines of a Palestine
Solidarity Campaign**

Dr Paul Larudee

**2012: Time to shine the
spotlight on Palestine**

Andy Slaughter

Journal of Palestinian Refugee Studies

General Director: Majed Al Zeer

Advisory board

Dr. Daud Abdullah

Dr. Ghada Karmi

Dr. Karma Nabulsi

Editor: Nasim Ahmed

Assistant Editor: Tom Charles

Designer: Omar Kachouch

ISSN 2046-7060 (Print)

ISSN 2046-7079 (Online)

Publisher:

The Palestinian Return Centre is an independent consultancy focusing on the historical, political and legal aspects of the Palestinian Refugees. The organization offers expert advice to various actors and agencies on the question of Palestinian Refugees within the context of the Nakhba - The catastrophe following the forced displacement of Palestinians in 1948 - and serves as an information repository on other related aspects of the Palestine question and the Arab-Israeli conflict. It specializes in the research, analysis, and monitor of issues pertaining to the dispersed Palestinians and their internationally recognized legal right to return.

Information for Subscribers:

JPRS is published twice a year. Subscription fee for the year is £ 20.00 pounds.

Information for authors:

Although most articles are commissioned, unsolicited articles are welcome. Authors may be expected to hear a decision within two months of acknowledgment.

Articles should be original and should not be under consideration elsewhere.

DISCLAIMER: The Publisher, PRC cannot be held responsible for errors or any consequences arising from the use of information contained in this journal; The views expressed in the Journal of Palestinian Refugee Studies are exclusively that of the writers and PRC does not necessarily ascribe to all the views articulated.

Contents

From the Director, Majed Al-Zeer	3
From the Editors Nasim Ahmed & Tom Charles	5
Mechanisms of Expulsion Salman Abu Sitta	7
End the Nakba End the Conflict Manuel Hassassian	13
Documenting the Ongoing Nakba Rawan Al-Damen	15
My story in Gaza Dr Mads Gilbert	19
Forceful displacement and expulsion in Israel Ben White	33
Increasingly Illegal – Israel’s Apartheid Wall Nasim Ahmed & Tom Charles	39
Lobbying for Justice and Rights Dr Phyllis Starkey	45
Strategic outlines of a Palestine Solidarity Campaign Dr Paul Larudee	49
The Palestinians’ Rights and International Law Dr Hosam Hafiz	53
Labour Friends of Palestine Andy Slaughter	65
Liberal Democrat Friends of Palestine John McHugo	67
News	68
New Publication	78





Majed Al Zeer

From the Director

It's with great pleasure that I present the second edition of JPRS. The reception of the first edition was very positive and it has presented us with a strong springboard to improve even further.

This autumn edition germinated from the theme of our last annual conference and Palestine memorial week 2011. Articles included in this edition focus on the ongoing Nakba (literally catastrophe, the term Palestinians used to describe their exile in 1948), which in its current form is a slow and silent ethnic cleansing of Palestine. As everyone Palestinian knows, the Nakba never ended, it merely took different forms. Palestinians, from the 1948 lands to the occupied territory continue to be expelled and disposed in their hundreds. Not to mention the many racist laws adopted by the Knesset to lock Palestinians into their exile.

The concrete facts, beneath the noisy diplomatic row over the Palestine state bid at the UN, is ongoing aggression against besieged Palestinians, occupation, ongoing ethnic cleansing and constant violation of human rights. What is also missed is Israel's dangerous lurch towards more racism as demonstrated by proposals passed in the Knesset for loyalty oaths.

It is our duty and mission to highlight this reality and outline the problems that lie at the heart of the issue. These articles from eminent scholars, MPs and activists, provide historical context to the ongoing assault on Palestinians and more efficient ways to address them.

Starting with the mechanics of expulsion highlighting the ideological imperative for ethnic cleansing, we read about the Nakba in its present form. Dr Mads Gilbert provides a very personal and poignant account of the assault on Gaza in 2009.

This series of articles also show how we can organize better and make our campaign and lobbying for justice more effective. There are excellent strategies outlined by Dr Paul Larudee and Dr Phyllis Starkey. I invite and encourage you all to take these tips on board and apply them in your campaign for justice and peace in Palestine.

The next edition will focus on the dramatic events of the past six months where we saw major changes in the region. The events are encouraging and challenging at the same time. We will nevertheless provide analysis and commentary on what the changes mean for Palestine and Palestinian refugees.

PRC prepared a set of very useful materials on the Palestinian cause. A3 Leaflets were prepared to cover the issue of Separation Wall, Right of Return, Palestinian Refugees, Palestinian Prisoners and Israeli "Settlements".



Free copies are available at the centre. To order hard or soft copies visit our website: www.prc.org.uk





Nasim Ahmed

From the Editor

The Palestinian struggle, stated Edward Said, is not about national anthems, national flags or national currency. The core of the Palestinian cause is a struggle for basic human rights and freedom from occupation.

In light of the spirit of the Palestinian struggle, mentioned above, the Palestinians Authorities (PA) political manoeuvre, at the United Nations (UN), for full recognition as a state and full membership of the UN, which has dominated for many months, is at least premature if not misguided. The reality beneath the echoing optimism is concrete facts that leave the majority of Palestinians fearful and anxious.

According to some, it may seem unwise and even irresponsible, to ride against this diplomatic tidal wave, especially as Israel and the US is trying extremely hard to kill the initiative, even in its early stage. Nevertheless, the picture becomes more complex when concrete facts and legal considerations are discussed.

For one thing, this is sombre vindication for the majority of Palestinians, who continue to endure life as refugees and view this as another nail in the coffin of the Oslo process, two decades of peace process and bilateral negotiations supported by the Quartet. It's now proven that the process designed to undo historical injustice and emancipate the Palestinian people, was flawed all along.

The depressing truth is that during the last two decades Israel has locked Palestinians into their exile and made occupation a permanent reality. Worse still, it provided Israel with a legitimizing cover in continuing its land grab and ethnic cleansing.

"We told you say so", maybe a churlish response. Nonetheless millions of Palestinians, suffering under inhumane conditions, forced on them by failed political process and incompetent, servile leadership, have every right to feel mildly gleeful that they were right. And they were right to believe the political framework for a peaceful settlement has weakened their fight for freedom and human rights, harmed their negotiating position immeasurably, and worse still shielded Israel from its crimes.

This move is sure to present another *fait accompli*. There are ample authoritative opinions pointing to the fact that the PA is walking into another trap, and ultimately compromising the rights of the principal agent, the Palestinian people, through it.

For example a hard-hitting legal opinion on the consequences of Palestinian statehood was given by Guy Goodwin-Gill, a professor of international law at

Oxford University, who concluded that “the interests of the Palestinian people are at risk of prejudice and fragmentation” and the refugees in the diaspora risk losing “their entitlement to equal representation” and “their ability to vocalize their views, to participate in matters of national governance, including the formation and political identity of the state, and to exercise the right of return”⁽¹⁾ .

Legally speaking, the future Palestinian state could try to claim the right to return of the Palestinian refugees, but the question would be one of returning to which area. When we talk about the refugees from 1948, or refugees during the intervening years from 1948- 1967, which is today the state of Israel, could the future Palestinian state claim the right to return to a foreign entity or would it be limited to claiming the right to return to its own entity, meaning a Palestinian state with the 1967 borders, in the best case scenario? If the second was the case, then a large majority of the Palestinian refugees would be excluded, since they were displaced from their homes in what today is Israel.

Palestinian history is a graveyard of dead political processes. This is a sad indictment of the international community and Palestinian leadership. Maybe, just maybe the problem exists beyond the political theatre dominated by the usual actors, and if we are sincere, we should revisit the assumptions that have given us many decades of failure.

Beneath the political discourse lies Palestinian reality, an ongoing Nakba. It is with this in mind that we present the autumn edition of JPRS. The compilation of articles from renowned scholars and activists sheds light into the ongoing expulsion, violence and immiseration of millions of people. This edition also gives added emphasis on strategies for ending the status quo.

(1) - <http://50.16.193.68/pages/index/2530/guy-s.-goodwin-gill-legal-opinion-on-palestinian-s>





Salman Abu Sitta*

Mechanisms of Expulsion

In the history of Palestine, there has never been such a major reversal of fortunes and massive de-population of the country like that of 1947-48. There has never been such comprehensive looting and robbery of land and property, such persistent and continuous death and destruction of a people. It's now more than 22 thousand and 620 days since the onset of our Nakba. We count them day by day. The crimes in Palestine are not merely the incidents and war crimes carried out during armed conflict. The terrible war crimes in Europe during World War Two occurred during the heat of the war and ended with its termination. But in Palestine, we have a consistent system of war crimes. Not only 77 massacres in 1948 but thereafter in the 1950s Qibya and Al-Burayj in the 1960s in Khan Yunis, in 70s in Beirut, in 80s in Sabra and Shatila in the 90s in Rafah, in this century in Jenin and Gaza. These war crimes occur have occurred almost every single month since 1948 Nakba.

What happens in Palestine is not merely occupation; it is much more than that, occupation means military control of a country for a limited period of time, soldiers come and go. Israeli occupation however, is brutal and indefinite in duration and is an instrument of robbery, destruction and confiscation.

What happens in Palestine is not merely like the South African type of apartheid, it is more than that. In South Africa Black people were not removed from the country of their home, black people were not ethnically cleansed on a large scale, but in Palestine this carried out on a mass scale. What happens in Palestine is more than the infamous ethnic cleansing. Ethnic cleansing traditionally occurs between two groups of indigenous people but in Palestine the ethnic cleansing of the indigenous people is carried out by invading settlers.

What happens in Palestine is not merely racism. Racism is found socially in many countries. However in Israel, It is institutional racism, embedded in at least 24 laws. Without these racist laws there would be no Israel as we know it today, there would be no Zionism today. What happens in Palestine is not only a colonial project although this is the closest description. Colonial projects steal the country's natural resources and use its people as cheap labour. They do not totally dispossess people or expel them. In the mid twentieth century while British colonial soldiers were packing their bags and leaving India and Europe and Asia to Europe, Zionist soldiers were pour-

* Palestinian researcher and writes about Palestinian refugees and Palestinian right to return to Palestine. He is the author of countless books and papers most notably the Atlas of Palestine from 1917 to 1966. This is an immense book the culmination of many years of reserach based on Ottoman, British Mandate, and Israeli official documents.

ing to the opposite direction, to Palestine to conquer it. Israeli policies are a lethal combination of all of these descriptions, a feat, if such is the word, not achieved by any other in history. Thus Israel constructs itself today as a peculiar combination of a very backward tribal society, propelled by a racist, a colonialistic ideology and armed with lethal Hi-Tec armament. It is an extremely dangerous combination.

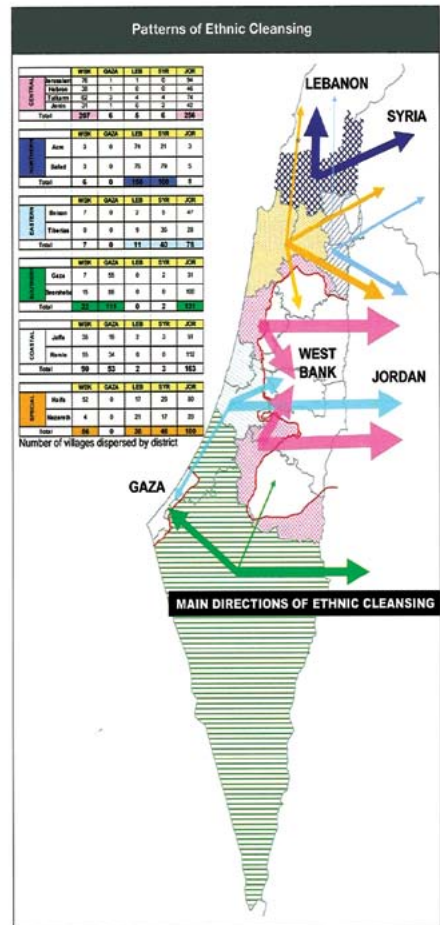
Myths were needed to create a virtual world in the absence of legitimate facts. Such myths go from the absurd such as, "God gave them Palestine" to the false, that "Palestine is a land without people". In support to these myths Israel created a nexus of money, media and military for furthering their superstitious colonial aspirations. We are however told that speaking such truth is wrong because its part of a narrative that delegitimizes Israel. When we go into the details of the struggle, we are told, "You cannot turn the clock back". The facts however is that we don't need to turn back the clock, as this nexus of aggression still grip the Palestinian landscape.

One simple fact is that a Nakba is not a traffic accident. It is not a casualty of a limited war, it's been happening every day since 1948. Zionist objectives did not change since that Basel conference in 1897, when the wealthy European Jews met in Basel to carve out a colony for themselves. Of course the methods have changed, but the principles remain the same.

If we can understand this simple principle, we can answer those who continue to tell us that the situation is very complicated. No! it is not. Of course we have to go to the roots of the original sin, we have to go to 1917, we have to go to 1948 and we have to go to 1993. Going back to the roots is not anachronistic. We need to be mindful of those who say that you cannot turn the clock back. The essence of justice is to unearth the truth and make restoration for injustices committed without the obstruction of time. Justice as is said is eternal.

Zionist practices in Palestine destroyed, not just lives but memory and history. This was the original sin which I will describe in some detail.

When General Allenby came to conquer Palestine in 1917, he found a coastal plain the rich mountain range and the rich Jordan valley, it was not a desert. People lived there in about one thousand towns and villages. These towns and villages were charted in the 19th century by several surveyors, including the Palestine Exploration Fund. Given this simple fact, it is a masterful deception when Zionists submitted to the Versailles conference in Paris in 1919, a map which slashed all of the one thousand towns and villages and called it grazing land for nomads. This master act of deception could have been revealed easily, to colonial powers because they already had surveyed the land. But they accepted it.



The collusion of course did not stop thereafter. After 30 years of British domination, disguised as a mandate to bring independence to Palestine, a proposal was made in the United Nations to partition Palestine between those immigrants who had just landed in the country and the people of the country. It was proposed to give to the immigrants about 55% but they took 78% by military force and therefore, what we call ethnic cleansing is the act of occupying 78% of Palestine. This is the beginning of the Nakba.

The Zionist project could not have been achieved by anything other than violence and a series of massacres. The Israelis have become professionals at this. An aerial photo by the RAF from the Burayr village is an example. The Burayr village was attacked on the 13th May 1948. It occurred two days before the British Mandate ended and two days before Israel declared statehood over the decimation of 220 villages like Burayr. What happened in Burayr is typical of about 77 massacres. The village was surrounded from three sides, South East and West. They went into Burayr with tanks and machine guns and quickly overcame any resistance. They went into every house, threw grenades and very soon Burayr went up in flames. The survivors left through the Northern direction. We have a list of 133 names of mothers, fathers and children killed in their homes this way. This is the pattern all along.

We have the infamous case of the Tantura massacre. The Tantura massacre was known to Palestinians from 1951, Nimr Al-Khatib wrote about it in his book in 1951, from the evidence and testimony of those who survived. In 2002 an Israeli, Teddy Katz, under the supervision of Ilan Pappé published a thesis about Tantura.

The Israelis were up in arms, asking “how could you tell lies about Tantura”. It is of course proven beyond any shadow of doubt except to the West and to Israel. We have known of this massacre since 1950/51. This is an example of orientalism that people in the West would not believe what the Palestinians said. It is only believed when it comes from the West or an Israeli source. The people in Tantura were taken to a place where they were supposed to dig trenches. In each trench four young people would be shot and then another group of people would come after them. They were buried in the trenches there are records of at least 200-250 people who were murdered in this manner.

Palestinian Refugees and Internally Displaced Palestinians (1950-2005)					
Year	UNRWA Registered 1948 Refugees	Estimated Non-registered 1948 Refugees	Estimated 1967 Refugees	Estimated 1948 Internally Displaced persons (IDPs)	Estimated 1967 Internally Displaced Persons (IDPs)
1950	914,000	257,021	-	32,380	-
1955	905,986	305,260	-	40,254	-
1960	1,120,889	362,553	-	50,044	-
1965	1,280,823	430,599	-	62,215	-
1970	1,425,219	511,417	250,402	77,346	12,124
1975	1,632,707	607,403	297,400	96,157	14,205
1980	1,844,318	721,404	352,218	119,543	16,677
1985	2,093,545	856,802	419,512	148,616	19,612
1990	2,668,595	1,017,611	498,249	184,760	23,098
1995	3,172,641	1,208,603	591,763	229,694	27,239
2000	3,737,494	1,435,441	702,829	285,557	34,373
2003	4,082,300	1,591,500	779,237	325,400	38,266
2004	4,186,711	1,647,203	806,510	335,162	62,123
2005	4,394,946	1,927,574	834,737	345,217	57,669

Source: Badil, Survey of Palestinian Refugees and Internally Displaced Persons (2004-2005).
Notes: There is no single authoritative source for the global Palestinian refugee and IDP population. The figures above reflect estimates according to the best available sources and population growth projections. Figures are therefore indicative rather than conclusive.



Villagers were collected in two groups, women and children on one the side and men on the other side. The women are stripped of their jewellery and told to go north to Lebanon or east to Jordan. The men, some of them selected in fours were killed and dumped into graves dug by them and the rest were taken into detention.

So what happened to the men that were detained? They were taken to forced labour camps. There are photos of people, farmers, civilians, taken to forced labour camps in July 1948. This is not an invention; there are records and testimonies of many people that have been through these forced labour camps. Moreover, in my visit to Geneva I photocopied 500 copies of the Red Cross files on the forced labour camps in Palestine by Israel in 1948. The Red Cross visited them, they called them Prisoners of War (PoW), but of course civilians cannot be Prisoners of War and if they were soldiers, to be called PoWs, they were not allowed to use anything to aid the enemies military effort. But civilians were treated as soldiers and they were made to work for Israel's military effort. They dug trenches, they carried ammunition and they cleared the debris of the destroyed Palestinian homes. We have located five forced labour camps, registered by the Red Cross. Not only that, we know the names of the commandments of the forced labour camps. They have the names of Schneiderman, Weissbach, Mosedale, Rappaport and Kossovsky. These are the names mentioned in the Red Cross reports. Most of them were German Jews, belonging to the Irgun terrorist organisation.

When we took testimonies from these people, we found there were another 17 forced labour camps not visited by the Red Cross. They helped the construction of Israel and after more than one year they were released, those who agreed to leave Palestine and go to Syria or Lebanon were released quickly. Those who were determined to stay in their country, in Palestine were left in the forced labour camps.

That is the environment in which the refugee problem was created. We hear a lot about what happened to the refugees themselves but we should also know what happened to the homes of refugees after they were expelled. So we made a study on the first 18 years of Israel's existence and what happened to the Palestinian homes. We discovered four different phases to the theft of homes and property.

The first is what Slovensky called the 'frenzy of looting'. They looted the main cities of Palestine, Jaffa, Lydda, Ramla, Jerusalem and Haifa. Hoards of people, men, women, children, all Jews, went to the Palestinian homes. They took everything they could carry, what they couldn't carry they ripped off the homes, they ripped off doors, windows, tiles and took them off, that was the first group of looters.

The second group of looters were the army officers, who in their 'courageous' endeavour, they managed to conquer the un-armed civilian farmers and conquered the villages and the country. They went to the homes with their tanks and lorries and loaded them with the loot from the Arab homes. In Lydda alone, they filled 1800 trucks.

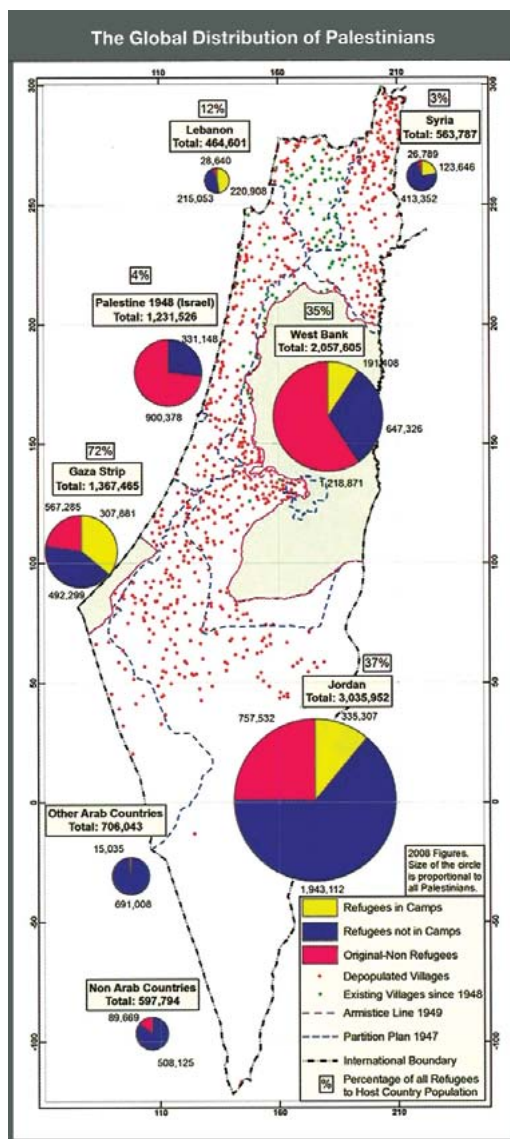
The third group of looters were the high members of the Mapai party who divided Jerusalem's houses between them. The next group of looters were the Jewish business men in Haifa and Jaffa, who met together and decided who would take which stores and fabric plants.

But the biggest looter of all, which is still in existence today is the Jewish National Fund, it took over all the land of Palestine and claimed to be the environmental improvement agency for the land. Not only that but when it reached the point that they started destroying the Palestinian villages, someone discovered that the history of these villages maybe of some value in constructing a judiazed history. So they halted the destruction and sent archaeologists to the villages before destroying them, in order to see if they could find a stone or a piece artefact to prove

that history. So they created an archaeological survey of Israel that would visit the villages before their destruction to examine them and then decide what to do.

We have the maps of this archaeological survey and they gave permission in the end to the Jewish National Fund to destroy the villages. The idea of course was to destroy any history other than that which serves their interest. For example, Roman, Byzantine, Arabic, Islamic, Ottoman, Mamluk were destroyed because they don't provide any evidence which they required. This may be a loss of heritage to Palestinians but it is also a loss to humanity. Palestine is a very ancient country, we are fortunate in having a book written by the Bishop of Caesarea in year 313 AD when he charted the towns and villages of Palestine, it was written in old Greek, it is now translated in English. We have compared his book with the map of Palestine to discover which villages were destroyed that were in existence two thousand years ago. In the Bishops list there are villages and kherbits, which is a name for old villages that were in existence during his time in 313 AD, all the way until they were destroyed in 1948. So the loss to humanity is unimaginable.

In short, here is the Nakba, Palestinians lived in about 1000 towns and villages, 78% of them were in the land we call Palestine, in the land which was later called Israel. In 1948, life was extinguished in 675 towns and villages and where did the people go? They are the refugees who are fighting for their homes since 1948.



The events described above about the Nakba not only inform us of the past but it also explains the present. This is clearly visible in Gaza. Why is Gaza a problem? Why is it the most densely populated part of the world? Of course one of the reasons is because Gaza was overwhelmed with refugees fleeing historical Palestine, but also because Israel's land theft continued even after the signing of the armistice agreement between Egypt and Israel. The size of Gaza was cut down by 200 square kilometres in a secret agreement, recorded by the Security Council, called the Modus Vivendi agreement which was supposed to be a temporary agreement. This temporary agreement is now a permanent border which has allowed the annexation of 200 square kilometres from the Gaza Strip that will never be recovered.

That is why the Gaza Strip is now 362 square kilometres in which one and a half million people live today. 247 villages in the South of Palestine have been herded into eight camps in Gaza. That is why it

is crowded and that is why people in the village of Najd throw very primitive projectiles into Sderot, they are in effective throwing these projectiles into their land. Because Sderot lives on the land of Najd and the people of Najd live 2 kilometres away, they look in the distance and they see Sderot, people living in it and they throw these projectiles into their own homes, to their lands to tell the people there, "get out", "That is our house".

But the major looter, the Jewish National Fund, took much of the land and built kibbutz. Kibbutz is a semi-military structure of about 200-300 people, they call it a village. Then this area is taken over by the Jewish National Fund. The real use of this land is really for the military. All over Israel there are 55 airports, there are two dozen depots of weapons of mass destruction, there are so many factories and training fields and so on which are all military. In other words the purpose of this is not really to accommodate people to live, it is to create the largest military base in anywhere between Paris and Beijing. Of course, if peace prevails, we don't need this and therefore if these are removed, the answer is simple, people can return to their homes, there is no problem whatsoever. In fact in Gaza's case, they can simply walk towards their homes with their own feet.

So we come to the important question, how can we reverse the war crime of this perpetual ethnic cleansing? We can do a lot. Take one simple example of the Northern district. We have actually examined 1300 localities in Israel today and found there are five categories of people living there. First are the Palestinians who remained in 1948 Palestine. Two, Ashkenazis who established the State during the mandate. Three, the Arab Jews that came to occupy the void after the Palestinians had been expelled. Four, the assorted European Jews that came to live there after the 1967 Israeli victory and fifth, the Russians that came in the 1990s. The next question is who are the original inhabitants of this Northern District? They are Palestinians. We know where they are, we know them by name, by family, by mother and father and so on. We know where they come from, we know where they live and in which camp they live in today. We can bring them back, most from the North are in Syria and Lebanon and we can put them back to where they belong and we have the numbers, the numbers are easy, there are only eight hundred thousand people to return. They will find in front of them, one million, but of this one million, there are half a million Palestinians in Galilee. So the dismembered families would return to their kin.

Of course there would be a lot to do after that. There has been a great destruction of the environment in Palestine; Destruction and pollution of the aquifers, the shrinking of the Dead Sea and so on which we would have to deal with. If we carry out these actions, and I am sure that under International Law it will one day be required. The only obstacle to this viable solution is ideology, superstition and racism.

We are all duty bound to uphold and defend justice. The legacy of injustice is handed down to you by your grandparents and you will pass down to your children. We can be the generation that breaks this ongoing injustice. In this century, in Durban in 2001, people representing four thousand NGOs worldwide, stood by Palestinian rights and denounced Israeli racism and apartheid. Now is the time to act, at the age of the internet, satellite TV, newspaper headlines, nobody can claim that I didn't know and therefore silence is complicity to the crime. In the end justice must prevail, there is nothing more fundamental than the right of a human being to return to his home and to live in freedom, let us make that happen soon.



Manuel
Hassassian*

End the Nakba End the Conflict

The Palestinian Nakba is still ongoing and will continue to go on until we Palestinians have achieved our independence and freedom. The history of the Nakba began with the emergence of Zionism as a colonial and imperial discourse and the process of Judaization of Palestinian sites so to eradicate the Palestinian memory and national identity from the social fabrics of society, through the process of ethnic cleansing, terrorising and intimidating Arab inhabitants to flee their homes and livelihoods.

The militarisation of Israeli society played a prominent role in constructing artificial state boundaries through the use of settlements and military operations, employing tactics of suppression and interrogation which form the backbone of the Zionist ideology. The Zionist space was to be achieved through a clear policy of fixing borders and seizing land. So the politics of Zionism in Israel's re-mapping of territory is dependent upon separation, control over natural resources and the utopian vision of an exclusive Jewish state.

The year 1948 witnessed the tragedy of the Palestinian people. 750,000 Palestinians were forcefully driven from their homes and with the creation of the state of Israel, saw their homeland fall into foreign hands. This cataclysmic event has meant that today Palestinians comprise one of the largest groups of refugees. In fact three quarters of Palestinians are refugees and one third of Palestinian refugees still live in refugee camps.

The Israeli process of fabricating history, changing landscape and creating facts on the ground is a process deeply rooted in Zionist discourse and continues to manifest into new forms of power that seek the denial and articulation of Palestinian infrastructure and existence. Israeli settlement activities are organised to fragment Palestinian society and to divide the community into enclaves. The settlements will eventually be kept cut off from their surroundings, denying the Palestinian's existence through the use of Israeli bypass roads and separation barriers thereby fragmenting and encapsulating the West Bank terrain. This illustrates the coercive and racist attitude of the Israeli state, its double standards and the ultimate goal to take complete territorial control and dissolve the Palestinian infrastructure.

The process of establishing Israeli presence and Land acquisition in the West Bank developed a political architecture of separation and denial in Israeli settlements. Temporary settlement outposts became permanent Jewish colonies. Since the state of Israel has carried out a policy of illegal settlement activities, today there are now 440 settlements in the West Bank and Jerusalem, meaning there is a population of 500,000 Israeli settlers living today on Palestinian land.

Israel's refusal to accept the ten month partial settlement freeze is the main obstacle to the continuation of peace talks. Of course the USA's current stance remains unconvincing. Action must be taken to put an end to illegal settlement activity when US support is essential to pushing through to the UN security council resolutions, condemning settlement activity, it must stand up for international law. We

* Palestinian Ambassador to the United Kingdom.

Palestinians must continue to fight for a complete end to these illegal colonies and look to begin the removal of colonists from what is rightfully Palestinian land. Moreover, Israeli incursions and intrusions are taking place not just within the West Bank. The Israeli takeover of East Jerusalem is a total breach of International Law. Article 49 in the Fourth Geneva Convention, prohibits the occupying power to transfer citizens from its own territory to the occupied territories. The demolition of the Shepherd Hotel recently is part of a plan to build new homes for Jewish settlers; this is an example of the continuation of Israel's illegal colonisation campaign.

The establishment of these destructive settlements threatens the continuity, integrity and viability of the Palestinian territory. This unlawful activity has been condemned time and again by UN resolutions and UN spokespersons and has even been described by the US as only a disturbing development.

Through a process of spatial fracturing the Israeli state is able to restrict movement and accessibility through the territories. Settlement blocks, the apartheid wall, separate network roads, checkpoints, and permit systems are all mechanisms of control that fragments and marginalises Palestinian society. For example, take the building of the apartheid barrier, 709 kilometres long, consistently breaching the green line. This wall further isolates Palestinian communities and forces them to live in enclaves, thus disjoining Palestinian land. The wall is used to exert power over the people who must live in its shadow, creating an atmosphere of fear, apprehension and Israeli hegemony. Not only is it a physical symbol of Israeli incursion, it has led to the loss of basic human rights, such as the freedom of movement. Israeli checkpoints impinge upon the freedom of movement for Palestinians, thereby controlling and regulating society. It performs a visual function of dominance. At the same time it persists with its aggression against the Palestinian civilian population in the occupied territories, continuing to deliberately violate their human rights and to cause loss of life and injury.

The war on Gaza has left its people traumatised and suffering with after effects of bombing, explosions and blockades. Israel continues its air strikes on the city of Gaza. Deliberately targeting citizens and destroying its infrastructure. Israel continues to lie and push its propaganda so it can placate the international community yet again. Israel must be forced to comply with international law and the international community must impose this on them.

The blockade of Gaza is illegal it is an attempt to drive a wedge between the Palestinian people but this will not split our people, we are strong, we are united and we remain committed to achieving justice for Palestine.

As our brothers in Palestine continue to be oppressed we must articulate the cause in the international media. Abdallah Abu Rahmah, a peace activist from Bil'in must gain as much exposure as possible, not only to help him as an individual but to demonstrate to the world that the Palestinians are engaged in a widespread non-violent movement. This is how we will counteract the propaganda from Israel that we are all "terrorists".

The crimes committed in 1948 against Palestinians caused numerous deaths, suffering, destruction to the environment and the expulsion on a mass scale. All of which is being repeated today in the 21st century by the state of Israel under the eyes of the international community. Israel is continuing its demonization of the Palestinian people, eradicating its infrastructure and recreating facts to deny the existence of Palestinians and free itself of any responsibility. We must learn from the trauma of the past and not allow history to repeat itself.

To secure a viable a peaceful solution to the region, we must support International Law and hold Israel accountable for all the injustices committed. Palestine will never be a safe place nor a place where freedom is exercised and where democracy can flourish until Israel's occupation is dismantled and Israel meets its fate. We must strive for an end to this illegal occupation and the welcoming of an independent Palestinian state.

Today, we see a stronger civil society that has witnessed the atrocities committed by the state of Israel. Our strenuous efforts have helped expose the injustices in Palestine and called for a just solution. Therefore, in solidarity, we campaign for a secure future for Palestine, together we have what we lacked over 60 years ago, a unified movement that seeks the freedom and self determination of the Palestinian people. From what we have achieved and the hope that we carry, collectively, we can put an end to 63 years of the ongoing Nakba.



Rawan
Al Damen*

Documenting the Ongoing Nakba

The Palestinian-Israeli conflict remains a headline, or a daily story, on TV channels and in newspapers. It seems to be the most well-known case world-wide. Tens, if not hundreds, of films have been produced about Palestine, and plenty on the Nakba in different languages.

In my attempt at producing a documentary on the Nakba I was confronted with a number of questions which I resolved following a deep and thorough review of scattered archive, countless interviews with Palestinians, Israeli and British experts. I concluded that I have to expand the project from a one-hour documentary to a series of four hours. The objective changed to highlighting a considerable number of basic facts regarding the roots and the causes of the Palestinian Nakba. Some of these facts were presented on TV for the first time, more than 60 years after the Nakba. In this article I will present some of the basic facts which were presented in my documentary.

First: The understanding of the general public is that the Nakba is a single event that took place in May of 1948. They thus commemorate the 15th of May every year. This is absolutely incorrect. The Nakba did not begin in 1948 and did not end in 48 either. The roots of the Nakba started much earlier than most of us would even guess. The first date we could verify in our search was in 1799 as Napoleon was trying to break through the walls of Acre. He then made a public appeal to Jews world-wide, which was a headline in the French press. His appeal stated: "This is the moment. France is extending its hand to you with the legacy of Israel. Rush to reclaim your position amongst the peoples of the world".

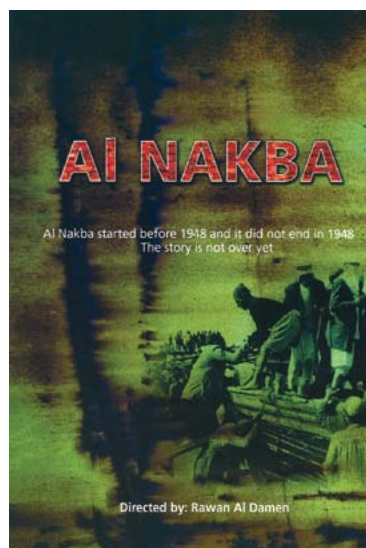
Second: If the Nakba means the expulsion of people from their homes, and seizing their land, then this really began in 1919. The Marj Bin Amer valley, towards the North of Palestine, then the home of 60,000 villagers, was targeted after the fall of the Ottoman Empire. The villagers were kicked out, and Jewish settlements were built on the land using funding from the Zionist Lord Rochield.

Third: Herbert Samuel –a Zionist Jew- was UK's Home Secretary in 1915. He wrote a top secret document entitled "the Future of Palestine". This document was submitted to the British government, and stated clearly his suggestions on what Britain should do to transfer Palestine from its current status (where 10% of its populations are Jews) to a homeland for 3 to 4 million Jews. This document was the major building block to the Balfour Declaration.

* Rawan Al Damen, a filmmaker and director of AL Nakba film produced by Al Jazeera

Five years later, Samuel was appointed as the first British High Commissioner in Palestine from 1920 – 1925. During his appointment, he laid over a hundred legislations in favour of the Zionist movement. These legislations included facilitating immigration and the transfer of any government-owned land to Jewish and Zionist ownership.

Fourth: In 1920, the Council of League of Nations (later renamed as the United Nations), assigned to Great Britain the task of preparing Palestine to be a homeland for the Jews. The British Mandate used to submit an annual report for the next 28 years to the UN detailing the progress made towards achieving this goal. The support for the Zionist movement was on all levels: assisting the immigration, establishing an economic base, amending the legislations, as well as establishing an army. These reports are all available in the archive.



Fifth: Not only did the British Mandate support the Zionist movement, but it also worked towards breaking up and suppressing any Palestinian leadership. During the years of the Palestinian revolution 1936 – 1939, the British army killed over 4000 Palestinians, and demolished hundreds of homes and imprisoned thousands in detention camps. Check points surrounded all cities and villages in search of guns or even single bullets. This made sure that the Palestinians are deprived from any means of resistance. On the other hand, the nucleus of the Haganah army was established in 1920, and trained as part of the British army during the Second World War. It was equipped with the latest weapons. As a result, in 1939 at the St. James conference in London, Britain announced that it had fulfilled its obligations under the mandate to establish the basis for the Jewish state in Palestine.

Sixth: During the first four months of 1948, under the British mandate, and along with the presence of 75,000 British soldiers in Palestine, around 350,000 Palestinians were expelled from their homes in five cities and over 200 villages. Before May 15th, dozens of massacres were committed, yet only the famous Deir Yassin massacre in April 1948 was known.

Seventh: It is still common to refer to the 1948 events as the defeat of seven Arab armies by the Israeli army. Facts now reveal that the combined count of the Arab army was 24,000 soldiers with traditional weapons, while the Israeli soldiers were 75,000, well trained and highly equipped. Thus the entire Arab fighting force was less than one third of the size of the Jewish forces. These Arab forces were under the leadership of General John Globb of Jordan, who later called the 1948 events “the fake war”.

Eighth: The expulsion of the Palestinians continued during the fifties. The people of Al Majdal town for example were expelled in 1951.

These are some of the facts about Nakba. One might question how and why these basic facts are not well-known. I believe that the main media channels, based in Europe and the United States, aimed to conceal and distort most of the information regarding the Palestinian Nakba. This fact is very clear when

we look at the main tool of TV journalism – the visuals. I will mention a few examples indicating the current status of visuals related to the Nakba.

1- The expulsion of over 800,000 Palestinians, over almost a year is documented in only two video sequences; each is less than a minute, and in less than 10 still images! The image that most of you remember of crossing a broken bridge is of 1967, not of 1948. This image is used incorrectly to represent the expulsion. Many of the images are wrongly classified in the Congress Library or here in London. You find pictures classified under Haifa while being shot in Jerusalem, etc. Many are archived under Israel, while being shot before Israel was even created. Using the archive becomes a tedious task, as the researcher or the journalist needs to double – and even triple – check any acquired material.

2- While we lack footage of the Nakba, all the Jewish and British activities are well documented since the 30s. There are lengthy footage for the Haganah training, the arrival of the Jewish immigrants, building of settlements, the British soldiers and even evening parties by the British community in Jerusalem. There is a video as early as 1919 showing the building of Tel Aviv.

3- 4000 Palestinian fighters and demonstrators were killed between 1936 and 1939. Yet, there are only 5 still images covering this fact. On the cultural and personal levels, we do not have footage for the Palestinian lifestyle during the 20s, 30s or the 40s of the last decade. Tel Aviv is filmed as an icon of modernisation in the 30s, while the Palestinian cities: Jaffa, Haifa or Acre are completely ignored. Instead, the Palestinians are only represented in the European news as Bedouins on camels.

The bias in recording the life in Palestine can easily be spot. All this is not a coincident. It signifies a bias in the recorded material, as well as a biased archive. There is evidence of Israel possessing some of the missing archive, yet this is strictly confidential. One example is the images of the Kafr Kassem massacre in 1956, when the Israeli army killed 49 Palestinians who held Israeli passports. These images are accessible to view, but one cannot copy or record them for media usage.

As a result of this scarcity of visual material, a Journalist is directed to documents as a source of information. Documents are usually overlooked by tv journalists, and deemed less interesting to the general public. In my research for the Nakba series I found numerous neglected documents, from which many of the facts I mentioned earlier were acquired. Israel has not ignored this source of information and made all possible attempts to hide or damage any documents on Palestine. Just as the Palestinians are scattered everywhere, the Palestinian archive is similarly scattered and poorly preserved. Our archive, especially after the Israeli raid on the Palestinian studies centre in Beirut in 1982, is mainly here in Britain, in the United States and within the Israeli archives. All the libraries owned by Palestinians before 1948 were stolen and are now in the basement of the Hebrew University in Jerusalem under the special collections section.

In Oxford and in particular at the Middle East Centre, Antony's College, there are thousands of the original British Mandate documents related to



Palestine, thanks to the public domain archive scheme. I still recall how I found Herbert Samuel's document "The Future of Palestine" lying there amongst piles of his personal letters. I also encountered correspondences between Samuel, Allenby, Belfour, Weizmann, and Marks Sykes.

Another example of neglected documents is the work of the Physician Dr. Hussein Fakhri Al Khaldi, the ex-mayor of Jerusalem and a member of the Arab High Committee in Palestine. These were written during his stay in Beirut after 1949. The first is his memoirs and the second is entitled the "Arab Exodus". Neither was published to date.

It has long been realised that the Palestinian story needs to rely on oral witnesses, due to the lack of visual archive and the scattering of documents. It should be mentioned that only 10% of those who were born in Palestine before 1948 are still alive. Many oral history projects were carried out since the late 1970s. All those projects were by individuals or small institutions and a centralised library for all these recordings is not available.

Finally, we should certainly salute the PRC for adopting the slogan "the On-going Nakba", and keeping it on the political and media map. The last episode in the Nakba series was also entitled "The On-Going Nakba". We are still experiencing the long process of transforming Palestine to a Zionist state and erasing it from the world map. Many might think the term on-going Nakba is merely related to the refugee camps in Gaza or Lebanon. It should be clarified that the current expulsion of Sheikh Jarrah area in East Jerusalem is part of this on-going nakba, as well as the constant demolishing of houses in Lod and Jaffa.

Many Palestinians who stayed within the borders of Israel were displaced inside Israel and are refugees within their same city or in different cities and villages. They are unable to return to their homes to date, despite holding an Israeli passport.

Only this year, I finished a five-hour documentary entitled "Homeland's Owners", which was shown on Al-Jazeera Arabic. This tackled the extremely sensitive topic of Palestinians inside Israel, often incorrectly referred to as "Israeli Arabs" in the media. The 160,000 Palestinians in 1948, who became 1.5 million today, are still deprived of their basic rights of housing and lands. Around 50 villages are deprived of water and electricity. Confiscation of their lands, and demolishing their houses is continuous as well as threats to transfer them under the slogan "Mevet-Le-Aravi" – Death for the Arabs. Here, it is worth noting how the media manipulates the facts, including the fact that half the Jews who immigrated to Israel were and still are indeed Arabs. The Palestinians – the "Homeland's Owners" – are discriminated against in every aspect of their daily life. After broadcasting the series, I was surprised to discover that Palestinians in the West Bank are unaware of the situations under which Palestinians live in Jaffa, Lod, Ramleh and Acre today.

For this, we surely need a specialised Media institute that aims at documenting, in a professional manner, what happened and is happening. This institute should collect and verify all pictures and documents. Despite our passion, I do not believe that we are doing what we can. Not only is the European and American public unaware of the truth, but we – Palestinians and Arabs – are equally unaware of the Nakba, its past, presence and Israeli plans for the future.

In conclusion I would like to quote Mr. Wakeem Wakeem, "I do not blame those who plan day and night for their ideological project, which serves their interests. I blame us. What are we doing to ensure that any future plan that could become a new chapter of the Nakba will not succeed?"





Dr Mads Gilbert*

My story in Gaza

One of the recurring aspects of the Nakba (catastrophe) is the ongoing violence perpetrated against Palestinians. I witnessed this first hand during the 2008-9 Israeli invasion known as Operation Cast Lead.

I had previously worked and travelled to Gaza on a variety of missions for the Norwegian Palestine Committee and for my employer the University Hospital of North Norway. I am a practicing doctor and an anaesthesiologist with extensive experience with land mine injuries in Cambodia, Burma, Afghanistan and in Angola.

The emergency surgical team that was sent to Gaza on 28th December 2008 included Dr Erik Fosse, cardiothoracic surgeon and a close friend of mine and chairman of the Norwegian Aid Committee. Also there was John Evind, a nurse who stayed behind in Al-Arish as a coordinator. We received full support from the Norwegian government, funding of approximately £500,000 and access to all of their diplomatic and logistical support systems in Egypt, where they had negotiated with the Egyptian security people and got us in. We got phone calls from the Minister of Foreign Affairs and the Prime Minister expressing that the government and people were behind us in this mission. This represents a real turning point for solidarity work in Norway. 15-20 years ago, we were chased off the streets when we had demonstrations for Palestine. Patience is important in this work.

West Beirut 1982 – Khalil the Brave

My first professional experience with the Palestinians was in Beirut in 1981. When the Israelis invaded Lebanon in 1982 we were called upon to send surgical teams and I was in West Beirut in 1982, during that horrific summer, literally wading in blood. I thought it would be the worst experience of my life but I am sorry to say that Gaza 2009 surpassed Beirut 1982.

I met many Palestinians in Lebanon. One was Khalil. Khalil changed my views on many things in medicine and politics. The strategy of the Israeli army was to go all the way up to West Beirut. They cut the power, water, food and medical supplies. We were actually smuggled in and we worked in a makeshift field hospital. Israel bombed residential areas, hospitals, everything.

One day a Palestinian boy named Khalil and his mother went out of their little house in the Shatila refugee camp (this was before the massacre) to watch

* Norwegian professor Dr. Mads Gilbert the head of department of emergency medical services in the University Hospital of North Norway

the F16 jet fighters from Israel coming in over West Beirut as they did every lunch time to drop their deadly cargo of bombs. A bomb landed close to Khalil and his mother. His mother was killed right next to him and his arm was almost ripped off. He was carried into the local hospital and a team of Norwegian and Palestinian surgeons and nurses amputated his arm. The next morning he was sitting on his bed in the hospital and an American photographer took a picture of Khalil. He was, as is to be expected, shocked. He had lost his arm, he had lost his mother, their home was destroyed and all his belongings were in a plastic bag at the end of the bed. The bed sheets were dirty and bloody because of the lack of water. He was completely without emotion, shocked and paralysed.

We had an urge to care for him, we felt pity but he didn't need pity. Actually Khalil, like others in extreme situations, has another side. I did not meet Khalil at the time the photograph was taken; I met him a week later, after he had been transferred to the Lahut hospital, where I worked because the Israelis had bombed the other hospital. That is when I saw the other side of Khalil; mastering, coping, the strong Khalil in control of his own destiny. He insisted on dressing his own amputation stump twice daily, he took off the bandages, removed dead tissue, as we had taught him how to do it and he put on new bandages. Not only did he care for himself in a very impressive way, he was also a ray of light in the hospital. He went from bed to bed straightening the sheets, fetching water when we had it, singing songs and every time Abu Umar came to do rounds at the hospital, he would hold his hand. He cared a lot. He also insisted that Palestine one day would be free.

For me, Khalil was an experience that taught me to always look for strength in suffering, not only to pity. It is extremely important when undertaking solidarity work to facilitate the strength of people, not drown them with pity and paralysing feelings. We all have a chance to stand up and to fight on. I hope to run in to Khalil again one day.

Prison

'Gaza is a prison', said John Ging, the brave Irish leader of the United Nations mission in Gaza in 2009 after the attack, '1.5 million Palestinians are imprisoned in Gaza' he told the world.

I have travelled in and out of Gaza during the past 15 years. It is almost impossible to reach via Israel. The Rafah border to Egypt is a 14 kilometres long barrier with fences, barbed wire and steel that goes deep underground blocking supply tunnels. 80 per cent of the population is now below the UN-defined poverty line, but they maintain their dignity.

I went back last year, nine months after the invasion; I travelled extensively and met many of the survivors of the attack. Because of the continuous siege, nothing has been rebuilt and poverty is widespread. Almost the whole private sector remains inactive



and people are unemployed. 80 per cent of the population depends on food aid from the UN. And almost all of the 4.5 billion dollars that was pledged remains in the bank because of the continuing Israeli siege. There is no building material, no construction material, nothing is allowed in.

The conditions under which people live are the most important factors for determining health. I took pictures in Gaza of part of a refugee camp that had not been bombed, of the normal habitat in Gaza. Healthcare is not that important for health; much more important are safe water, safe food, human security, housing, work and education. All of the six items on this list are lacking for the 1.5 million people in Gaza and have been further aggravated through the siege and of course Operation Cast Lead. And as a doctor I think of prevention and not only cure. In such a situation medicine becomes very political.

In Abed Rabu in the North Eastern part of Gaza, my translator, a young journalist, said that “the only thing that I want is to live in peace, to have family and children, I have no political ambitions, just give me peace”.

To quote from the Lancet medical journal special report on Gaza in March 2009: “All qualitative measures of health, suffering, fear, humiliation and exposure to violence – are increasing”(1).

The Ongoing Nakba: December 2008-January 2009

I made some of my best friends, people I consider to be brothers, in Gaza:

Dr.Issam Abu Ashra, a very gifted surgeon, a father of three living in Al Montar. Also Dr.Raed Al-Arini. In March 2008, I was teaching at Al-Azhar University where I was a visiting professor at the time. In the Shifa hospital all the windows were shattered and blown out by a bombing close to the hospital. It is important to understand how the weapons the Israelis used affect the human body. I describe the medical work, never seen on international television, not because the footage is unavailable but because the footage is so disturbing that people all over the world would stand up and say ‘enough is enough’. That is why Western audiences are shielded from these images while as a doctor, I have access to them. Dr Erik and I decided that it is our duty to be the voices of those that cannot speak up from inside Gaza and to tell the stories of all those who were carrying the burden and suffering of the attack on Gaza in 2008 and 2009.

The first attack came at noon on the 27th of December as we were celebrating Christmas across Europe. The Israelis had predefined the targets through a two year preparation period as disclosed by the Israeli Generals who meet regularly in the NATO council where they sit as members of the so-called Mediterranean club. Two years of preparation in which every single target was mapped and decided with coordinates. This was not indiscriminate bombing; first of all the police stations were hit, part of the civilian community under international law. Why take out the police force? Because in a disaster you always need the police to lead the response.

They dropped 100 bombs in four minutes, killed more than 250 and the 600 wounded were rushed to the hospitals close by and to the Shifa hospital. The bombing of Gaza city was the bombing of a city of 800,000 people.

John Ging described ‘death and destruction everywhere’. Everyone he met in the UN shelters had a traumatic story to tell. It was horrifying. Those who carried the burden were the civilians, the women, the children and the elderly.



Israel bombed children in their classrooms, in a UN shelter despite the coordinates being given to the Israeli officers in clear violation of International Law. The face of the child expresses exactly what it means to survive physically unharmed but with vivid memories of the fearful sounds, the sights and the smell of death and destruction.

Just one example of what they did is at the Beit Lahia UN School which had been declared a shelter. 1800 civilians took shelter there. Not only did they bomb it, but they bombed it with white phosphorus which is illegal when used against civilian targets. Two boys were killed, fourteen injured. Among the fourteen was the mother of the two boys, we had to amputate both her legs at Shifa hospital.

Truth is the first victim of war. The Israeli spokesperson said that the Israeli military forces were “protecting the civilians”. A lie.

In addition to the physical injuries, the whole paediatric population of Gaza, were lacking blood before the attack started, were lacking nutrition and were cold because of the lack of energy available to heat their homes. Hypothermia, anaemia and malnutrition would go from bad to worse because if you have a trauma with these factors in the background your wounds heal much slower as bleeding intensifies. Why did they cut the energy to Gaza? To put out all lights and to make it ice cold.

The Lancet is one of my favourite medical journals. In an issue in 2006 they stated that “Health is now the most important foreign policy issue of our time”(2). I wholeheartedly subscribe to that and I will offer two examples. When the Israeli ground forces invaded Gaza, it was the result of a foreign policy decision by the Israeli government supported by the US government. That was politics, foreign policy.

Medicine is politics. It is about security, it's about distribution of wealth and it's about access to water, food, safety, education and work.

Every single bomb that hit Gaza during those 22 days was the result of foreign policy decisions and we tried, together with the brave medical staff, the paramedics and the volunteers to limit the effects of these foreign policy decisions. We could not be doctors in Gaza without being political doctors. That would have been a betrayal of all our patients and of the population in Gaza.

The 23 day attack was a man-made disaster. It was no earthquake, no flooding, no random hunger crisis for a population struck by drought. It was planned; it was a 100 per cent preventable if the Israelis and Americans favoured a political resolution. And it went on until they had finished. Nobody from the powerful nations in the West, be it the EU, Russia or the US stopped the Israelis before they had finished. 85-90 per cent of the victims, the dead and the injured, were civilians.

Can we really understand what happened? As a scientist, I speak the truth and try to comprehend the world through numbers and statistics. I know it is hard to understand what happened in Gaza both at the time and what is happening now, just through the numbers. That is why I zoom in on the individual story, the narrative of a family; an injury, a death.

Individual cases

One of these is about Jumana Samouni, nine months old. We amputated almost the whole of her left hand leaving just two fingers remaining. Why did we have to amputate? Jumana came in alone from what appeared to be an attack on a civilian house with a lot of people living in it. We thought it was a rumour but gradually we realised that the Israeli ground forces had rounded up about



one hundred members of the Samouni family in Zeitoun, a poor neighbourhood in the south of Gaza City. They had to stay in an industrial building overnight without food or water, terrified. The next morning it was bombed by Israeli forces. Thirty were killed, forty were injured, among them Jumana. Her father was killed next to her. Her mother, 18 year old Mysa, managed to save Jumana's life by covering her body with her own, but she couldn't follow her little child to the hospital. Jumana survived, her mother came to the hospital and then we got the whole story. I met Jumana again in August 2009, nine months after the attack. I think that these stories of these children give you a better impression of what the costs of these attacks really are.



I met Jumana in Zeitoun, aged one and a half years old. She was with her mother, a widow aged 18. Mysa lost her husband, she had fairly recently married. She had lost her grandparents, her parents in-law and she remains with her little daughter. She asked me “Dr Mads, can you please take a picture of Jumana’s hand?” I said yes I can but asked why. She clearly spread out the two remaining fingers of Jumana’s hand. As I took the picture, I thought that this is the true picture of the cost of this attack. Mysa says that “I want you take the picture home and I want you to ask your good colleagues if they can do some surgery on her hand to replace her lost three fingers”. I undertook to do that and I talked to my plastic surgeon colleagues who said they may be able to attach a couple of toes to her hand but she would need to come to Norway. And there the story stops without relief for this child because Mysa cannot get out from Gaza. This is the true, seemingly endless cost for the people of Palestine of this brutal policy.

Amal Atteia, Jumana’s cousin, came into the hospital three days after the attack on the building because the Israeli forces did not allow any ambulances or any representatives of the international community to enter the building despite the fact that everybody knew that there were bodies, people wounded and survivors in the building. On the fourth day they were allowed in but they had to walk the last kilometre before they got in to the house to recover the dead and the wounded. Among them was Amal Atteia who was found by her brother. I was called to the ward in the middle of the night and told “Dr Mads we have a new casualty from the Samouni massacre”. I saw this little girl Amal and thought that she was an old lady. She was actually nine years old, freezing cold, dehydrated, having stayed almost four days and nights among the rubble of the bombed house listening to the screams of the wounded relatives and smelling the decay of her dead relatives. She was recovered by her brother who bravely took her to the hospital. She had no life threatening injuries and survived, but to what life?

I met her again nine months later. She was standing brave and very polite outside her new habitat, tents in Zeitoun because the family has no building material to rebuild with. They had collected some breeze blocks, maybe one day they will get some cement. Her cousin Mahmood had an open fracture in two places which we operated on. Amal Atteia, Jumana, Mahmood and the other children in the Samouni family will, for the rest of their lives, remember the bombing and these wounds will not heal until they see some form of justice, the perpetrators being taken to court so that they can see that there is some kind of justice in the world.

They have only one remaining house in the family’s Zeitoun neighbourhood and within it they have made a collage of pictures of the 30 killed family members. I met some of the surviving men from the family as

I did in the Shifa hospital in January.

What is the future of Maysa and Jumana? I do not know, but I do know that it is part of all of our responsibilities because what we do or not do in the West will be the force determining the preconditions of their lives.

“Palestinians are people who were never safe even before the 1967 Israeli occupation”(3). A quotation again from *The Lancet*, from a special issue on health in the Occupied Palestinian Territories.

I took a picture of two schoolgirls coming back from a makeshift school because the school has not been rebuilt, in AbbedRabu in North Eastern Gaza, nine months after the onslaught. Nothing had been rebuilt.

Sources and Language

The most important source of truth is the Palestinian narrative, the stories they tell. That is why my colleagues and I wrote a book(4); to share the narrative of the Palestinian people in Gaza. They know the realities, they can tell the stories.

The Goldstone Report is also a vital source, an accurate autopsy of the whole attack. Almost 600 pages, 1200 references; the closest you can get to an historical summary. Of course the Israeli side is not very well represented because the Goldstone Commission was denied access to Israel so had to rely on open sources. Other useful reports on the Gaza invasion have been published by The Arab League Independent Fact Finding Commission(5), Amnesty International(6) and B'Tselem(7).



The *Lancet* Palestine special contains a large number of highly scientific reports on the connection between health and occupation in the Palestinian Territories, the first time to my knowledge that this has been scientifically investigated. The conclusion reached is that there will be no solution to the health question of the Palestinian people in Syria, Jordan Lebanon, West Bank and Gaza until there is a solution to the question of the occupation of Palestine.

As well as utilising expert sources, it is important to recalibrate our language. It is useful to note the language used in the *Lancet*: “the structural and political conditions that they endure in the Occupied Palestinian Territory...”(8) there is no reference to ‘conflict’; ‘occupation’ is the key. We have to carefully consider the words we use and maintain accuracy.

My book does not talk about settlements, but about colonies because they are colonies, not settlements built on a void of land. We do not discuss settlers; we talk about occupants as that is what they are. We should talk about Israeli attacks, not defence and we should talk about Palestinian defence not attacks. These words are important; we must rinse our language and calibrate our words because words shape our reality.

I wrote a paper in the *Lancet* while in Shifa and it was published on the 17th January 2009. It was immediately attacked by the Israeli government who called my colleagues and me liars, telling the *Lancet* editors that they should not have published it. Medicine is politics; the Israelis make it so when an extremely softly spoken account of conditions in the Shifa hospital was attacked.

The Siege

Gaza is small and more densely populated than both Hong Kong and Singapore. In June 2006 the siege began and has since tightened its grip. From Satellite photographs of the area, it can be noted how lush and green the occupied land around Gaza is in contrast to the besieged land of Gaza which looks like a desert because everything is utilised in Gaza to provide some sort of self-supply of vegetables, meat and so on.

The Shifa hospital is four blocks away from the Mediterranean shore in central Gaza City. It is a good hospital; we have been working there for many years. It has almost 600 beds, a thousand employees; it has 400 doctors of all operation specialities including open heart surgery. It could have been a university standard hospital but it was completely drained by the siege. I was in Gaza in October 2008, just weeks before the attack. I had long meeting with the leaders in Shifa and they said that they could not go on much longer, as they lacked everything: spare parts for the lifts, trolleys, drugs, equipment. They also said “we don’t have electricity, how can we continue doing healthcare?” On top of that came the attack and the patient flow. The siege has taken a great toll.

It is well know that Gaza has a young population, the average age is 17.6 years, 60 per cent of the inhabitants are under 18. This is the largest and youngest prison population on earth today, 800,000 children who have done nothing wrong but were born Palestinians in Gaza. This is a very vulnerable population. Children cannot identify sounds and understand as much adults when it comes to being attacked, running and sheltering yourself. Being Palestinians in Gaza they have to adjust to such painful experiences.

Chronic malnutrition

Reports show that the population of children in Gaza are malnourished(9). Within the Lancet special issue on Palestine there are figures based on 1996-2006 about stunting. Stunting means that a child’s height is lower than it should be at their age because they are not growing appropriately. This is caused by lack of protein through malnutrition. The stunting of children in Gaza has increased quite dramatically over the last ten years. Malnutrition and stunting also affects cognitive development. This is a man-made starvation, carefully managed to avoid the blame of the international community, starving them day by day, as the Wikileaks documents(10) have shown.

After the bombing came more starvation. As noted in the Goldstone report, as a large proportion of Gaza’s factories were targeted and destroyed or damaged, poverty, unemployment and food insecurity increased dramatically.

The Siege 2011

A report published by 22 International NGOs(11) in November 2010 stated that the import of construction materials is only at 11 per cent of pre-2007 levels with Israel approving import of only 7 per cent of what is necessary to meet the UN’s rebuilding plans. That refers only the UN rebuilding plans let alone the need to rebuild the entire private sector, industry, housing and the rest of Gaza’s infrastructure. The same report includes a table showing what the Israelis are claiming the level of imports are and what the true level is. As John Ging said when he was commenting on this report, because there was an international pressure on Israel to ease the siege after the attack on the flotilla an impression of



an easing was presented, although nothing has changed in reality. The only thing that increased was tokenistic international pressure on Israel and Egypt.

As I entered into Gaza City on New Year's Eve 2009, I saw long lines, queues of people and I asked my driver, a paramedic, what people were queuing for. His response was "Dr Mads, you don't know? This is the bread line of Gaza, we have four remaining bakeries and people get up at 6 O'clock in the morning, 800 people standing in line to get some bread, most of them don't get any bread". This is happening in Europe's backyard.

Prior to the attack on the 27th December Gaza was in a dire condition due to the siege. There was outright starvation, anaemia and widespread malnutrition among children. Hunger is used as a weapon of mass destruction. It is illegal but it is used systematically by Israel to deprive the Palestinian population of their energy to resist.

The Attack

In other conflicts during war time, during the first one or two days there are a high number of civilian casualties and then people fly away to the neighbouring province, countries, up in the mountains, or out to the jungle. Not so in Gaza where there is nowhere to fly, nowhere to go. Attacking Gaza is like fishing with dynamite in a pond. It's the most cowardly way of fighting a war that I can think of. To bomb people who cannot escape, where there are no bomb rooms and no shelters underground because the Palestinians are not allowed to dig. There is no early warning system, no functioning civil defence, no protection of the civilians. And they bombed them.

The Rescue

The rescue was extremely dangerous; I re-lived what I had seen in Beirut 1982. First the bombing, then all the heroic people who tried to recover their fellow men and women, and then the jet fighters came back again and bombed the rescue teams, just like Beirut in '82.

People did not wait for ambulances, in Gaza it is a tradition that you put the wounded in a taxi or you simply carry them in your hands to the hospital. And they came pouring into all the hospitals, in masses. The hospitals were overflowing.

Every time there was a bombing we would hear the sirens, we would hear the horns from the cars and people came rushing in like a scene from Dante's inferno. For the first two days it was extremely chaotic, then they regained control and when we arrived on New Year's Eve they had gained more control. Not only did Israel bomb police stations, houses and government buildings but they bombed ambulances, hospitals and medical staff that were clearly marked for international protection.

They bombed almost 60 mosques. I asked one of my good colleagues in Shifa what would happen if the Palestinians had bombed 60 synagogues. He said "Dr Mads, don't be so stupid, you know what would happen" I also asked what would happen if they killed 400 Israeli children. "Another stupid question, you know what would have happened; we would have been nuked out".

Did the world react to the fact that Israelis systematically bombed mosques? Not at all. I asked my colleague why would you not bomb a synagogue and he said "it is very simple, it's the house of God, Palestinians will not bomb the house of God".

There were many educational buildings bombed. This is strictly prohibited according to the Geneva Convention, Article 25. Was anybody taken to court for that? Not a single one.

They bombed 280 schools; none of them have been rebuilt. I went to these schools in August 2009 and the classrooms were destroyed. The Palestinians are masters of improvisation so they had some makeshift schools; they doubled the numbers of students in each class and they ran three shifts of school; morning, mid-day and afternoon shifts. The educational infrastructure of Gaza has still not been rebuilt.



They bombed residential areas, they bombed Jabalia, all the other camps, there was enormous destruction.

After 23 days of bombing and the ground invasion, more than 1400 were killed and more than 5300 injured. These are the consistent numbers from all of the reports.

There are four elements to Israel's tactics.

Number one: a long-term siege, collective punishment and demoralisation of the population.

Number two: as they say themselves, a completely disproportionate military attack. It is called the Dahiya doctrine, i.e. Bomb the hell out of them. Anywhere area rocket is sent from, bomb it. Be it a village, a refugee camp, anything. They developed that doctrine during the 2006 attack on Lebanon.

Number three: a news blockade, no journalists are let in. There was nobody there from the western media.

Number four: humanitarian blockade.

13 Israelis were killed and 1400 Palestinians, the ratio is 1:100. It is not an eye for an eye. It's a life for a hundred lives. Of the 13 killed Israelis, ten were soldiers, three were civilians and none were children. Of the ten soldiers killed, five were killed by friendly fire.

Of the 5300 injured Palestinians every second was a woman or a child below 18 years old. These are the numbers and the facts.

Some Israeli Weapons

During Operation Cast Lead Israel used drones (unmanned aerial vehicles), Dense Inert Metal Explosives (DIME), Flechettes and phosphorus bombs.

Drones are new unmanned weapons. These are called 'fire and forget' weapons meaning that the officers, the government and the Prime Minister do not have to care or be concerned about dead soldiers coming home in body bags. This is the modern warfare, this is what we have to expect. But of course the

hand shooting a rocket at a rooftop in Gaza via remote control is just as morally, politically and legally responsible as the one shooting directly at the child.

One of the many victims of the drone strikes, probably a DIME weapon, was a fourteen year old boy whose right leg was ripped off at the level of the thigh, his left foot was almost cut off and he had large bruises but no shrapnel. The DIME charge is in a composite box and it does not produce shrapnel. With a grenade it will ignite and will explode the metal casting producing a swarm of shrapnel that can travel and injure people 800 metres away. Not so with a DIME bomb, which has no shrapnel and no penetration of the chest or abdomen. The child died in our hands and we could not resuscitate him.

What was it like?

Being there in Gaza during the invasion is something that is difficult to convey. We stayed in the hospital, day and night, living there for those two weeks. We shared food and living conditions with our brothers and sisters in Shifa. But there was an overwhelming sound carpet all the time, 24 hours you heard the drones, you heard the bombs, you heard the tanks and you heard the very heavy 122 artillery from the tanks. And all the time there were waves of injured coming in, nine out of ten were civilians. I saw a handful of soldiers, fighters. And I know what a Palestinian fighter looks like.

I took a picture of a small family in the entrance of the hospital; one of the most painful pictures I took. It's at the entrance of the Shifa hospital, where the windows are covered in paper, they were all shattered because they bombed the Shifa mosque on day two and all the window panes in the surgical building were shattered, killing a hospital worker. The two children in the picture came in with their Dad, their lifeline. They were not injured enough to be admitted, we examined them and sent them into the dark cold January night, with the bombing on-going. Darkness was everywhere because the electricity had been cut. The two girls were scared, shivering due to the cold, hypothermic, anaemic and malnourished because of the siege. They are two of the 80 per cent below the poverty line.

Words cannot satisfactorily describe what the sounds these children were exposed to were like. The hospital was filled with relatives sitting and lying waiting for news outside the operating room, outside the ICU and in the main entrance. And all the time we heard the drones one, two, three and four at a time and we heard the artillery coming from the naval ships.

The Israelis maintain that this was a very successful operation. Their spokesperson said on the second and third days that 90 per cent of the bombs hit the intended target. The same was repeated by the President at the end of Operation Cast Lead. So 90 per cent of those 1400 killed were meant to be killed. They insisted that they hit what they wanted to hit, that all of their rockets have video cameras, they see all that they aim at and they knew what they were targeting. 50 per cent of the wounded were children and women.

Shifa Hospital

The surgical block entrance of the hospital is probably the most filmed emergency entrance in the world. Our link to the outside world, produced through the Palestinian television company with a van stationed outside the entrance. We gave all of our interviews around the entrance, we never left a patient to give an interview but we gave between 15 and 20 interviews per day.

The siege had led to a severe lack of everything that you need to run a hospital; in particular the advanced intensive care work was hard to do as was some of the more advanced surgical work. The hospital was ice cold and was running on two very old generators that frequently stopped. So quite often the light would go out in the operating room and as the patients were not allowed to have torches or headlights, they were using their mobile phones to see that they were still in the right part of the operating field.

The ambulance workers did a heroic job to get the injured to the hospital. Of them, 16 were killed on duty. Among them was Arafat, father of four children, killed by a flechette grenade shot at their ambulance, his partner was killed instantaneously and Arafat bled to death. Because the flechette is actually a nail bomb in a grenade, he was penetrated in the chest and abdomen and he bled to death. I had trained him among the other paramedics and he was one of the 16 killed. 15 ambulances were bombed and almost 50 health facilities were targeted.

It is instructive to study the pattern and number of those killed and injured per day, starting on the 27th of December and ending on the 20th January. 230 were killed on the first day; the number of those injured was 500-600 per day. Not even a well-functioning hospital system in Britain could accommodate this large number of those injured, let alone a hospital without water, electricity, supplies and security. It was nothing but historic heroism that enabled the Palestinians managed to take care of all the wounded.

We saw many amputations, around 100, many limbs that were already partially amputated by the Israeli weapons. Added to that were the flow of head traumas and many multiple traumas.

Every time there was an intake it was very intense in the emergency area on the first floor and then those that needed surgery were taken up to the surgical department. There were six operating rooms but when we had 15 people that needed immediate surgery we had to find a way to increase capacity. So the Palestinians would improvise and operate two patients in each operating room, sharing the anaesthetists. Working on a head injury and an abdominal injury in the same room and then suddenly there would be twelve operating rooms instead of six, we would also operate in the hallway; and this went on day after day.

The real heroes were the medical staff, the volunteers, the men, the women who worked in all the hospitals and the pre-hospital systems in Gaza. Their efforts to support the terrorised population and save lives is demanding of the deepest respect.

The Patients

Most of the patients were young civilians, they would be unprotected, insecure, often hungry and anaemic. Most of them had some family members with them, most also had lost family members. But the Palestinian family system is quite extensive and they take good care of each other. 431 children were killed, 1872 injured; 2300 children injured and killed. These numbers came out every day, at 4 o'clock every day the Ministry of Health would issue the daily statistics and the numbers of children killed increased day by day. So the international community, the UN, the US, the diplomatic corps knew about it all.

The lucky ones, those who could walk and talk were filtered out of the hospital; we could not even admit them. But many of those injured needed some form of surgery. My friend Dr Khalil Abu Foul said "we don't have 5400 injured, we have 1.5 million injured, everyone is suffering".

The unlucky were those we could not operate on, could not resuscitate. Then there were the needy, those that needed immediate surgery to survive. To explain just how much work that takes, I use an example of a man injured from the same explosion as the young 14 year old boy. First it is necessary to find out what kind of injury it is using my anaesthesia equipment to put in an IV cannula. He was breathing by himself; I amputated his right leg because it was falling off. We thought it was a DIME bomb. We then we looked for other injuries and stopped the bleeding. He does not need immediate surgery; he just needs the bleeding to be stopped. The bleeding is stopped with a packing and a compressive bandage and his amputated body part was buried in accordance with Islamic tradition by his relatives. Then later the same afternoon the man was taken to the operating room when there was capacity on the operating table for his anaesthesia. It was necessary to unpack the bandage, remove all of the dead tissue, extremely meticulous work. If it was not done properly he would have become infected with septicaemia and died. This cleaning of the wound had to be done at least once a day. Every time you save somebody, you accumulate even more work.

The Palestinians organised, they were the masters and we just found our place as solidarity workers. We don't support Hamas, we don't support Fatah or the authorities in the West Bank. We support the Palestinian people and their right to resist occupation. And we support the Palestinian people's right to democratically choose their own leaders just as we like to choose our own leaders.

The wounded

Two more stories to give you the narrative of the Palestinian people under attack in Gaza. One story is about one of the 5400 injured, waiting in line outside the operating room for surgery, two children lying on a stretcher, both severely injured, traumatic amputations in need of immediate surgery. By the end of the stretcher there is a man in a green operating gown, he is desperately using his mobile phone. It turns out this man is Dr Al Arini; the injured on the stretcher are his two children. The Israelis bombed his house while he was on-call, his wife is missing and he is trying to find out if his wife is alive or dead. The two children get surgery and survive, the wife comes to the hospital in the afternoon and the next morning Dr Al Arini is back on call.

To give you a small example of the extreme burden on all the health staff in this system and the enormous courage and discipline they showed, three days later I met Dr Al Arini in the middle of the night and he asked me about the man on the operating table and whether he will survive. I tell him he will survive, but we have to amputate his left leg. 'Why do you ask?' I enquire. He replies that the man is his cousin, his uncle's house had just been bombed, his uncle killed. The onslaught was merciless and unrelenting.

The second story is revealing and representative of the many deaths of children. Ahmed was 12 years old and from Al Montar, one of the toughest areas of Gaza, known for its resistance. He came in after a brutal rocket attack and I declared that we could not save him. But he was taken to the operating room because we had some capacity and somebody whispered in my ear that it was the nephew of one of the doctors, a good friend of mine and he was operating in the room next door. He had stopped breathing, so we incubated him and started resuscitation. My friend stopped in the doorway and just nodded, stating that it was indeed his nephew. I stopped the chest compressions, went to put my arms around him and started to cry and said I'm sorry. He took my shoulders, and shook my head up and said "Mads, we just have to carry on, this is our life". He went over to his nephew, stroked his forehead and went back to do surgery. Ahmed lived until he was 12. The leader of the attack, President Shimon Peres said at the end



of the operation: "Implementation of the current operation has gone 90% according to the plan". NEED QUOTE JERUSALEM POST Ahmed's life was taken according to the plan.

Peres continued that Israel's aim "was to provide a strong blow to the people of Gaza so that they would lose their appetite for shooting at Israel. That's all." He failed to acknowledge that such collective punishment is illegal under international law.

What can we do?

When you see a 17 year old boy after surgery, both legs and one arm amputated, you feel desperate, helpless and you don't know what to do. But we have to do something and what we can do is provide solidarity.

I took some photos at the Gaza Municipality Artificial Limb Shop, which is a highly professional prosthesis workshop in Gaza City, run by the Palestinians. I met Ahmad Nabhan a double amputee from Operation Cast Lead, he was being fitted with his new Palestinian made prosthesis in Gaza City, his new legs. His house had been bombed, he has seven children, he lost both legs but wants to carry on.

The prostheses are made in a workshop headed by Hazim Shawwa. It was to close due to the siege but thanks to a woman in Norway it was saved. A woman in Northern Norway who was brave enough to start breaking the siege on Gaza started a solidarity concert in 2006 after the Operation Summer Rains attack, collecting almost 5 million Norwegian Kroner and the artificial limb workshop in Gaza did not have to close. It is still open due to her efforts; it is an example of what Margaret Mead said, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it is the only thing that ever has". Hazim in his workshop told me "your money is not the most important thing, your solidarity is".

I also took a cheque to Gaza in August 2009 for 2 million Norwegian Kroner. We gave it to Jameila Al-Habash. She lost both her legs, her sister was killed on the roof by a drone attack and her cousin Mahmood lost a leg. She received the cheque on behalf of all the young amputees in Gaza. She is striving to get back to walking on the new prosthetics that have been made for her.

Solidarity boosts morale in Gaza and it can be very effective. The Boycott Divestment and Sanctions movement secured a great victory in Denmark, where the government was forced to divest from Elbitt Systems. This can be replicated around the world.

When I returned home from Gaza I was given a pair of mittens, knitted by a woman who told me that she cannot go to Gaza but can knit; while I can go to Gaza but cannot knit. Her contribution was to keep my hands warm. It has since become fashionable in Norway to make 'Gaza Mittens' in Palestinian colours. It is a huge campaign and the all profits go to the artificial limb workshop. There are hundreds and thousands of mittens being knitted by women who won't go to demonstrations or wear the keffiyeh, but they do like to knit.

To conclude this very personal account I will mention my strongest memories from Gaza in 2009. Firstly, the Palestinian health workers, who never gave in, never left their posts, always treated their colleagues. I remember all the teamwork, the staff's enormous capacity to improvise and to find solutions. I remember the nurses working day and night in the ICU as lights were going out and respirators failing, but always on their post.

I remember all the volunteers and medical students, doing their very best. I will never forget the he-

roic ambulance workers, who sacrificed their lives, evacuating people from Shifa to other hospitals to increase capacity, dangerous and often deadly work.

I remember all the warm teamwork, all the companionship, all the laughter, all the devilish humour that we used to survive and not to give up. I learnt from these extremely brave people.

I remember all of the waiting families, their despair and their waiting for news about their loved ones who might have been dying, who might survive.

I remember all the children, their glances, their silence. I remember all the meaningless losses, all the young people losing their arms, their legs, their fingers, their eyes and their lives. Totally meaningless.

I remember all the friendship, I remember all the millions of cups of garabiya and all the cigarettes. I don't smoke but in Gaza I smoked all the time. It really is Marlborough country; we smoke, we drink coffee and we survive on the friendship and the companionship.

The dignity of the Palestinians stands out. The Palestinians in Gaza carry our dignity on their shoulders. They never let themselves be tempted to behave like the animals that they are treated like. On the contrary, they are polite, show hospitality, they are clean, they share their food. One night in the hospital at 4 am, I was extremely exhausted and I sat down on the brink of tears and a young student nurse put his arm around me, shook my shoulders and said "don't look sad Dr Mads, it will be ok, it will be ok". Two days later his sister was killed and he came back to work.

Remember Occupied Palestine is not only war, blood, suffering and death. It is also daily life, smiles and hope. And people who want to live in peace with their neighbours. Nelson Mandela has said, "Our freedom is incomplete without the freedom of the Palestinians".

Gaza City is extremely beautiful, a real world heritage site; it should be destination for tourism not for rockets. It is dignified, it is strong but it is exhausted. They need us. Gaza lives, the shababs, the women, the children, the young people in Gaza will not give up with or without our support. But they deserve our solidarity and I think that we should all work even harder than we do. Gaza will never give up and one day the Nakba will end and there will be a free Palestine.

Dr Mads Gilbert is a practicing doctor and anaesthesiologist with extensive experience working with land mine injuries in Cambodia, Burma, Afghanistan and Angola. He worked in Gaza during Israel's 2008-9 invasion and is the co-author of 'Eyes in Gaza'.

Endnote:

- (1) Lancet Steering Group on the Occupied Palestinian Territory, *The Lancet*, Volume 373, Issue 9666, 7th March 2009
- (2) Horton, R 'Iraq: time to signal a new era for health in foreign policy', *Lancet* volume 368, no. 9545, 21st October 2006
- (3) Lancet Steering Group on the Occupied Palestinian Territory, *The Lancet*, Volume 373, Issue 9666, 7th March 2009
- (4) Gilbert, M and Fosse, E 'Eyes in Gaza', Quartet Books, 2010
- (5) 'No Safe Place', Report of the Independent Fact Finding Committee on Gaza, presented to the League of Arab States, April 2009
- (6) 'Operation "Cast Lead": 22 Days of Death and Destruction', Amnesty International, 2nd July 2009
- (7) 'Guidelines for Israel's investigation in to Operation Cast Lead', B'Tselem, February 2009
- (8) Lancet Steering Group on the Occupied Palestinian Territory, *The Lancet*, Volume 373, Issue 9666, 7th March 2009
- (9) 'Gaza: 1.5 million people trapped in despair', International Committee of the Red Cross, 26th June 2009
- (10) 'Wikileaks: Israel aimed to keep Gaza economy on brink of collapse', Haaretz, 5th January 2011
- (11) 'Dashed Hopes: Continuation of the Gaza blockade', November 2010





Ben White*

Forceful displacement and expulsion in Israel

The Nakba generally focuses on the plight of Palestinian refugees and Israel's ongoing annexation of Palestine. Seldom do we hear about the ongoing displacement of Palestinians within Israel. This consideration is crucial to a comprehensive understanding of the Ongoing Nakba. This article will describe some of the policies that Israel implements towards the Palestinian minority in the on-going Nakba. I think that it is important to see things on the wider scale and holistically. Day to day there is a system of apartheid and colonialism that continues away from the television screens and many times people are only aware of what is happening there when there is a particularly brutal suppression of the Palestinian people on a wide scale. So I think it is important for us to contextualise the kind of things that we have seen in Gaza with the more mundane injustices, the day to day apartheid that Israel implements towards the Palestinians.

There are three short parts that I will discuss. First I will briefly contextualise the Nakba in history. The second section has three examples of Israeli policies towards the Palestinian minority. Thirdly, I want to share some quotations to see the kind of discourse that is commonplace within Israeli society towards its own Palestinian minority, the kind of discourse that legitimises past, present and potentially future expulsions.

Many of you will be familiar with what happened to Palestinian society in 1948, the proportion of villages and towns that were emptied and destroyed, the proportion of Palestinians who were forced outside of their homes. Noting of course that Nakba began before 1948, not just in terms of expulsions, but also for example in terms of the dispossession of farmers and villagers, when absentee landlords were selling their properties to Zionists. This policy continued even after the 1948 conflict. A clear example of this is Majdal where some Palestinians managed to remain and in fact regroup in a manner of speaking until 1950 when they were finally ethnically cleansed. Until 1950 they had been kept in an area which was referred to as the 'Ghetto' and then they were expelled and what is today Ashkelon is on top of Majdal.

There are other examples of similar expulsion years after 1948, inside the new state, such as Iqrit and Kafr Bir'im. The Palestinians in these areas managed to stay within the new borders of the Jewish state yet were still prevented from returning home even as they were trying to go through the process of the Israeli legal system, the Israeli military demolished these towns to make sure that it was impossible for them to go back.

* Ben White is a freelance journalist and writer specialising in Palestine/Israel. He also writes on the broader Middle East, Islam and Christianity, and the "war on terror". He lives in the UK and his book, *Israeli Apartheid: A Beginner's Guide* is published by Pluto Press.

There is a direct link between the Palestinian catastrophe and the creation of Israel. Between 1947 and 1949 the number of Jewish communities in mandate Palestine increased by 50% and almost all of those communities were being built directly onto cleansed Palestinian land. This is the context that we are aware of already from a historical perspective but Nakba did not just an event in history, it is an ongoing process because this catastrophe continues today and ethnic cleansing, displacement of Palestinians hasn't stopped.

The Palestinian minority inside the state of Israel is a group of Palestinians who have actually been ignored by many groups in the West for a variety of different reasons but also it's a group of Palestinians that I think increasingly come under the spotlight as the Israeli state's methods of suppression and brutality towards the Palestinian minority increases and this is certainly the pattern that you can see taking place.

After the 1948 Nakba the Bedouin Palestinians in the south, even though they were not expelled outside Israel, became refugees and were forcibly removed and concentrated in an area that was known as the 'Siyag' or the enclosure or fence area. Today there are tens of thousands of Israeli citizens, Palestinians who are living in what are called unrecognised villages. These are so called unrecognised villages due to Israeli planning legislation, mainly implemented in the '60s, which didn't include pre-existing Palestinian communities as being officially on the map. Palestinian communities found themselves marked in areas that were not for residential building, so at the stroke of a pen they were removed from official existence. This had tremendous consequences for the Palestinians, especially given that their official non existence meant they were not connected to basic infrastructure. These communities still lack basic telecommunications, sewage systems and electricity, etc.

Many of these unrecognised villages are in the South, in the Negev area, which the state of Israel is a planning for Judaisation. The policy sounds offensive, especially to Western audiences and therefore sometimes it is discussed in terms of development, euphemistically called 'the development of the Negev' which sounds much more pleasant and neutral.



The way that the Negev is Judaized, the way that the Palestinian minority is discriminated against is a complex mix of the exploitation and manipulation of Ottoman land legislation, British mandate legislation, legislation that is more recent in terms of legalising farms that are owned by single Jewish families who is given rights to large amount of land while condemning Palestinian communities as occupiers and in breach of law.

Although unrecognised villages are mainly in the south they also exist in other parts of Israel. Damash, for example is near Tel Aviv in-between Lydda and Ramla, which I visited in July 2010 and I witnessed similar displacement to the ones occurring in other parts of Israel. This community was forcibly relocated to their current location in 1951 by the Israeli government but, to their misfortune, they were relocated to an area zoned for agricultural purposes. This means that the kind of building they are allowed to construct is restricted to barns other non permanent structures. Naturally over the years the people have had children and grandchildren and needed to expand their community but the land all around them has been rezoned for residential building for Jewish communities. As a result, most of their buildings are technically illegal and they are having to fight to defend their houses from being destroyed.

Demolition of homes within Israel is not limited to unrecognised villages. This feature of Israeli apartheid is the nitty-gritty and mundane aspects of Israeli apartheid, which isn't easily recognisable. In many places, home demolition is a phenomenon common to the Palestinian minority inside Israel. This is because one in four of the Palestinian towns inside Israel lack a so-called master plan, which is required in order to get planning permission to build. Without a master plan it is illegal to build.

Since 1948, around one thousand new Jewish communities have been created inside Israel and only seven created for the Palestinian minority and in fact, those seven are all communities established in the Negev as part of a desire to concentrate the Bedouin Palestinians in one particular area. The restriction on growth puts Palestinian families under extreme pressure and many are forced to build extra rooms in order to accommodate their growing family. The legal limbo means they can only do this illegally.

Contrasts that with what happened last month, December 2010, on a cold, wet and rainy day in Lydda to the family of Abu Eid, where seven homes were demolished in one go. Meanwhile, a piece in the Economist reported on October 2010 that there are exclusive gated communities being established just for "religious Zionists" and according to the chief Rabbi in Lod, "these blocks will ensure that Lod stays Jewish".

Another aspect of Israeli policies towards the Palestinian minority relates to the phenomenon of so called present absentees. One in four Palestinians in Israel are present absentees, also known as internally displaced. They are the Palestinian citizens of Israel who in 1948 left or was expelled from their homes but managed to stay within the newly created borders. Even though they received citizenship they were still barred from going back to their property; their property was confiscated from them. Their situation is that of an internally displaced person, although of course they have the ability to see their homes and land but don't have the means to actually return to their homes.

I remember a family that I know well in Nazareth, the grandmother is still alive, a survivor of the Nakba and someone could drive her in a car for 2-3 minutes and she would be outside her family home that is now occupied by Jewish Israelis.

Two recent developments took place last year which are a part of "land reform" that Netanyahu's government is implementing. A key part of this reform is privatisation. They want to privatise land which to date has been held in ownership by the Israeli state but of course a lot of that land is land taken from



Palestinian refugees whether outside of Palestine now or as internally displaced persons. So privatising the land is a step that will make it even harder for the Palestinians to get that land back because once it has passed from hands of the state to private individuals it complicates the matter even further.

Another law change that happened last year was a law originated during the British mandate period from 1943. This law gives the state the ability to confiscate the land for public purposes. Of course that is a pretty broad definition and that is a law that has been used repeatedly to take land from the Palestinians. The amendment that was passed last year by the Knesset was to say that, even if the land hasn't been used for the public purposed that we claimed at the time, it will not return back to the original owner.

The examples I've highlighted demonstrate clearly the methods Israel is using in securing stolen property. In this third section I want to highlight the type of language that is being used towards the Palestinian minority inside Israel. The kind of racist discourse that is common in a way that would shock most people here in Britain if they could think of an equivalent situation. Here in the UK it would come as a total shock if the average British person heard an elected mayor of a city in the UK, or a mainstream political party, or an elected Prime Minister talking about an ethnic or religious minority in extremely offensive terms that are only heard amongst a fringe minority.

Palestinian citizens are described as a "demographic threat". In other words they are a security threat by their very existence as Palestinians. This is important to note, not just because it's an example of sickening racism, but because of the linkage between the dehumanisation of Palestinians and the ability to expel them. If you see a person as racially inferior it obviously makes it easier to consider that person's presence expendable.

The current Prime Minister Netanyahu, speaking in 2003 as Finance Minister explicitly described Palestinian citizens as "a demographic problem"

Israel has demolished the "unrecognised" Bedouin village of El Araqib some thirty times in the past year (Photo courtesy of Negev Coexistence Forum)





Avigdor Lieberman comes out with new gems almost every week. Whilst being interviewed in Newsweek, the interviewer asked him about his idea for changing the border to transfer Palestinian citizens into the so called Palestinian state. The question, “you are talking about drawing a line so that how many Israeli Arabs will no longer be part of Israel. Lieberman answers, “at least half”. This is the Israeli Foreign Minister talking openly to a Newsweek interview on October 2010.

Another recent example to get the headlines is the call by many municipal Rabbis, who receive their salaries from the Israeli state, calling on Jewish Israelis not to rent their property to Palestinian citizens.

Also the Deputy Mayor of Ashkelon was reported as saying, “I have been saying for years that we must teach girls to beware of Arabs”(1) . So these initiatives are starting to become much more out in the open inside Jewish Israeli society. That quote from the Deputy Mayor of Ashkelon was in the context of campaigning against inter-racial dating.

The prejudice, hate and racism fuelling such a discourse should no doubt remind us of situations from other places and times.

There is also a statement from the current Mayor of Upper Nazareth, Upper Nazareth which was created on the confiscated property of Palestinian Nazareth. He said that “I’m all for a democratic Upper Nazareth, but first of all a Jewish one”. If anybody wanted the perfect encapsulation of what it means for Israel to continue to exist as a Zionist state, this is the contradiction laid out here by the Mayor of Upper Nazareth.

Unabashed racism was also expressed by the chair of a Knesset lobby for housing solutions for young couples, who said “it’s in the national Interest for Jews to move to areas where the Arab population is on the rise”. Think about the outrage one would feel about the kind of politics that discussed an ethnic or religious minority in the UK in that way: there is too many of ‘this’ kind of person in this area and we need to move ‘right’ kind of person into this area.

Finally, this is from the Deputy Minister for the task of the “development” of the Negev, “there’s the risk that we will find ourselves with more Arabs than Jews in these areas”. One could go on and on and these aren’t quotations of some random person on the street these are people who are all elected officials at a national and regional level. And that’s the discourse that has been commonplace inside Israel since 1948 until today and it’s that discourse that makes possible and even desirable to demolish homes in Naqab, do prevent Palestinian citizens of Israel returning to their homes and building for their children. It makes it ok to occupy the whole of Palestine and to bomb children in Gaza with phosphorus. This is the ideology that shapes these particular policies.

The emphasis in the on-going Nakba is the suggestion that there is no point trying to understand the root of the conflict by only going back to 1967. There are many people who for a number of years now have tried to push the conflict related to the ’67 discourse, related to being primarily a kind of “anti-military occupation” discourse. When in fact the Nakba file is still well and truly open. Related to that, we need to be able to see the patterns and the similarities between the kind of policies that Israel implements towards its Palestinian minority and the kind of policies that we see played out day to day in the Occupied Palestinian Territory because it’s the same pattern, it’s the same mentality. Creating settlements on the hilltops that is what you see in the Galilee in the Misgav area, they created “look-out” communities. Home demolitions, the denial of building permits, fragmenting Palestinian territory. The idea that Palestinians are a threat by their very existence, it’s the same policies, it’s the same practice.

Building on that observation, my suggestion at least and also the suggestion of others, is that we need to take on an analysis and the response to the situation that isn’t about two state solutions, that isn’t about “two competing nationalisms”. Remind ourselves that the unfolding tragedy is about basic International Law, it’s about basic human rights, anti-racism, anti-apartheid and anti-colonial. also recognise that until a particular state framework that has existed for over 60 years, which exists for the benefit of one group of people over another, a state that was built on the rubble of Palestinian society in 1948 and continues the Nakba every day until now, until that is changed there will never be justice or peace.

Endnote:

(1) <http://www.ynetnews.com/articles/0,7340,L-4008005,00.html>





Nasim Ahmed
Tom Charles*

Increasingly Illegal – Israel's Apartheid Wall

The International Court of Justice (ICJ) is the principal judicial arm of the United Nations. In 2004 it was tasked with giving an opinion on the legal consequences of Israel's wall in the Occupied Palestinian Territories. The wall, which directly affects half a million Palestinians will be 723 Kilometres in length when complete⁽¹⁾. The route of the wall substantially deviates from the Green Line into the occupied territories captured by Israel in 1967.

The Advisory Opinion of the ICJ:

The ICJ declared the wall being built by Israel in the West Bank to be illegal under international law. Therefore:

- Israel has to dismantle the wall and
- Israel has to pay compensation for the damages caused by the wall

The vote passed 14:1 in the court, with the one dissenting voice being the American judge Thomas Burgenthal who called his dissent a "declaration". He agreed with much in the majority opinion and recognised that the settlements are illegal under Article 49 of the fourth Geneva Convention.

Disputes Resolved by the ICJ:(2)

Settlements and borders

The ICJ ruled that under Article 49 of the fourth Geneva Convention, it is illegal for an occupying power to transfer its population to occupied territory. The West Bank (including East Jerusalem) and the Gaza Strip are occupied territories according to international law; therefore all settlements there are illegal. The Advisory Opinion quoted the United Nations Security Council as saying the settlements constitute a "flagrant violation" of the Geneva Convention.

A fundamental pre-emptory norm of international law is that it is inadmissible to acquire territory or change borders by war. The West Bank (including East Jerusalem) and the Gaza Strip were acquired by Israel in the 1967 war. Israel has zero title to them. These areas are referred to by the World Court as "Occupied Palestinian Territories" throughout its Advisory Opinion.

Jerusalem

Because Israel acquired East Jerusalem in the 1967 war, it is Occupied Palestinian Territory to which Israel has no claim.

Summary

July saw the anniversary of the ICJ advisory opinion on Israel's Wall. The 2004 opinion had seemed to be a victory for the Palestinians and those championing justice, human rights and the rule of international law, but seven years on the advisory opinion has not translated in to changes on the ground. Israel has not budged from its policy of annexation and has adopted legal mechanisms to expel more Palestinians from their land.

The Wall and expulsions have led many to argue that Israel is becoming an apartheid regime pursuing a policy of ethnically cleansing the indigenous population in order to tackle what it sees as the demographic problem in preserving its contradictory identity as a Jewish and a democratic state.

The Opinion and Israel's response

In July 2004 the ICJ was tasked by the UN General Assembly to issue an advisory opinion on the "Legal Consequences of Construction of a Wall in the Occupied Palestinian Territory (OPT)". Amongst its many conclusions were:

- The construction and operation of the wall within the Occupied Territories violates international humanitarian law.
- The Wall is part of a continuing attempt by Israel to change the legal status of the OPT (including East Jerusalem).
- Construction of the wall is a form of collective punishment.
- The Wall is a disproportionate response to any threat faced by Israel.
- The wall violates the right of the Palestinian people to self determination.ii

This was an unprecedented moral and legal victory for the Palestinian cause. However, seven years on, instead of finding a more chastened Israel we find yet more aggression being committed against the Palestinians.

The Wall and Israel's policies towards the Palestinians reveal a colonial operation. Israel's policies since the ICJ ruling are reminiscent of South African Apartheid, and they show no compunction in flouting international law.

There is a danger in using words like "Colonialism" and "Apartheid" that in sensationalising and politicising the words we undermine the argument we seek to make. This is not so in the case of Israel's Wall. In January 2007 Professor John Dugard, in his capacity as UN special Rapporteur on human rights in the OPT, stated that Israel's military occupation displays elements of colonialism and apartheid. His report to the Human Rights Council also suggested that an advisory opinion on the legal consequences of Israel's conduct should be sought from the ICJ to compliment the opinion on the Wall.

Colonialism and Apartheid both constitute serious violations of basic human rights. Both have been consistently condemned by the international community and both, like the crimes of ethnic cleansing, genocide and torture, are amongst the peremptory norms of international law: rules from which no derogation is permitted.

To explore these very serious accusations an international team of scholars was assembled by the Human Sciences Research Council of South Africa. Its findings corroborated Professor Dugards position and made many disturbing conclusions, amongst which were that:

- Israel's annexation of East Jerusalem is manifestly an act based on colonial intent.
- Israel's acquisition of territory in the West Bank illustrates colonial intent.
- By portioning contiguous blocs of Palestinian areas into cantons, Israel has violated the territorial integrity of the OPT in violation of the Declaration of Colonialism.
- Israel has introduced a system of apartheid in the OPT

Instead of justice, what we have witnessed is further aggression and a slow but effective implementation of the original Zionist goal to cleanse Palestinian land of its indigenous population. Throughout its history Israel has rarely missed an opportunity to implement its core strategy of population transfer, pursuing this course through its many wars, its creeping colonisation in the form of settlement building: a regime that combines occupation, apartheid and colonisation.

Legal Structure

Israel's entire legal structure in the occupied territories is designed to serve this end. Since 1967, in order to control the Palestinian population, Israel has enacted more than 1,200 military orders and has altered the administrative and legal situation in the OPT in violation of international humanitarian law.

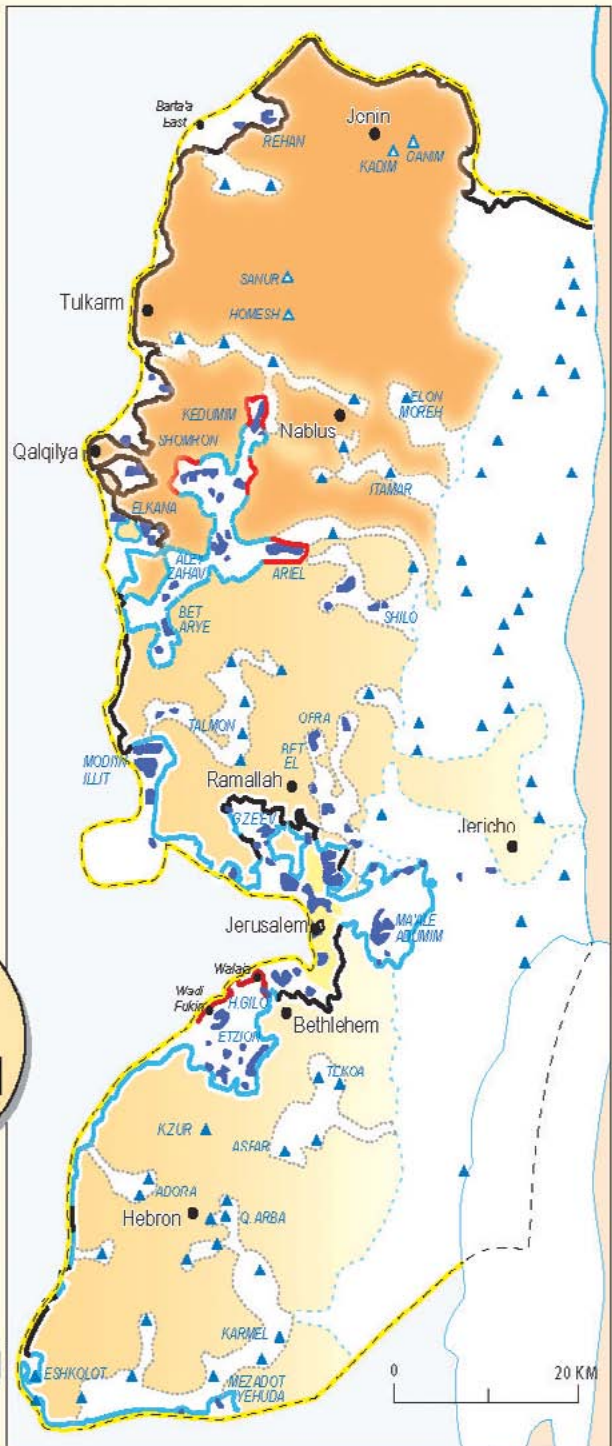
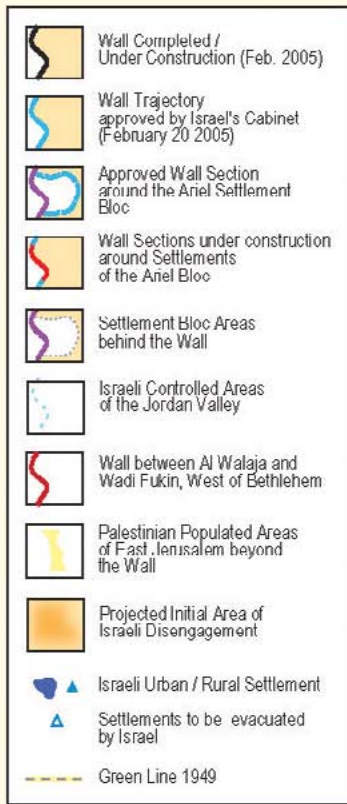
In securing its aspiration and maintaining Jewish privileges over the land Israel enacted the Law of Return (1950), the Law of Absentee Property (1950), the Law of the State's Property (1951), the Law of Citizenship (1952), the Status Law (1952), the Israel Lands Administration Law (1960), the Construction and Building Law (1965), and the 2002 "temporary" law banning marriage between Palestinians in Israel and Palestinians of the occupied territories. Consistent with this trend it enacted in April 2010 two further military orders: an Order regarding Prevention of Infiltration (Amendment No. 2) and the Order regarding Security Provisions (Amendment No. 112).

A vivid illustration of how the April 2010 military order will impact the Palestinians in East Jerusalem was highlighted in June 2010 when four elected members of the Palestinian Legislative Council (PLC) were arrested for refusing an Israeli order expelling them from their home and place of birth, East Jerusalem. Many Palestinians fear their expulsion could set a precedent for the removal of more of the nearly 270,000 Palestinians living in East Jerusalem, which Israel occupied in 1967, an occupation that has never been accepted by the international community.

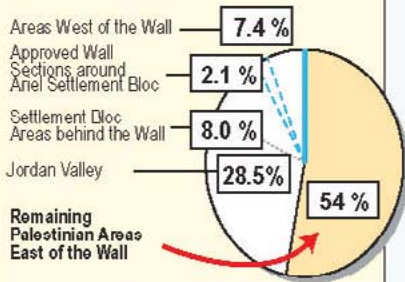
Richard Falk, the UN special rapporteur on human rights in the OPT, cited the case of the four PLC members in a statement, saying that it was part of "a larger, extremely worrying pattern of Israeli efforts to drive Palestinians out of East Jerusalem - all of which are illegal under international law"(3).



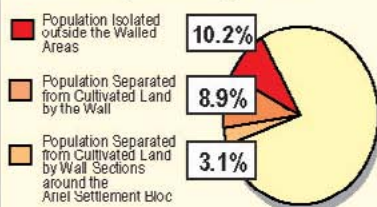
The Wall and Projected Israeli Unilateral Disengagement - February 2005



West Bank Area Percentages After the Wall



Percentages of Palestinian West Bank Population Directly Affected by the wall



When Israel annexed East Jerusalem in 1967, the government did not confer citizenship on the inhabitants, which would have significantly increased the percentage of Arab voters in Israel. Neither did they invent a new status for them. Lacking alternatives, the inhabitants became “permanent residents”, a status devised for foreigners who wish to stay in Israel. The Minister of the Interior has the right to revoke this status and deport such people to their countries of origin.

Logically, this definition of “permanent residents” should not apply to the inhabitants of East Jerusalem. They and their forefathers were born there; they have no other citizenship and no other place of residence. Revoking their status turns them into politically homeless people without protection of any kind.

This forced expulsion and illegal revocation of residency rights is not only happening to parliamentarians and public figures, but it is happening to many ordinary Jerusalemites as well. No one, it seems, is safe from Israel’s insistence on gradually removing Palestinians from the land. In 2008, Israel revoked 466 Jerusalem residency cards, with the number expected to skyrocket in 2011 as a consequence of the April 2010 military order.

What is being played out is Israel’s desire to have total control over Palestinian lives and Palestinian land, leading to the series of acts that would cause utter shock and outrage if carried out here in Britain or in any other Western country.

Conclusions

Israel’s annexation of East Jerusalem and its legal framework in the occupied territories is manifestly an act of colonial intent. Israel has no sovereignty and no legitimacy in these territories to enforce such policies.

Legally, Israel bears the primary responsibility for remedying the situation it has created. It has a duty to cease its unlawful activity and dismantle its colonial and apartheid institutions.

Thus far the Palestinians have also been failed by the international system which continues to fall short of meeting its responsibility. The widespread outrage against the siege of Gaza and assault on the Freedom Flotilla suggest that calls for effective action are greater than ever. The call for justice is approaching the volume reached during apartheid South Africa and global institutions will need to respond appropriately or risk their own credibility.

The case of the four PLC members is just one demonstration of the mechanism that Israel has refined over the decades in fulfilling its objectives and tackling what it regards as the demographic problem. Changing facts on the grounds has been a constant method pursued in order to prejudice future negotiations. Inside Israel, extremism has played an increasingly mainstream role, illustrated by the rise to power of openly racist Foreign Minister Avigdor Lieberman and the mob assault on Member of the Knesset Haneen Zoabi in 2010.

Next Steps

If states fail to fulfil their responsibilities they too are acting outside the law. If a state aids or assists in the theft of Palestinian land and allows for the slow but deliberate ethnic cleansing of the Palestinians then it is complicit in maintaining a colonial and apartheid system.



States, inter-governmental and non-governmental agencies have a duty to prevent and bring to book all breaches of peremptory norms of international law. States must not recognise the unlawful situation in Palestine and must issue a robust condemnation of Israel's annexation of Palestinian territory in East Jerusalem and its criminal intent to expel Palestinians from their lands.

Israel's wall on occupied Palestinian territory is illegal and should be removed. Furthermore, individual states and parliamentarians from around the world must reject anti-democratic Israeli decisions such as the expulsion the four elected PLC members from East Jerusalem. The PLC members, all born in East Jerusalem and forced to take protection at the International Red Cross, need the support of the international community. The principles of democracy and human rights need the support of the international community.

Israeli policy must be described in unequivocal terms; a gradual step to remove Palestinians from their homeland through legal pretence. If Israel succeeds now, many more expulsions will likely follow. The international community must act before Israel becomes further emboldened in pursuing this dangerous course of action.

Endnote:

(1) http://www.btselem.org/english/Separation_Barrier/Statistics.asp

(2) For the full text of the ICJ advisory opinion: <http://www.icj-cij.org>

(3) Al Jazeera online <http://english.aljazeera.net/news/middleeast/2010/06/2010630165417403499.html>, 'Israel arrests Hamas MP'





Dr Phyllis Starkey*

“Effective Lobbying for Justice and Rights”

Most of the contributions to the Palestinian Return Centre (PRC)'s Nakba Conference in January focused on developments in the Occupied Territories and in Israel itself; the continued denial of the right of Palestinians to self-determination, and the discrimination, expropriation of land and property and displacement that attempt to manipulate the demography of Israel itself as well as in the Occupied Territories, and to extend Israeli territorial control as widely as possible.

In my contribution I was asked to describe the role of lobbying in support of justice for Palestinians. It is difficult to measure the effectiveness of lobbying, and of action by civil society in general, in influencing or effecting change. But there are indications that groups lobbying on behalf of justice for Palestinians have been more effective than might have been expected given the financial and political resources of those ranged against them.

In 2011 the BBC World Service Country Rating Poll showed 66% of Britons had a negative view of Israel, the highest negative score in any EU country, and Foreign Office civil servants report that government ministers are concerned about the hostility to Israel amongst Parliamentarians as well as the public.

The Israeli government is clearly worried by the effectiveness of NGOs (non-governmental organisations), which is why it and its clients like NGO Monitor have made wild accusations against the PRC and why the Knesset is implementing legal moves within Israel that attempt to weaken Israeli human rights groups and cut off any external funding.

There are many campaigning and lobbying groups in the region itself, both Palestinian and Israeli, that are courageous and highly effective in support of Palestinian rights, but I will concentrate on lobbying here in the UK since that is what I am most familiar with. Although detailed strategies would be different in other countries, as they need to take account of the local situation, the same principles of effective lobbying apply everywhere.

The purpose of lobbying is to support change on the ground in Israel and the Occupied Territories through changing “policy” here in the UK. When I talk about “policy” I do not just mean influencing the government and UK foreign policy, but also influencing the behaviour and practice of the public, and of civil society, including Trade Unions, arts and sports organisations, universities, and of public authorities and businesses.

* Labour Member of Parliament 1997-2010

What are the key factors in successful lobbying?

To be effective, lobbying must be accurate and evidence-based, consistent and persistent, be realistic and timely. The co-operation of a wide range of organisations using different tactics, sharing information and complementing each other, is crucial.

To expand these ideas:

- Lobbying must be based on evidence and be accurate. It is important not to exaggerate or use exaggerated language to describe what is happening. The reality of the occupation is so bad that no exaggeration is needed in any case, but the Israeli government will seize on any exaggeration or inaccuracy to sow doubt and undermine the whole campaign. The importance of evidence and accuracy is demonstrated by the huge shift in UK public opinion since Operation Cast Lead. The Israeli government has spent a great deal on its PR and lobbying, but the accumulation of evidence (most recently the TV and radio reports of what actually happened) has challenged the Israeli account and no amount of PR can overcome this.
- Lobbying must be consistent and persistent. It takes time to change public opinion and “messages” have to be repeated many times to be heard and to have an effect. An important role for lobbying is to inform people but also to shape the agenda – thus events such as Operation Cast Lead, the Gaza blockade or settlement expansion need to be presented in the context of the illegal Israeli occupation, not (as the Israeli government tries to do) in the context of security for Israel or in the context of Israel as a buttress for the West against Al Qaeda.
- Taking MPs, opinion formers, church and trade union groups to the Occupied Territories or to the refugee camps is very valuable. Seeing the situation on the ground, meeting ordinary Palestinians and hearing their stories gives people a personal experience against which they can test Israeli PR.
- It is crucial to build alliances – the task is too great for effort to be wasted in conflict between groups that may have different methods but are all working for Palestinian rights. We need to acknowledge the debate within Israel and within the Jewish diaspora, and always distinguish between the Israeli government and Israelis in general, and between those Jewish & settler organisations that uncritically support the Occupation and those who challenge it.
- Co-operation between organisations on specific campaigns will maximise effectiveness. Different groups may favour direct action, demonstrations, consumer and other boycotts, legal challenges against individuals or companies, public lobbying, private lobbying behind the scenes, or research that can then be used by others. Each of these is valuable and they complement each other. It is not necessary for all groups to agree on everything as long as their aims are complementary and they share information and do not cut across each other.
- But, as well as broader agenda-setting, it is important to narrow down to lobby on very specific, short-term, practical and achievable goals. For example, the overall aim may be to end the occupation and dismantle all settlements, but the short term goal might be to encourage a consumer boycott of settlement goods. A range of arguments should be marshalled to support each campaign; technical and legal arguments can be extremely powerful but must always be soundly based. Setting short-term goals is very important in motivating activists as short-term successes empower campaigners, show that activism can make a difference, and motivate them to continue towards the ultimate long-term goal.

- Achieving both short-term and long-term goals requires a realistic analysis of where power lies, how to influence it, where change can occur and what change can realistically be expected. For example, the European Union has never cancelled an Association Agreement and there is only one instance when an agreement has been suspended on human rights grounds (and then only briefly). Calling for the EU-Israel Trade Agreement to be suspended has a poor chance of success, but blocking an upgrade or insisting no settlement goods should benefit from the Agreement are much more achievable. Success is even more likely if campaigners offer workable solutions to deliver the desired outcomes.
- It is also helpful to choose the right time to lobby on particular topics – President Obama’s speech on 19th May, and the co-ordinated responses of the EU and the Quartet, together with the recent UN Security Council resolution on settlements, are all signs of exasperation at Israeli recalcitrance over demands for a settlement freeze. Now is the right time for campaigns to focus on settlements and push for effective action – or at least more effective than the purely declaratory statements made so far.

Examples of effective lobbying

Because the Occupation continues and Palestinian rights in Gaza, the West Bank and East Jerusalem and in the refugee camps remain unrecognised, and because the US and EU seem so unwilling to act to change the situation, it often appears that campaigning and lobbying are ineffective. But activism has had an influence, albeit much less than we all wish.

The blockade of Gaza

This is an example of how difficult it can be for campaigning to effect change.

- A range of NGOs have been very active in publicising the effect of the blockade, and keeping the issue in front of the public. In January, 25 UK Development Charities issued a joint report which resulted in significant publicity.
- **UNRWA has been unusually outspoken, and brings great credibility**
- **The issue has been constantly raised with MPs and in Parliament**
- **The UK government’s position has been clear and consistent, and critical of Israeli policy**

But there was no real change on the ground until the issue was forced onto the world agenda through the direct action of the Mavi Marmora Gaza Convoy and the outrageous actions of the IDF. Even though in this case direct action, with civilian activists risking and in some cases losing, their lives, was the trigger for change, this does not mean the previous lobbying was pointless – it helped to build awareness of the effects of the blockade on the population of Gaza and of the intransigence of the Israeli government in the face of international criticism, and therefore showed why direct action was needed. This undoubtedly contributed to world opinion being largely sympathetic to the activists despite a vigorous programme of Israeli misinformation. Even now however the resulting “easing” of the blockade is largely cosmetic and pressure needs to be maintained. The probable opening of the border with Egypt must not allow the Israelis to block all movements between Gaza and the West Bank.

Boycott and sanctions against the Settlements

This is a more positive example of effective lobbying, although the ultimate aim of dismantling all settlements and ending the occupation is still distant.



- The agreed position of the international community is that settlements are illegal and an obstacle to peace, unfortunately this is an entirely declaratory position and so far there has been little effective action.

- Lobbying to stop settlement produce from benefitting from relief of import duty under the EU-Israel Trade Agreement highlighted the way the Israeli government was deliberately subverting the agreement and defrauding UK Customs

- In parliament, since 1997, MPs have used information from Palestinian and Israeli NGOs to challenge the UK government on the operation of the Trade Agreement. Debates and written parliamentary questions have made public the extent to which settlement produce has evaded import duty and highlighted the weakness of the technical arrangements that allow fraud to continue. Information has been shared with campaign groups and Parliamentarians in other EU member states to pressurise the European Commission and other member state customs authorities.

- In 2005 the EU tightened procedures – Israeli exporters now provide postcodes of the place of origin so settlement produce is clearly identifiable, customs inspections have increased, and duty is levied on detected settlement produce. The European Court of Justice judgement in the Brita case [where Brita unsuccessfully challenged German Customs' refusal of duty relief to products manufactured in the Ma'ale Adumim settlement] has been very helpful in restating the legal position of settlements.

- Across the EU (and in the US and Canada) there are active campaigns for a consumer boycott (even when settlement goods pay import duty, they can still go on sale) and a variety of groups, NGOs and MPs lobbied for clearer consumer labelling. This resulted in guidelines published by Defra (The department for the Environment, Food and Rural Affairs in the UK) in December 2009 which insist on clear labelling of settlement produce. Tesco & Morrison's now label herbs and dates "Produce of Israeli settlements" but other supermarkets have withdrawn completely from settlements because of ethical concerns

- Several activist groups are attempting to use domestic consumer protection law to challenge non-food settlement goods that are falsely labelled "Made in Israel". Examples include Ahava cosmetics in the UK, Sodastream in France and Agrexco/Carmel fruit and vegetables in Denmark and France.

- The wider BDS campaign is campaigning to exclude settlements from cultural visits, to stop settlement businesses and institutions from participating in EU programmes, and to persuade individuals and institutions to boycott firms active in settlements e.g. G4S, Veolia and others.

Between them this lobbying, which has united a very wide range of groups using a variety of tactics, has seriously challenged the economic viability of settlements. There is evidence that many Israeli businesses are worried the boycott of settlements will have a knock-on effect against all Israeli exports, as a result international firms are dis-investing from settlement businesses and Israeli firms are re-locating from settlements to within Israel's 1967 borders and themselves lobbying the Israeli government against continued support for settlements. It will now be easier to move to the next step of persuading EU member states to ban settlement trade altogether

The challenge for those campaigning for Palestinian rights is how to apply these successful campaigning tactics to the often ignored issue of the refugees and their right of return. On the ground direct action by the refugees themselves on the borders with Syria and Lebanon and with Gaza and the West Bank, and the fatal Israeli reaction, forced the issue momentarily back onto the agenda. The priority now for campaigners is to develop imaginative and innovatory action here in the UK to take the debate forward.





Dr Paul Larudee*

Strategic outlines of a Palestine Solidarity Campaign

I do not represent the Palestinian Solidarity Campaign and there is no one individual that does or even a few that do; it really does not have a unified leadership and it either has many leaders or no leaders, take your choice. But I intend to give some impressions from my own experience of what actually is happening with the solidarity movement.

First of all, I will say that I have been with the Palestine issue since 1965 through the period of the first Intifada and the events since then; I have never seen Palestinian solidarity as strong as it is today. Obviously it needs to be a lot stronger, but it is very encouraging where we are now.

Some of the accomplishments in the last few years are the sea and land convoys. The first two small boats in which I was involved went to Palestine in 2008. Now you have George Galloway, you have Code Pink going by land convoys and you had a Libyan attempt and an Lebanese attempt by sea and there are more. This has turned into a mass movement and this is a wonderful thing.

Added to that you have the Boycott, Divestment and Sanctions (BDS) campaign that has progressed far faster than the BDS campaign in South Africa, making remarkable progress. You have, for example, the sanctions against Israeli leadership in terms of legal sanctions and travel restrictions. And not just against the leadership, A list of 200 Israeli soldiers and officers all the way from Gabi Ashkenazi, one of the top generals in the military, down to the level of sergeant were put on a list of potential war criminals. These people don't know if they are going to be able to travel abroad and for Israelis, their vacation abroad is something sacred for them. So we are making them very uneasy and that is not a bad thing.

Then you have what my friend Mads Gilbert describes, the way the Norway has become a real centre of solidarity. And in the UK, you have Andy Slaughter, Jeremy Corbyn and other MPs using the correct language about Palestine. We haven't reached that in the US I'm sorry to say so my congratulations to the UK for having these members of parliament. We have had Congresswoman Cynthia McKinney who is wonderful but there is a reason why she is no longer in congress. But we are definitely making progress.

The solidarity movement is growing in importance and we know how important the solidarity movement was in toppling the apartheid regime in

* Paul Larudee, PhD (born April 25, 1946) is a San Francisco Bay Area human rights advocate for justice in Israel and Palestine. He works with the International Solidarity Movement and the Free Palestine Movement, and was cofounder of the Free Gaza Movement

South Africa, I think that there is consensus that the solidarity movement can play that kind of role in helping to liberate Palestine and defend Palestinian human rights.

I am a troublemaker and one of my favourite Greek philosophers was Diogenes; Diogenes was well known as very skilled in delivering insults. One of his famous types of insult was to carry a lantern in broad daylight and go around holding the lantern to a face of a person, looking at them, then say no and walk away. If he was asked what he was doing, he said he was looking for an honest man. Which he never found of course, nobody qualified. Some years ago I saw a cartoon in which Diogenes actually finds an honest man and the comment he says in the cartoon is “well yes that’s great but I was sort of hoping for a taller honest man”. And I have to say that is a criticism I have of the Palestine solidarity movement. We tend to be very, very judgemental of each other and all the movements that we have in the group. That is to say “well I don’t want to work with that person, I don’t want to work with that group’. Why? It could be a variety of reasons, it could be personal, it could be based on principle, and there are plenty of principles to go around that we can choose from. One state vurses two states, Zionists advocating for Palestinian rights vurses non-Zionist/Anti-Zionist, or those who believe that the immigrant Jews in Palestine must all leave and others who feel that it must be a democratic state and those who were born there and lived all their lives should stay.

Am I touching on some sensitive points here? Are these points of concern? Of course, and they divide us. I would say that when we are victorious as the Tunisians and Egyptians were, all of these differences will have no meaning at all. Because the Tunisians had the same differences, there all kinds of communist and Muslim movements, all kinds of principles in Tunisia, but when it came to overthrowing the government and declaring people power, they were one.

Let us not let these things divide us; when we do that we are cooperating with Israel. Israel is very happy to see us divided and they are not just standing by as spectators, they are going to try to make it happen. So my view is, let’s get over it. Maybe we don’t like the people that we are working with but let us work with them anyway for strategic reasons because we have a mission.



So where do we go from here? One question of the movement is: 'are things better for Palestinians today than they were before we had these successes with the movement?' Obviously not, they are much worse today but let us remember history. We were in the same situation with the anti-apartheid movement, if you take 1988 as a pivotal year. In 1987 South Africa passed the emergency laws and those were the most repressive yet. Everybody said the regime in South Africa was never going to give up, they would persist no matter what we did, it might take 50 years. Well it wasn't 50 years, it was two years. The reason? Because increased repression was their last card. So I think that part of the reason that Israel is being so repressive is because solidarity is getting somewhere. And it is not me who is saying it, it is the Israelis and the Reut institute of strategic studies that advises the government.

In January and then again in August 2010 the Reut Institute introduced the term which we all now know: 'delegitimization'. They accuse us of delegitimizing Israel. Well, I'm sorry to disappoint them but I do not think we are that powerful, I just do not think we have the resources. Israel is doing a very good job of delegitimizing itself, all you have to do is read a paragraph of the testimony of Mads Gilbert to understand how they are delegitimizing themselves. But we can carry the message and we can make the point and that's what we are about.

What is Israel doing in order to undermine the solidarity movement? One example is banning of 163 organisations, including the Palestinian Return Centre. My congratulations to the Palestinian Return Centre for making the list. They are going to do this and what are we going to do in return? Will we be intimidated or will we continue and push back? My view is that our successes are a result of challenging Israel every way we can, as often as we can and if it turns out to be ineffective we move onto something else and we challenge again. That is why we are not stopping with boats. I think that boats may run their course and it may not get the necessary attention anymore and may not get into Gaza anymore. So our proposal is to try an aircraft, to fly into Gaza. It has been done by land, by sea, let us try by air.

When we made it into Gaza on the first voyage we talked about a couple of hot air balloons in order to go from Gaza to Al Khalil in order to assert the Palestinian right to travel within their own country, why not? We also have a proposal for what we are calling the 'Return from Exile Project'. Palestinian citizens of European countries, maybe from North America, South America and Africa will get together and fly from different points around the world into Lydda, otherwise known as Ben Gurion airport, all on the same day a hundred of us and we will declare that we are there to return to our homes and refuse to be deported and we will pack their jail. I have been in the jail so I know it only takes forty people to fill it, it won't take a hundred.

We will make trouble and we will get the attention of people, eventually and hopefully the world will have what South Africa had in 1988. For example they had the concert at Wembley Stadium, 100,000 attended and saw Pink Floyd, Annie Lennox and other major artists. People who know nothing about Palestine but are opposed to Israeli policy is what we need; we need lots of support from people who know nothing about it but they care. This is when things will change for us, this is when our Tunisia moment will come. This is the direction in which we need to go.

First of all we must not allow ourselves be intimidated. Secondly we must work together and recognise that our success means that the whole project may be taken out of our hands and be in the hands of somebody else. But, we win. We have to press every advantage that we have to empower. One of the things that has happened in the last couple of years is that we are empowering ordinary citizens to take

control and to challenge Israel, a very important development. I was reminded recently that in 1999 when Faisal Hussein died and his body was brought for burial to Jerusalem, how many Palestinians came to his funeral? How many, ten thousand, twenty thousand, thirty thousand, one hundred thousand. Did anybody show their “huwiya”, their ID card when they went to Jerusalem? Are you kidding?

The Israelis had to stand aside and let them come in. This is the power of getting a large number of people together and this is exactly what Israel fears. If it is not just Palestinians but it is solidarity activists from all over the world who are participating with Palestinians, how much more powerful is that? This is what we need to do, this is our job, we were already making progress and we can still make progress. And always remember: in 1988 it took only two years for apartheid to fall in South Africa.



Dr Hosam Hafiz*

The Palestinians' Rights and International Law

This article analyses the legal mechanism for defending and promoting the rights of Palestinians. Before looking into the international law mechanisms that could be utilised in the favour of ensuring the Palestinian rights, it's instrumental to give a broad background of the international laws applicable and relevant to Palestinian rights.

International law forms the basic framework through which the Palestinian case can be understood and analysed. However, covering all legal aspects concerning Palestine and Palestinians may need piles of Law and juristic volumes. Therefore, I am going to identify only three layers of Laws that are relevant to the Palestinians' Rights:

These are: Principles of Public International Law (jus cogens), United Nations Resolutions, International Humanitarian Law and International Human Rights Law

"This branch of law is particularly important for the public, lawyers and most importantly defenders of the Palestinian people as it clarifies the basic elements of the conflict and represents the basis for weighing out rightful from wrongful acts on one hand and just and unjust practices on the other."

1- Public International Law and Palestine:

Main Public International Law Principles (jus cogens):

The major three international law principles that cover the Palestinian case are derived from both international customary law and treaty Law.

- A. The most important principle is the one enshrined in Article 4(2) of the United Nations Charter that prohibits the use of force in the International Relations.
- B. The second principle is derived for the first one. It is the principle that prohibits capturing and seizing lands by force and consequently the forbidden of annexation of any land that has been captured by force.

These two principles give a broad idea about the framework of International Law relevant to the starting point of the Nakba and the consequences.

- C. The third principle that is of vital importance within the first layer of international law is the principle of popular self-determination for the Palestinian people.

Self Determination of the Palestinian Peoples: the right of a people to self determination is enshrined in main international law instruments. This

* International law expert and foreign diplomat.

principle which is derived from popular sovereignty in the modern legal tradition has started with Wilson's Fourteen points of 1917 and articulated in both the League of Nations and later the United Nations; and then by the International Covenants of Human Rights. This principle represented the basis for the restructuring of Europe after the First World War, and for the demands of self determination by peoples under colonial domination.(1)

2- UN Resolutions:

Then the Palestinian Case became a UN concern after it was asked to intervene by the British Mandate Power. The results of painful and lengthy efforts of the UN to put an end to the complicated situation resulted in two General Assembly Resolutions. These resolutions and other UN resolutions form the second layer of International Law Texts that are relevant to the Palestinian case.

- 181 (November 29, 1947) concerning the Future of Palestine establishes the parity of the “two peoples with respect to their respective rights to establish states on former mandated territory of Palestine, and the special juridical status of Jerusalem. The Zionists accepted it as a tactical step toward the full control of all of Palestine. What they really accepted was the call for establishing a Jewish state in Palestine.

They never really accepted the other parts of the resolution, the most important of which called for a Palestinian/Arab State, for Jerusalem as a separate body under a UN Trusteeship arrangement, and fixed borders.

- 194 (December 11, 1948) affirms the right of Palestinians to return to their original homes and lands, and to receive compensation for any losses incurred.

Before, during and after the 1948 war, 83% of the indigenous Palestinians (who were the vast majority of the inhabitants of Palestine) were forced to leave their homes and lands due to actions that are described as ethnic cleansing. For Palestinians in early post-1948 war years, the focus was on the individual right of return of Palestinian Refugees as was demanded by Resolution 194(III) of December 11, 1948. There was no political representative institution that could operate internationally demanding a collective right to return. Nevertheless, it is understood that the right of return also meant restoration of Palestinian national self-determination in historic Palestine.

However, the 1967 Israeli aggression lead to occupation of the rest of Palestine namely the West Bank, Gaza and parts of Syrian Golan. The legal consequences of the Occupation were the Security Council Resolution 242 (November 22 1976) that demands withdraw of Israel from the territories that it has occupied as a result of the War. Security Council Resolution 338 (October 22, 1973) reaffirmed the Security Council demand for an Israeli withdrawal from territory occupied as a result of the war.

This resolution followed by set of UN Resolutions that reaffirmed the above mentioned principles of the inadmissibly of acquiring land by using force and the right of self –determination.(2)

3- International Human Rights and International Humanitarian Laws

The third layer of International Laws that cover the Palestinian rights is the Human Rights Laws. This set is to fold: the first one in the International Human Rights Law that is applicable in all times aiming at protecting the Human Rights in all regions. This set of international law is undoubtedly applicable in the Palestinian Occupied Territories.

The Second set is the International Humanitarian Law is applicable and should operational in the Palestinian Occupied Territories as long the Occupation is a living situation.

- International Humanitarian Law



The main provisions of the International Humanitarian Law are contained in The Hague Regulations of 1907 annexed to the Convention (IV) Respecting the Laws and Customs of War on Land (Hague Regulations), and the Fourth Geneva Convention Concerning the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

Implementation of the Geneva Convention in the OPT

The Hague Regulations annexed to the Convention (IV) respecting the Laws and Customs of War on Land (Hague Regulations), and the Fourth Geneva Convention concerning the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) are the main international Humanitarian Law instrument that determine Israel's obligations as it is the Occupying Power in the West Bank, Gaza Strip and the Syrian Golan.

However, while Israel accepted the applicability of the Hague Regulations as part of the Customary International Law, it denied the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territories (OPT). Ironically Israel continues to refuse denying the *de jure* applicability although it had ratified the treaty in 1951. The grounds that the Israelis propose for this is that Jordan and Egypt prior to 1967 had no legitimate stand for the West Bank and Gaza Strip and thus the territories could not be considered as the "territory of a High Contracting Party."

In fact shortly after the War of June 1967 Israel recognized the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territories. However, Israel started afterwards to claim that it is in a position of administrating the OPT. Also Israel claimed that it is not holding the OPT in a Belligerent Occupation as it claims that its 1967 aggression is a pure self-defense. As a result Israel rendering the Israeli forces unaccountable to the Fourth Geneva Convention. To add insult to injury Israel stated that it will respect the "humanitarian provisions" of the Convention.

Moreover, since the beginning of its occupation of the West Bank and Gaza Strip, Israel's military authorities have issued over 1,500 military orders to alter pre-existing laws, and to effectively extend military jurisdiction over the OPT.

Israeli claims regarding the non-applicability of the Geneva Conventions witnessed a substantial increase after the signing of the Oslo Agreements. Their argument was that Palestinians were assuming broadened responsibilities and powers in the internal affairs; therefore Israel can no longer be considered an Occupying Power with obligations towards the Palestinian Territories and its civilian population.

The other Israeli contradiction is that whilst the Israeli High Court of Justice has declared that Israel is holding the Palestinian Territories in belligerent occupation, but it continues to endorse the official position of the government against the *de jure* applicability of the Fourth Geneva Convention coming up with a new excuse to avoid implementing the Geneva Convention in the OPT. The court argued that even though Israel signed and ratified the Convention, it was not bound by it, because it "generates new norms whose application in Israel demands an act of legislation." In addition, and despite the fact that the court has considered dozens of petitions related to Israeli military practices in the OPT, its rulings continue to choose "deference to the discretion of the military authorities whenever it invoked military considerations."

Israel has exercised effective control of the OPT since 1967. As Article 42 of the Hague Regulations stipulates, a "territory is considered occupied when it is actually placed under the authority of the hostile army," and that the occupation extends "to the territory where such authority has been established and can be exercised." Similarly, in the Hostage Case, the Nuremburg Tribunal held that, "the test for application of the legal regime of occupation is not whether the occupying power fails to exercise effective control over the territory, but whether it has the ability to exercise such power." This test continues to apply to Israel's relation vis-à-vis the West Bank and Gaza Strip.(3)



Moreover, repeated resolutions by the UN General Assembly and Security Council, and statements issued by governments worldwide, have all affirmed the de jure applicability of the Fourth Geneva Convention to the OPT, and have called upon Israel to abide by its obligations as an occupying power. Similarly, on 5 December 2001, the High Contracting Parties to the Fourth Geneva Convention reaffirmed, “the applicability of the Convention to the OPT, including East Jerusalem and reiterate[d] the need for full respect for the provisions of the said Convention in that territory.”

This position was most recently confirmed in July 2004 by the International Court of Justice (ICJ) in its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.(4)

However, Israel remains isolated in this legal interpretation and position. The majority of the international legal community has rejected the Israeli arguments since 1967 outlined above, and has repeatedly reiterated that Israel is an occupying power in the West Bank and Gaza Strip, and cannot evade the obligations it committed to undertake as a High Contracting Party to the Conventions.

After affirming the applicability of the Hague Regulations to the OPT, the ICJ also addressed the applicability of the Fourth Geneva Convention to these territories. For this purpose, and in reference to Israel’s occupation of the West Bank and Gaza Strip in the 1967 June War, it recalled Article 2(1) of the Convention, noting that this convention applies “to all cases of declared war or of any other armed conflict which may arise between two or more High Contracting Parties....” Once these conditions have been met, the ICJ states that the Convention is deemed to apply “in any territory [emphasis added] occupied in the course of the conflict by one of the contracting parties.”

The Fourth Geneva Convention provides several mechanisms for implementation. The primary responsibility of implementation lies with the States Parties and, above all, with those who are directly involved in the armed conflict, particularly an occupation. The primary mechanism for implementation is the integration of the Convention into national legislation, with such tools as laws to prosecute war crimes and serious violations of international law. Another primary mechanism is the role of Protecting Powers and the ICRC, which has been granted the de jure right of undertaking activities on behalf of the civilian population. The Convention also calls for the dissemination of information as a primary method of implementation. Article 90 of Additional Protocol I provides for the creation of an International Fact-Finding Commission and Article 89 calls for, in the case of serious violations of the Conventions or the Protocol, cooperation by the High Contracting Parties with the United Nations.

- International Human Rights Law : Applicability and mechanisms

The United Nation has created many mechanisms which could be utilised by Palestinians and their supporters including NGOs in order to exert pressure on Israeli in relation to its breach of International Public Law.

The Applicability of International Human Rights Law to the OPT

Israel have rejected the applicability of human rights treaties to the Occupied Palestinian Territories (OPT) on the grounds that the relationship between occupier and occupied is fundamentally different from that between a government and its people during peacetime.(5)

- Furthermore the dominant tendency of the Israeli High Court of Justice rulings has been that of the non-application of international law to the OPT.

- However since this would imply that rights would not be applied where safeguards would be needed the most, this position has been rejected by the majority of the international community, United Nations (UN) bodies and legal experts.



The Applicability of Customary International Human Rights Law

Customary human rights norms are applicable in all situations, including times of war and peace, even in the absence of a binding treaty.

Furthermore, they apply not just to persons living under the jurisdiction of their own national authority, but also to “persons living in territories under belligerent occupation”. As noted by the International Court of Justice (ICJ) in the *Barcelona Traction* case, obligations derived from the principles and rules concerning the basic rights of the human person are obligations which are owed towards the international community as a whole (also known as *erga omnes* obligations). In this regard, the majority of scholars have considered the human rights provisions of the UN Charter are considered to embody customary law and therefore to be universally applicable, including the prohibition against torture, certain basic due process guarantees and the principle of non-discrimination. It has also been suggested that other principles such as permanent sovereignty over natural resources and self-determination may also have attained this status.

The Applicability of Conventional Human Rights Law

Many international HR conventions to which Israel is a state party, such as the International Convention on the Elimination of All Forms of Discrimination, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on Civil and Political Rights stipulate that the obligations under these conventions do not apply only to the territorial area of a specific state, but to all persons brought under the jurisdiction or effective control of that state. This has been upheld by the European Court of Human Rights in the *Loizidou* case, which stated that the existence of a partly autonomous area in an occupied territory does not affect the overall responsibility of the occupying power if the latter exercises effective overall control of the territory. Despite the signing of the Interim Agreements, it remains evident that Palestinians do not exercise sufficient degree of control or authority in the OPT as to equal or supersede that of Israel or free it of its international responsibility. While non-state actors, such as the PNA, must also be expected to respect human rights norms, Israel continues to exercise *de facto* authority in the OPT. Therefore it is bound to apply these human rights conventions and instruments and remains answerable to all of them. Furthermore, as the ICJ emphasised in the *Legal Consequences of the Construction of a Wall in the OPT* case, where competence has been transferred to the PNA, Israel remains “under an obligation not to raise any obstacle to the exercise of such rights”.

The position of the international community is that with the ratification of international Human Rights instruments, Israel must continue to be held responsible under its human rights conventional obligations in the OPT to the extent that it continues to exercise jurisdiction in the OPT. Therefore, other than its duty to implement international customary human rights law, UN treaty bodies, independent experts and working groups charged with monitoring the human rights situations within their mandates, have all repeatedly reaffirmed that Israel is considered legally responsible to implement human rights treaty provisions in the OPT, and to furnish reports as required by the relevant conventions with respect to these territories.

Human Rights Law During Times of Armed Conflict and Belligerent Occupation

The applicability of the regime of international humanitarian law (IHL) during an armed conflict does not preclude the application of international human rights law. Various UN bodies, reports and declarations have all affirmed that fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflict, and that these instruments may therefore be invoked to protect human rights at all times. Equally, in the *Legal Consequences of the Construction of a Wall in the OPT* case, the ICJ stated clearly that as an

occupying power that has subjected them to its territorial jurisdiction for over 37 years, it remains responsible for fulfilling its obligations stemming from human rights conventions in that territory. Furthermore, the International Committee of the Red Cross (ICRC) has charged is that the two branches of law are complementary.

Certain human rights treaties such as the ICCPR, acknowledge the necessity to restrict certain human rights in time of public emergency threatening the life of a nation and permit governments to derogate from certain rights therein. However, UN treaty monitoring bodies charged with implementing these conventions have stressed that derogations are subject to the principles of necessity and proportionality. This signifies that only essential measures may be taken and only “to the extent strictly required by the exigencies of the situation.” They also may not be discriminatory or contravene other rules of international law, including rules of IHL.

Furthermore, those treaties do not permit derogation from articles concerning fundamental principles of international human rights law. This attests to the fact that a number of non-derogable principles were intended to apply in emergency situations such as situations of armed conflict or belligerent occupation, and that they must be applied to all without discrimination based on race, political opinion or other status. These include the right not to be arbitrarily deprived of life; the prohibition on torture and slavery; recognition before the law; and freedom of thought, conscience and religion amongst others.

Lastly, the principle of the applicability of human rights law is also reflected in IHL provisions. For example, the preamble of the Hague Convention with Respect to the Laws and Customs of War on Land, states that parties to a conflict remain under the protection and governance of “...the principles of the law of nations derived from the usages established among civilised people [and] from the laws of humanity”. This section of the preamble, otherwise known as the Martens Clause, is considered declaratory of a customary international law and has been restated by both the Four Geneva Conventions and its two Additional Protocols.

The main Human Rights Mechanisms within the UN framework that can be used to encounter the Israeli violations of Palestinians human rights are:

1. The Human Rights Council

The Human Rights Council (HRC) is the principal UN intergovernmental body responsible for human rights. It was established by General Assembly Resolution: 60/251 on 15 March 2006 to replace the former Commission on Human Rights. Its mandate is, among other things, to: promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner; and address situations of violations of human rights, including gross and systematic violations; and to make recommendations thereon; and to promote the effective coordination and the mainstreaming of human rights within the UN system.

Human Rights Council is considered as the main ground for exhibiting the Israeli violations of Human Rights in the OPT. The Human Council has a Complaint Procedure that enables NGOs to highlight consistent patterns of Israeli violations.

The Complaint Procedure of the Human Rights Council addresses consistent patterns of gross and reliably attested violations of all human rights and fundamental freedoms occurring in any part of the world and under any circumstances. Any individual or group can bring gross violations of human rights to the HRC’s attention. Complaints can be submitted by the individual whose human rights have been allegedly violated or by a third party, such as an NGO, on behalf of that person. NGOs are not required to be in consultative status with ECOSOC in order to submit a complaint through the Complaint Procedure of the HRC.

The Universal Periodic Review: (UPR) is a new feature of the Council that is designed to review the fulfilment by each UN Member State of its human rights obligations over a four-year cycle. The review of States is conducted in a Working Group of the Council, which is made up of the Council's 47 Member States. The Working Group meets in three two-week sessions each year. A total of 48 States are reviewed annually.

As an example for the importance of the HRC one may review the Council's resolution that was taken on 16 October 2009 on its twelfth Special Session. The Resolution endorsed Goldstone Report's findings and recommendations which condemn Israel's illegal actions as an Occupying Power – in particular its illegal annexation of East Jerusalem. The resolution was taken with overwhelming majority. The Resolution was considered as a major victory for human rights and the rule of law. It is the first step towards justice and accountability, whereby victims' rights may be upheld, those responsible for serious violations of international law held to account, and the rule of law enforced. The recommendations of the Fact Finding Mission focused on the need for accountability, detailing extensive implementation mechanisms in the pursuit of justice.

2. Special Procedures

“Special Procedures” are the mechanisms established by the Commission on Human Rights and assumed by the Human Rights Council (HRC) to address either specific country situations (country mandates) or thematic issues in all parts of the world (thematic mandates). Special Procedure mandates (indicating the function, purpose, duration, etc.) are established and defined by the relevant HRC resolution creating them.⁽⁶⁾ Within these Mechanisms the UN Human Rights Commission appointed a Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967. The Special Procedures assumed by the Human Rights Council are thematic and country-related. Special Rapporteur is one of the titles used for these procedures. The present one was established in 1993 for an unlimited mandate period as till the end of the Israeli occupation. Areas of focus include:

- The investigation of Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;
- Investigation of human rights violations committed by Israel in the Occupied Palestinian Territories (OPT), but only in the context of military occupation;
- Receive communications, hear witnesses, and to use such modalities of procedure as deemed necessary for the mandate.

3. The General Assembly:

The Third Committee of the General Assembly has a unique position in relation to the Israeli violations of the Palestinian Human Rights.

4. Mechanisms derived from Specific Treaties

The implementation of the core international human rights treaties that have entered into force is monitored by human rights treaty bodies. One of the treaty bodies' key tasks is to conduct systematic in-depth reviews of the State Parties' obligations under a particular treaty.

The six human rights treaty monitoring bodies that are relevant to the Palestinian rights are:

1. The Human Rights Committee (CCPR)
2. The Committee on Economic, Social and Cultural Rights (CESCR)
3. The Committee on the Elimination of Racial Discrimination (CERD)

Whether they reside in the occupied West Bank and Gaza Strip, or in Israel, Palestinians are discriminated against in a variety of forms and denied equal individual rights on the grounds of their descent, national and ethnic origin. These policies and practices of segregation and domination bear striking similarities to those adopted in apartheid-era South Africa, and its illegal occupation of Namibia.

Racial discrimination by Israel against non-Jews is predicated upon the concept of “Jewish nationality.” No “Israeli” nationality exists, and Palestinians (including Palestinian citizens of Israel, Palestinians in the OPT, and Palestinian refugees) are discriminated against on the basis of their Palestinian (i.e. non-Jewish) national origin. In its most recent examination of Israel in 2007, the UN Committee on the Elimination of Racial Discrimination noted discrimination by Israel against Palestinians in numerous spheres, including the right to return/immigrate, family rights, access to housing and education, allocation of land, protection from violence, freedom of movement, the right to work, the right to health, and access to water resources and to religious sites.

Entities which purport to be non-state bodies but essentially act as agents of the Israeli state (the World Zionist Organisation, the Jewish Agency, the Jewish National Fund) have also been responsible for discriminating against Palestinians. In response to their discriminatory policies, the Committee on the Elimination of Racial Discrimination expressed its concern that “these institutions manage land, housing and services exclusively for the Jewish population,” thus discriminating against the Palestinian population.

4. The Committee on the Elimination of Discrimination Against Women (CEDAW)
5. The Committee Against Torture (CAT) & Optional Protocol to the Convention Against Torture (OPCAT) - Subcommittee on Prevention of Torture
6. The Committee on the Rights of the Child (CRC)

Each treaty body (or committee) comprises international independent experts (ranging from 10 to 23 individuals) who are nominated on the basis of their human rights expertise and moral authority, and elected for fixed, renewable terms of four years by States Parties. All of the human rights treaty bodies are serviced by the Treaties and Follow-up Unit of the Human Rights Treaties Branch of OHCHR in Geneva.

A principal function of the treaty bodies is to examine reports submitted by States Parties in accordance with varying degrees of regularity (from every two to five years). In addition to State reports, treaty bodies may receive information on the implementation of treaty provisions from: UN agencies, funds and programmes; Other intergovernmental organizations; national human rights institutions; and civil society actors, particularly NGOs, professional associations and academic institutions. After holding a dialogue with the State Party delegation, in which the States’ implementation of the relevant treaty is examined, treaty bodies produce what are generally called “Concluding Observations,” which set out the principal concerns and recommendations of the treaty body concerned. They also adopt general comments, through which they convey their interpretation of the content and application of the provisions of the various human rights instruments. Some committees have additional functions. These may include: the consideration of complaints from individuals claiming that their rights have been violated by a State Party; the initiation of confidential inquiries based on well-founded reports of serious, grave or systematic human rights violations of treaty provisions in a State Party; early warning



procedures (which aim to prevent the escalation of existing problems in States Parties); and urgent action procedures (which aim to respond to problems in a State Party that require immediate action to prevent or limit the scale of serious human rights violations).

5- Other International Human Rights Mechanisms

a. International Criminal Tribunals

Faced with widespread violations of international human rights and humanitarian law in the former Yugoslavia and Rwanda in the early 1990s, the UN Security Council decided to establish two international criminal tribunals. The International Criminal Tribunal for the former Yugoslavia and the International

Criminal Tribunal for Rwanda were set up in 1993 and 1994, respectively. Their mission is to prosecute individuals responsible for genocide, crimes against humanity and other breaches of international humanitarian law committed in the territories of the former Yugoslavia since 1991 and in Rwanda between 1 January and 31 December 1994.

Therefore, the question is why not campaigning towards establishing an International Criminal Tribunal to try the Israeli war criminals? The short answer is clear that it is implausible to convince that US never mind the rest of the Security Council other permanent to adopt such a resolution. However, NGOs and governments can always raise this aim as a slogan for their activities in the struggle to challenge the Israeli violation of International Humanitarian Law and to encounter the complaisant the US and other government are exerting in protecting Israel.

United Nations General Assembly can establish an International Criminal Tribunal for Israel (ICTI) as a “subsidiary organ” under U.N. Charter Article 22. The ICTI would be organized along the lines of the International Criminal Tribunal for Yugoslavia (ICTY), which was established by the Security Council. The aim of the proposed tribunal is to investigate and prosecute Israeli war crimes, crimes against humanity and genocide against the Peoples of Lebanon and Palestine—just as the ICTY did for the victims of international crimes committed by Serbia and the Milosevic Regime throughout the Balkans. The establishment of such a court would provide some degree of justice to the victims of Israeli war crimes, crimes against humanity and genocide against the Peoples of Lebanon and Palestine—just as the ICTY has done in the Balkans. Also, the establishment of ICTI by the U.N. General Assembly would serve as a deterrent effect upon Israeli that they will be prosecuted for their further infliction of international crimes upon the Palestinians.

b. The International Criminal Court

The International Criminal Court (ICC), is another important human rights mechanism. It was established by a UN conference in 1998 which adopted the Rome Statute. The Statute entered into force in 2002. It is the first permanent international court with the authority to try individuals accused of genocide, war crimes and crimes against humanity. The ICC was established not as an organ of the United Nations but as an independent international judicial institution with a Relationship Agreement with the UN. The Court cooperates with the UN in many different areas, including the exchange of information and logistical support. Each year, the ICC reports to the UN Security Council and General Assembly on its activities.

Can the ICC be of any benefits in the Israeli context?

One can see many benefits of a referral of the Israel-Palestine conflict to the ICC. A reference would allow for an expert determination of the merits of the claims. If the allegations have merit, the perpetrators can be identified and punished. If the claims have been judged as not genuine, or mistaken, the evidence will be aired and found deficient.



If we want to talk peace here the desirable outcomes of the referral are very clear as unpunished crimes will lead to nothing but more hate and anger.

Also a public investigation by the ICC might create a credible deterrent against future atrocities. Individuals are less likely to act with impunity if they have a founded fear that they may be brought to account for their actions.

Admittedly, the ICC does not enjoy universal support. Among others, the present US administration has a number of objections. Most of these have no relevance where there has been a specific grant of jurisdiction by the Security Council. The US does not appear to have an objection to this approach. It acquiesced in the grant of jurisdiction by the Security Council to the ICC in Darfur for example.

It is foreseeable that ICC indictments might be issued against senior Israeli officials. It is arguable that putting an end to serious criminal acts is more important than appeasing those who have consistently failed to move towards peace.

Politically, a grant of jurisdiction to the ICC is not as naive as it might initially seem. A sub-national Israeli authority has already called for it to occur. Iran and Yemen have made similar requests, ostensibly on behalf of the Palestinian people.

If the proposal came up for discussion, the national government of Israel would struggle to find an intellectually defensible objection to the ICC conducting investigations. African countries sometimes object to the Court as a manifestation of colonialism. Israel can hardly mount this argument.

The post-Holocaust movement that led to the creation of Israel also participated in the birth to international criminal law.

Israel's usual argument against the ICC, that the crime of population transfers in occupied territories should not have been included in the Statute, has limited relevance if the referral related only to the most recent military incursion into the occupied territories.

In any event, the consent of the Israelis or is not necessary for the Security Council to act, although it would smooth the process. Even if one or both objected, support in the broader international community is most probably there.

The appalling character of the crimes should prompt action. It seems more likely than not that the US would veto a referral if requested to so by Israel, but there is some hope that the proposal might be considered on its merits.

Although International Criminal and Humanitarian laws can only aim at serving as regulators of warring parties rather than stopping the hostilities or preventing them it is still make certain that the international minimum standard of conduct is complied with would be a great first step towards having the minimum course of justice.

C- UN Specialized Agencies' Mechanisms

Some UN specialized agencies have put in place specific mechanisms to protect human rights in their respective fields of competence. Below are two examples. For example In 1978, the Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO) laid down a procedure for the examination of complaints concerning alleged violations of human rights in the Organization's fields of competence, namely education, science, culture and information. One of UNESCO's permanent subsidiary organs – the Committee on Conventions and Recommendations (CR) – undertakes this work.

A complaint may be made against any Member State of the Organization. It is examined by the Committee in complete confidentiality with the cooperation of the government concerned until a friendly



solution can be found to the case. The aim is to improve the lot of the alleged victims, not to condemn the governments concerned. Individuals and NGOs may submit complaints, whether they are themselves victims or whether they deem to have reliable knowledge of such violations. The victims are individuals (teachers, students, researchers, artists, writers, journalists, etc.) who, by virtue of their position and the activity reproached to them, come within UNESCO's fields of competence. Within this line it is of paramount importance to address the continuous Israeli stealing of the Palestinian Traditions and Folklore.(7)

D- Other legal alternatives could be cases brought against Israeli actors in countries recognising universal jurisdiction. Germany, Spain, the UK and Canada do this.

Conclusion:

I have described above most of the legal mechanisms that could be deployed in addressing human rights abuse and violations of international law in Palestine.

Many Campaigns could be launched aiming at increasing the benefits of utilising both International Law and International Humanitarian Mechanisms to stop the On Going Nakba such as to establish an International Criminal Tribunal for Palestine (ICTP) to prosecute Israeli war criminals; it can be done by majority vote under Charter Article 22. World governments and people of conscience should organize a comprehensive economic divestment and disinvestment campaign against Israel; it can be modeled after the successful anti-apartheid one; the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid is the standard; it applies to Israel; it defines apartheid as a «crime against humanity» and guilty parties international criminals; a grassroots campaign is already underway but it needs strengthening and official worldwide government support.

Endnote:

- (1) Also it is enshrined in the ICCPR and ICEESC's Article 1: Right to Self-Determination, which read «All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.»Israel, however, denies Palestinians that fundamental human right, what the International Court of Justice calls «one of the essential principles of international law.»In its July 9, 2004 «Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,» the International Court of Justice (ICJ) ruled that: The Court also stated:»The principle of self-determination of peoples has been enshrined in the United Nations Charter and reaffirmed by the General Assembly in resolution 2625 (XXV)» under which «Every State has the duty to refrain from any forcible action which deprives peoples...of their right to self-determination.»
- (2) UNGA Resolution 34/70 (December 6, 1979) asserts the need for any solution of the conflict to be in accordance with the right of self-determination, regardless of what the parties might negotiate. UNGA Resolution 43/177 (December 15, 1988) acknowledges the 1988 Palestinian proclamation of a Palestinian state as consistent with UNGA Resolution 181. UNSC Resolutions 476, 478 and 1322 (June 30, 1980, August 20, 1980 and October 7, 2000) reaffirm the basic principle of international and UN law that it is inadmissible to acquire territory by force or conquest. The Palestinian struggle to achieve self-determination in Palestine was further legitimated by United Nations Resolution 2787 of December 6, 1971, which was reaffirmed in UNGA 2955 (XXVII) of December 12, 1972. The 1971 resolution that: •Confirms the legality of the peoples' struggle for self-determination and liberation from colonial and foreign domination and alien subjugation, notably in southern Africa ..., as well as the Palestinian people, by all available means consistent with the Charter of the United Nations; • Affirms man's basic human right to fight for the self-determination of his people under colonial and foreign domination; • Calls upon all States dedicated to the ideals of freedom and peace to give all their political, moral and material assistance to peoples struggling for liberation, self-determination and independence against colonial and alien domination.



- (3) As we have seen above the UNSC Resolutions 476 (June 30, 1980), 478 (August 20, 1980) and 1322 (October 7, 2000) in addition to reaffirming the basic principle of international and UN law that it is inadmissible to acquire territory by force or conquest, they have reaffirm the unconditional applicability of the Fourth Geneva Convention to the civilian population of occupied territory.
- (4) The ICJ referenced the agreements between Israel and the Palestinian Liberation Organisation (PLO) which resulted in the transfer of certain powers and responsibilities to the Palestinian National Authority, emphasising that these events, “have done nothing to alter this situation, [and that] all these territories (including East Jerusalem) remain occupied territories [in which] Israel has continued to have the status of occupying power.” In this regard, the Opinion also states that “civilians who find themselves in whatever way in the hands of the occupying power” must remain protected persons “regardless of changes to the status of the occupied territory.”
- (5) The signing of the Interim Agreements between Israel and the Palestinians in 1995, thereby providing for the preparatory transfer of a total of 14 civil spheres to a Palestinian National Authority (PNA), has been used by Israel as one further ground to reject the applicability of international human rights law.
- (6) As of June 2008, there were 38 Special Procedures in operation: thematic mandates and nine country mandates. International, regional and national NGOs and other civil society actors play a vital role in relation to the Special Procedures system. Special Procedures do not require domestic remedies to have been exhausted, and can be activated even where a State has not ratified the relevant instrument or treaty.
- (7) OCCUPIED JERUSALEM, (PIC)-- The Israeli government decided to suspend cooperation with the UNESCO in protest over its decision that considered Bilal Bin Rabah Mosque in Bethlehem an Islamic mosque and heritage. A statement by the office of Danny Ayalon, the deputy foreign minister, said that Israel suspended cooperation with UNESCO until its decision was reversed. The UNESCO passed a majority vote considering Bilal and Ibrahimi mosques in Bethlehem and Al-Khalil respectively as Islamic places of worship and not Jewish as claimed by Israel. The UNESCO last February criticized Israel for annexing the Ibrahimi and Bilal mosques to the list of Jewish heritage sites.





Andy Slaughter*

2012: Time to shine the spotlight on Palestine

I recall looking at the news wires early in 2010 and seeing the headline, “Obama condemns violence in Tunisia”. Perhaps I was overly cynical, but I assumed it was the violence of the protesters he was condemning. But when I read the story, it said that “President Obama applauds the courage and dignity of Tunisians that have been protesting, soaring unemployment and corruption”. This was very much to be welcomed and I wish that President Obama would use the same language about protests in Silwan or in Bil’in in Palestine, where people are resisting, not internal oppression and totalitarianism but a military occupation and arbitrary rule by foreign powers for more than 60 years.

I think that the inability for many people in the West to make that link is a continuing problem. 2011 looks to have been, for good or ill, a major year for the Middle East. There have been historic changes, not only in Tunisia, but across the region. When events happen in the Arab countries, sometimes they mean that the West move closer to Israel. As with what happened with the Iraq war, Israel demanded even more and expected even less pressure from the West. I hope that what is presented by the world’s attention being focused more than usual on the Middle East is that there will be further scrutiny of Israel’s actions in the region because they have changed dramatically, perhaps not fundamentally but in terms of both the rhetoric and language used typically by people like Avigdor Lieberman, the Israeli Foreign Minister in terms of individual atrocities and acts as we have seen with murders in Hebron, such as with the 67 year old man shot dead in his bed in January and with Miss Abu Rahma who was gassed to death at protests in Bil’in. These atrocities were committed by a friendly power to many Western countries and a country that is held up as a democracy. They do get some headlines here, but what does not get many headlines is the escalation in colonisation and in the moves to intensify the occupation and to increase the amount of occupied land and the way that the land is taken through major settlement expansions. We now understand why the refusal to agree a further moratorium in settlement building happened.

I was in Jerusalem, the West Bank and Israel in 2010 and I saw what is happening not only to Judaized Jerusalem and the West Bank but is happening to the Palestinians of 1948; the Palestinian Israelis in the Negev, Jaffa and in Nazareth. The same tactics are being used against its own citizens by the Israeli government as have been used since 1967 against the citizens of the occupied territories.

These have certainly been escalations of the apartheid policies that we have seen previously. What we have also seen is a new approach from Israel and its supporters overseas. Many readers will have seen the report from the Reut

* Biography: Andy Slaughter MP is vice-chair of the Britain-Palestine All Party Parliamentary Group and vice-chair of Labour Friends of Palestine

institute⁽¹⁾ or will have followed events and the way that organisations like the Palestinian Return Centre and other solidarity organisations are being targeted in the UK. These are organisations which I would expect Israel and its supporters, particularly within the UK's political parties, to sit down and negotiate with and to try to reach accommodation with, because if we cannot as political organisations and NGOs show a lead in terms of negotiations then we cannot expect the governments themselves to do so.

I sense exactly the opposite trend at the moment: a much more aggressive policy and the justification for that appears to be that somehow organisations which support the Palestinians are trying to delegitimise Israel, trying to say should not exist or opposing a two state solution.

But there is no evidence for this at all.

I think attempts to smear the work of solidarity organisations are actually a reaction to the fact that there is a much greater awareness in the outside world of the acts the Israeli state has committed over recent years. Since the invasion of Lebanon, the invasion of Gaza, since the flotilla assault, there is a much greater public awareness and it is extraordinary that rather than see that the criticism of Israel, including by some of its former friends is a response to military aggression and the atrocities being committed in the occupied territories, some choose to view it as some organised conspiracy against the state of Israel. This either is a knowing and cynical act or it shows an extraordinary lack of self-awareness by the Israeli government and an insecurity which, for what is effectively a regional superpower now with armed forces which are greater than most European countries, is extraordinary. It is only through international pressure that this will change.

How should those campaigning for justice judge this change in policy? Partly it is the fact that we are winning, in the sense of raising awareness and raising appreciation amongst the wider population. I hope we have seen the beginning of a process of educating and drawing people's awareness to what is actually happening on the ground. It is quite difficult to get that message across through the British media and I applaud those that work very hard to do that.

It is always important to mention the specific issue of the return of refugees. Some people say that return is not a central issue and even some Palestinians say that it should not be high on the negotiating agenda. I disagree with that, I think that it is absolutely fundamental to justice being achieved in Palestine. There are many, many obstacles to peace but I do not believe there will be a true peace at a time when there is an unlimited ability for Jews from any country around the world to go to Israel but not the people who were exiled in 1967 or in 1948 or at times going beyond that. We see now that even members of parliament are being forced out of their homes and out of places they live. That injustice has to be corrected to achieve a true peace.

In order for the refugees to return, we have to resolve the issue of land, the issue of security and the issue of independence. I welcomed the initiatives by the South American governments in 2010 in recognising Palestine within its pre-1967 borders. I think it is significant that South American countries were doing that, many of them celebrated the two hundredth anniversary of their own independence, aware of what colonial oppression is and what it is to be part of liberation movements. We do need initiatives taken outside Europe and the Quartet because sadly, America and Europe have failed Palestinian people many times.

2011 was a year in the Middle East that for once attracted attention for the right reasons, and we have reasons to be cautiously optimistic that in 2012 a spotlight will be shone on not only what is wrong with the conduct of the current Israeli government but it is also shone on the rights of the Palestinian people.

(1) - "Building a Political Firewall against Israel's Delegitimization. A conceptual framework", Reut Institute, March 2010



John McHugo*

Liberal Democrat Friends of Palestine

The Liberal Democrat Friends of Palestine (LDFP) fight for the legitimate rights of the Palestinian People through the medium of international law. For far too long, these rights have been ignored. Not only have the Palestinians suffered injustice as a people and as individuals, something that cries out to Heaven for recognition and compassion, but this denial of justice, and this culture of denial that lies behind it, is a source of instability in our world that we cannot afford. I have little doubt in my own mind that British troops have been killed and maimed in Iraq and possibly Afghanistan by people radicalised by this denial of justice.

My colleagues and I in LDFP put our faith in international law. It is the bedrock of our campaigning and lobbying. But we know that what is needed is a negotiated settlement, and here it is important to highlight a major flaw in the way the Americans and the Quartet have tried to go about achieving this. They insist that Arab states and Palestinian interlocutors recognise Israel's rights in international law. I agree with them wholeheartedly. But at the same time, they do not insist that Israel recognise Palestinian rights in international law in a reciprocal fashion. So long as this situation continues, any peace process is built on sand.

How can parties negotiate a settlement – or indeed, any agreement – unless they begin at the beginning by establishing what each other's legal rights are? These rights may be traded, they may be compromised when that final agreement is reached, but unless they are honestly accepted as the starting point for any good faith negotiation, which must be conducted at arms' length without duress or undue influence applied by the other party, that negotiation is doomed to failure.

The Nakba, the killing, expulsion and dispossession of Palestinians by Israel, must also be addressed. Israel refuses to accept any legal or moral responsibility towards those it turned into refugees, even those who have now lived under Israeli occupation for decades and for whom it has provided no benefit while Palestinian land has been colonised and used greedily for Israel's own citizens.

Such theft is easier to comprehend first hand. In Bethlehem, I saw Palestinian agricultural land – indeed any open land to the north or west of the town – walled or fenced off from the town so that Jews may settle on it under the auspices of the Israeli government. I met Palestinian children who may never visit the sea, and the villagers who still demand their land back. Look at the route which has been chosen for Israel's "Security Barrier" so that this wicked, evil land grab may be extended yet further. Look across the valley at Gilo and Har Homa, and you will see this monstrosity which negates all hope of peace.

Both sides must establish and recognise the other side's rights. The Arab League accepted Israel's rights years ago. Israel must recognise the rights of all Palestinians, including the refugees, as well.

* Chair of the Liberal Democrat Friends of Palestine and a member of the Executive of the Council for Arab British Understanding (CAABU).

Latest News and Events

This is a summary report of major events over the past six months. It includes major events and incidents affecting Palestinians in Diaspora, Palestinians in the occupied territory and 1948 Palestine.

Contents

- Nakba Day Uprising
- Palestinians in the Arab Spring
- Ongoing Displacement of Palestinians
- Palestinian Refugees from Iraq
- New Developments

1 - Nakba Day Uprising

The scale of 2011 Nakba day protest was unprecedented. Energised by the democratic uprising in the Region, Palestinian refugees across the Middle East took to the street in demonstration against their ongoing exile.

1.1 Syria

The worst clashes between Palestinians and Israeli forces took place in Syria. Israeli troops opened fire on pro-Palestinian demonstrators on three fronts, killing at least 13 people. Scores more were wounded at Israel's borders with Syria, Lebanon and Gaza.

Thousands of Palestinian refugees in Syria marched towards the village of Majdal Shams in the Golan Heights, which Israel captured from Syria in 1967. At least four people were killed by Israeli troops as they crossed the border, Israel Radio reported. Up to 20 were injured, according to the Israeli Magen David Adom ambulance service.

1.2 Lebanon

A similar Nakba Day protest on the Lebanon border led to four people being killed and around 15 wounded, according to Lebanese media reports. Dozens of protesters approached the border from the Lebanese town of Maroun a-Ras.

Witnesses said that Israeli troops had fired across the border at protesters throwing stones from within Lebanon, a move that could have serious repercussions and prompt further cross-border incidents.

1.3 Gaza

In Gaza, around 60 people were injured by shelling and machine-gun fire when protesters approached the heavily fortified Erez border crossing, according to Palestinian medical sources.

The Israeli authorities warned that the first Nakba Day following uprisings across the region could herald riots across the Palestinian territories.

1.4 West Bank

In the West Bank, rubber bullets were fired at about 200 Palestinians and supporters who marched towards the Qalandia crossing on the edge of Jerusalem.

There was also unrest in East Jerusalem, fuelled by the death of a 17-year-old Palestinian boy who was shot in the stomach during clashes.

Palestine 1948

In Tel Aviv, an Israeli man was killed and 17 injured when a truck ran into vehicles and pedestrians. It was not clear whether the incident was an accident or a deliberate attack. The truck's 22-year-old Israeli-Arab driver said he lost control of the vehicle due to faulty brakes.(1)

2 - Palestinians in the Arab Spring

The uprising and unrest in the Middle East has left many Palestinians vulnerable to threats and violence, most notably in Syria.

2.1 Palestinian refugees flee Syrian port city of Latakia

More than 5,000 Palestinian refugees living in a camp in the Syrian port city of Latakia are missing, according to the United Nations Relief and Works Agency or UNRWA.

Syrian security forces have reportedly been using gunboats and tanks to shell the city since 15 August 2011 UNRWA Spokesperson Chris Gunness says he has no idea where the refugees are, or if some are wounded or dying.

Ten thousand Palestinian refugees were registered in the camp situated in Latakia's El Ramel district before the deadly assault.

Mr. Gunness told May Yaacoub the agency is very concerned about their well being and wants immediate access to the site.(2)



2.2 Palestinian refugees fleeing Libya turned back at border by Egypt authorities

The continuing violence against Libyan protesters forced thousands of refugees to flock to Egypt's borders in recent days. While many refugees have been granted temporary asylum in Egypt, fleeing Palestinians have gone largely unattended. Palestinians arriving in Egypt are being sent back to Libya by the authorities.

“Sending refugees back to areas from which they have fled out of fears for their physical safety is considered illegal.

For refugees living in fear of persecution or physical danger, a state like Egypt is obliged not to send them back. It does not matter what status they have, or what passport they carry. It is not a technical matter of residency,” Joseph Schechla, coordinator of the Housing and Land Rights Network and Habitat International Coalition, an independent international NGO, said.

Legally speaking, sending them back violates laws governing the treatment of refugees, since they also have documents proving their country of origin. They are not just stateless people, UNHCR High Commissioner António Guterres, for his part, has called on governments to help and support all vulnerable people regardless of their nationalities.

More than 100,000 Palestinian refugees live in Egypt, most of whom were expelled following Israel's 1967 invasion and occupation of the Gaza Strip.

While enjoying relatively better conditions than in other host countries, Palestinian refugees in Egypt complain about restrictions on employment.(3)

3 - Ongoing displacement of Palestinians by Israel

Palestinians in 1948 Palestine continue to face displacement due to Israeli policies. Most recently Bedouin villages were destroyed and thousands forced to relocate.

3.1 Israel razes Bedouin village for 29th time

The bulldozers of the Israeli Lands Administration (ILA) demolished the unrecognised Bedouin village of Al-Araqib for the 29th time in recent months.

Sheikh Sayyah Al-Touri, the head of Al-Araqib village's council, said the bulldozers of ILA and the Jewish National Fund, backed by hundreds of Israeli police officers demolished the homes of the village.

The village, which is located between the cities of Rahat and Beer Sheva in the southern Negev Desert, was demolished for the 28th time last May, but as in previous instances, it was immediately rebuilt. Volunteers from the Higher Arab Monitoring Committee and several Arab and Israeli political activists had helped the villagers of Al-Araqib rebuild their homes every time the Israeli authorities demolish them. The activists said that they will continue to rebuild structures in the village.

Al-Touri said the “demolition aims at establishing farms for Jewish residents of Givot Bar settlement at the expense of the village residents and a message from the Israeli government that it will not recognise the village.” He stressed that the “residents are determined and steadfast in their village despite the



Israeli measures.” He vowed that the “residents will rebuild their homes every time Israel razes them.”

Talab El-Sana, the Arab Member of Israeli of Knesset, said “the demolition of the village leads to unrest in the Arab sector in general, and the Negev in particular.” El-Sana vowed the demolished village would be reconstructed, adding that “the only solution is recognition, not displacement; issuing building permits, not demolition.”

Israeli human rights organisations said Israel prevents 30,000 Bedouins from building legally by refusing to recognise their towns. The groups claim Israel frequently demolishes existing homes and does not supply those that remain with basic services such as water, sewage and electricity.

The groups said Israel builds Jewish homes and turns a blind eye to unlawful Jewish construction in the Negev area. They added that an Israeli government plan is underway to forcibly remove 30,000 Bedouin Arabs from their homes to the seven government-planned townships in the Negev.(4)

3.2 Israel approves plan to relocate 30,000 Bedouin from unrecognized villages

Israeli Prime Minister Benjamin Netanyahu’s cabinet approved a plan to relocate tens of thousands of Bedouin from their unrecognised villages into settlements with official state status.

The plan emerges from the Praver Report, drafted to find a solution to the problem of unrecognised villages in the Negev.

As part of the plan, some 20,000 to 30,000 Bedouin will be relocated to recognised settlements including Rahat, Khura and Ksayfe.

Opponents of the plan have accused the government of evacuating people from their homes for no justified reason and against their will.

A Bedouin representative called the decision “a declaration of war,” and some 150 members of the community gathered outside the prime minister’s office in Jerusalem on Sunday to protest the decision.

“This stupid government will be responsible for a Bedouin Intifada in the Negev,” said Arab MK Taleb al-Sana, who took part in the protest.

Adalah, the Legal Center for Arab Minority Rights in Israel, slammed the government’s approval of the plan as a major violation of basic rights, pointing out that it would result in the uprooting of tens of thousands of people and the demolition of many Bedouin villages.

The Association for Civil Rights in Israel in June submitted its objections to the Praver Report and argued that the conditions it sets for recognizing Bedouin villages are prejudicial.

These include meeting minimal levels of population density, contiguity and economic sustainability. The criteria established, the organisation maintains, flouts principles of equality and justice in the distribution of resources. “If the same criteria were applied to the Jewish population, whole settlements – including community settlements, observatories, kibbutzim and moshavim – would be doomed,” the association notes.

Moreover, according to its claims, Bedouin villages are planned without considering the needs of the population, which are largely agrarian and rural, not urban. The association also opposes any planning for the Bedouin conditional on settling disputes over land ownership.(5)



3.3 Increased Palestinian Displacement as settler violence intensifies

According to United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in the Occupied Palestinian Territory, forced displacement of Palestinians in the West Bank has increased dramatically in the past year. Over the past seven months, nearly 900 Palestinians have been displaced from their homes, as opposed to 606 during the whole of 2010.

755 of those were displaced due to home demolitions, while the remaining 127 were forced from their homes due to settler violence.

3.4 Car Park of Jewish Worshippers planned on Palestinian Land in East Jerusalem

The Jerusalem Municipality has confiscated 4 dunams of privately owned Palestinian land in the East Jerusalem neighbourhood of Sheikh Jarrah, near the tomb of Shimon Hatsadik (Simeon the Righteous).

According to the Israeli online news source nrg, this is part of a plan initiated by the Jewish settlers in the neighbourhood, who wish to expand access to the tomb as a site of pilgrimage.(6)

3.5 Sharp Increase in Demolitions Threatens to Destroy West Bank Communities, UNRWA Calls for Accountability and to End Discrimination

Jerusalem, 02 Aug. 2011 - Demolitions by the Israeli authorities in the West Bank have escalated alarmingly.

Figures released by the United Nations Relief and Works Agency (UNRWA) show that 700 people were displaced in the first six months of 2011 (excluding July), compared with 594 in the whole of 2010.

UNRWA is concerned that 15 per cent of those displaced are Palestine refugees. The vast majority of demolitions have been carried out in Area C, the 60 per cent of the West Bank which is under full Israeli control for security, planning and zoning policy over where building can take place. June and July saw a sharp increase in the number of demolitions of Palestinian homes and infrastructure, according to the latest UNRWA figures. In June alone 132 structures were demolished.

This is more than the total for the previous three months. In June and July, 605 Palestinians were displaced or affected by demolitions, more than half of whom were children.(7)

4 - Palestinian Refugees from Iraq

The Palestinian Return Centre (PRC) has been following the plight of Palestinian refugees from Iraq. It Coordinated a parliamentary delegation to the refugee camps in 2006, with the intention of closing the camp and finding temporary resettlement for the residents.

4.1 Worsening Situation in Iraq for Palestinian Refugees

The situation of the 7000 Palestinian Refugees remaining in Iraq is worse than any other concentration of Palestinian refugees in the world, according to the Palestinian ambassador in Iraq, Daleel Al Qassous, quoted by the International Middle East Media Center (IMEMC).

Before the 2003 Iraq war, Palestinian refugees in Iraq numbered 35,000, but since then the number has reduced to 7000.

The Ambassador stated that many Palestinian refugees are suffering because they are targeted for being Sunni Muslims and therefore allegedly supporting the former Iraqi President, Saddam Hussein. There have been attempts to reduce the suffering of the refugees, as different sects of Iraqi society, and religious leaders from Shiite and Sunni Muslims have met with Al Qassous to try and find a solution. One of the leaders who have been working with Al Qassous is Grand Ayatollah Ali Sistani, a grand mufti for Shia Muslims around the world.

IMEMC quoted Dalal Al Qassous as saying 'There are only 7.000 refugees in Iraq now, they are living in At-Tweija, Al Za'faraniyya, Al Doura and the city of Al Hurriyya, they are living in extreme poverty due to high living costs and the lack of work, the UN provides some services to them but their situation is very miserable.

Palestinian refugees are subjected to on-going assaults in Iraq. The suffering of Palestinian Refugees has increased since the 2003 US-led Iraq war, Palestinians have been subjected to assault, abduction, injury and even death.(8)

4.2 UNRWA to issue ATM cards to vulnerable Iraqi Palestinian refugees in Syria

Syria — Vulnerable Palestinian refugees who have sought refuge in Syria from violence in Iraq will be able to withdraw their monthly allowances under UNRWA's cash assistance programme from automated teller machines (ATMs) under a new Agency initiative in its Syria field.

The introduction of an ATM card system in cooperation with a private bank in Syria is a step towards streamlining the distribution of monthly financial assistance to the refugees. The banking agreement was signed between UNRWA and Banque Bemo Saudi Fransi (BBSF) on 27 March 2011.

Under this pilot, cash assistance will be uploaded by June 2011 to some 800 vulnerable Palestinian families' cards with enough funds every month to cover shelter, food and basic medicines. In an emergency context, this will give both the beneficiaries and the Agency the advantage of time and cost savings.

4.3 PRC delegation follows Palestinian Refugees from Iraq located in India

As part of the PRC's efforts to help Palestinian Refugees worldwide, a delegation from the centre visited a number of Palestinian Refugee families in India. The visit aimed to investigate their conditions in light of press reports which highlighted their suffering. Additionally, the visit attempted to support them overcome their difficulties since fleeing Iraq.

PRC representatives visited Delhi where they met many refugees who were victims of terrorism and violence. Many had lost family members during the sectarian violence that has followed the invasion. Thousands more were scattered around the world marking a new Nakba.

The refugees in India are suffering immeasurably as they are outside UNHCR protection. They are temporarily in India until they move to final host country. Some members of their families have moved on to Europe, Canada and the US after first taking refuge in India.

PRC's delegate to India, Arefat Bojema, outlined the difficulties Palestinian Refugees face in India. They are not allowed to work and do not get necessary support from either the Indian government or United Nation bodies. They are also deprived of the basics of health and social care.



PRC has done its utmost on following up the issue of Palestinian Refugees fleeing Iraq; organising parliamentary delegations, meeting with the refugees to document their stories, and raised their concerns with Syrian and United Nations officials. PRC also followed up the cases of those who were located by the UNCHR worldwide.

5 - New developments

Many new developments took place in 2011 which will drastically impact the life and future of refugees. The Palestinian Authority (PA) bid for UN recognition was the most high profile event that could have significant political impact.

5.1 Legal Opinion on Palestinian Statehood Bid

By Guy S. Goodwin-Gill Senior Research Fellow, All Souls College, Oxford—Barrister “I been asked for my opinion on certain issues relating to popular representation (that is, the representation of the views of the Palestinian people) which may arise incidentally to the current proposal to seek recognition of the State of Palestine and observer status for the State in the United Nations.

This opinion seeks only to identify problems potentially affecting the right of the Palestinian people to self-determination and the manner by which that right can or may be exercised, due account being taken of the will of the people. The purpose is simply to flag the matters requiring attention, if a substantial proportion of the people (having a particular interest in, among others, the right of return) are not to be accidentally disenfranchised.

I am advised that one possibility being debated involves the replacement of the Palestinian Liberation Organization (PLO) and its ‘substitution’, within the United Nations, by the State of Palestine as the legitimate representative of the Palestinian people. In my view, this raises, first, what I will call ‘constitutional’ problems (in that they engage the Palestinian National Charter and the organization and entities which make up the PLO); secondly, the question of the ‘capacity’ of the State of Palestine effectively to take on the role and responsibilities of the PLO in the UN; and thirdly, the question of popular representation.

The ‘constitutional’ issue

The PLO was established in 1965, bringing together various groups united initially for the purpose of liberating Palestine. Its governing instrument is the Palestine National Charter. The PLO’s nominal legislative body is the Palestinian National Council, which currently comprises some 669 members, of whom some 483 represent the diaspora; since 1996, 40% of the membership has been directly elected. In practice, ‘political power’ resides with the Executive Committee, the eighteen members of which are elected by the Palestinian National Council.

When the Palestinian National Council is not in session, policy is determined by the Palestinian Central Council, whose 124 members are drawn from the Executive Committee, the Palestinian National Council, and other Palestinian organisations.

Following the Oslo Accords of 1993, the PLO, with the subsequent endorsement of the Palestinian National Council, established the Palestinian Authority as a short-term, administrative entity charged with the limited governance of those areas of the West Bank and Gaza which were placed under Palestinian



responsibility. Its mandate, originally five years, was extended in 1998. The Palestinian Authority thus has limited legislative and executive competence, limited territorial jurisdiction,[10] and limited personal jurisdiction over Palestinians not present in the areas for which it has been accorded responsibility.

Within the constitutional structure of the PLO and the governance of the Occupied Palestinian Territory, therefore, the Palestinian Authority is a subsidiary body, competent only to exercise those powers conferred on it by the Palestinian National Council. By definition, it does not have the capacity to assume greater powers, to 'dissolve' its parent body, or otherwise to establish itself independently of the Palestinian National Council and the PLO. Moreover, it is the PLO and the Palestinian National Council which derive their legitimacy from the fact that they represent all sectors of the displaced Palestinian people, no matter where they presently live or have refuge.

In addition, the possibility of reconfiguring the self-determination unit by substitution, and without the consent of the competent institutions, raises the 'external' question of its consistency with the long-standing acceptance of the PLO, by the UN and the international community at large, as the sole, legitimate representative of the Palestinian people; see further below, paragraphs 11-17.

The 'statehood' issue

Until such a time as a final settlement is agreed, the putative State of Palestine will have no territory over which it exercises effective sovereignty, its borders will be indeterminate or disputed, its population, actual and potential, undetermined and many of them continuing to live under occupation or in States of refuge. While it may be an observer State in the United Nations, it will fall short of meeting the internationally agreed criteria of statehood, with serious implications for Palestinians at large, particularly as concerns the popular representation of those not currently present in the Occupied Palestinian Territory.

The significant link between the Palestinian National Council and the Diaspora has been noted above in paragraph 4. They constitute more than half of the people of Palestine, and if they are 'disenfranchised' and lose their representation in the UN, it will not only prejudice their entitlement to equal representation, contrary to the will of the General Assembly, but also their ability to vocalise their views, to participate in matters of national governance, including the formation and political identity of the State, and to exercise the right of return.

The 'representation' issue

A number of elements of international and UN practice must be recalled. First, the United Nations (the General Assembly, the Security Council, the International Court of Justice) and Member States of the UN, including Israel, accept that the Palestinian people are entitled to self-determination.

The General Assembly has also repeatedly stressed that, 'the Palestinian people is the principal party to the question of Palestine...',[11] and that the Palestine Liberation Organization is, 'the representative of the Palestinian people'.[12]

Moreover, it is the Palestinian people who possess the inalienable rights to self-determination, national independence and sovereignty, and the right to return to their homes and property from which they have been displaced and uprooted.[13] In the practice of the UN, neither the Palestinian people nor

the right to self-determination is territorially limited to the space currently referred to as the Occupied Palestinian Territory. Even though it may be challenging to identify ‘the people’ in this context, at least pending a viable and effective system of registration for the purposes of voting or referendum, the intent of successive General Assembly resolutions has been clearly to include both Palestinians in the Occupied Palestinian Territory, and those who remain displaced in other countries.

Secondly, the PLO is accepted by the United Nations and by the international community of States[14] as the sole representative of the Palestinian people, and in this capacity it has been accepted as an Observer by the UN and its specialized agencies.

As the sole representative of the Palestinian people, both inside and outside the United Nations, the PLO’s mandate thus encompasses the totality of issues arising from the continuing displacement of Palestinians and the struggle for self-determination – this includes, among others, the questions of return and compensation highlighted in UNGA resolution 194 (III), and the question of national boundaries, which is implicit in SC resolution 242. These, necessarily, are matters for the Palestinian people as a whole, irrespective of their present place of residence.

The exercise of the right to self-determination is closely linked to ‘representation’ and the right of the people to make known their views. Article 21(3) of the 1948 Universal Declaration of Human Rights provides in straightforward language that, ‘The will of the people shall be the basis of the authority of government’. An inherent aspect of the principle of self-determination today is representative and democratic government, and it is increasingly recognized that there is an essential link between the State (for example, as a member of the United Nations), and the people it claims to represent.[15] The best evidence of that link – representative government – is through elections which are based on the enfranchisement of the people at large.

Conclusion

The right of the Palestinian people to self-determination has been clearly recognized as a matter of international law.[16] The peaceful and effective exercise of this right in accordance with the UN Charter has further been recognized as requiring the representation of the Palestinian people in the work of the United Nations.

In my opinion, current moves to secure recognition of statehood do not appear to reflect fully the role of the Palestinian people as a principal party in the resolution of the situation in the Middle East.

The interests of the Palestinian people are at risk of prejudice and fragmentation, unless steps are taken to ensure and maintain their representation through the Palestinian Liberation Organization, until such time as there is in place a State competent and fully able to assume these responsibilities towards the people at large.”(9)

5.2 Workshop to discuss Palestinian Refugees from Oslo to UN bid 2011

The Palestinian Return centre held a workshop titled, “Palestinian refugees between Oslo and a State of Palestine” in partnership with the Wajib Organization for Right of Return in Syria and the Thabit association for the right of Return in Lebanon. The workshops considered the issue of Palestinian refugees in light of the vote at the United Nations in September.



A legal and political review has been carried out by a number of experts. PRC General Director, Majed al Zeer shared his fears over the move and bemoaned the PA's monopoly on Palestinian Decision making on behalf of Palestinians.

Al Zeer pointed out that the bid for statehood endangered the right of Return and the PLO's future as the legal and sole representative of the Palestinian people. Other representatives from different organisations aired the view that no Palestinian party alone has the right representation to speak on behalf of the Palestinian people when it comes to such a bid, rather all Palestinians have a right to decide their own future.

Endnote:

- 1 - <http://www.guardian.co.uk/world/2011/may/15/israeli-troops-kill-eight-nakba-protests>
- 2 - <http://www.unmultimedia.org/radio/english/2011/08/palestinian-refugees-flee-syrian-port-city-of-latakia/>
- 3 - <http://www.almasryalyoum.com/en/node/336900>
- 4 - <http://arabnews.com/middleeast/article499316.ece?service=print>
- 5 - <http://www.haaretz.com/news/national/israel-approves-plan-to-relocate-30-000-bedouin-from-unrecognizedvillages-1.383772>
- 6 - <http://www.alternativenews.org/english/index.php/topics/jerusalem/3783-car-park-for-jewish-worshippersplanned-on-palestinian-land-in-east-jerusalem->
- 7 - <http://unispal.un.org/UNISPAL.NSF/0/F676F76A5CA45E2F852578E0005187AD>
- 8 - <http://occupiedpalestine.wordpress.com/2011/08/01/worsening-situation-in-iraq-for-palestinian-refugees/>
- 9 - <http://www.jadaliyya.com/pages/index/2530/guy-s.-goodwin-gill-legal-opinion-on-palestinian-s>
- 10 - At present, the Palestinian Authority does not in fact exercise effective government even in some of the areas assigned to it.
- 11 - UNGA res. 3210 (XXIX), 14 October 1974; UNGA res. 3236 (XXIX), 22 November 1974, §4; UNGA res. 3375 (XXX), 10 November 1975.
- 12 - UNGA res. 3236 (XXIX), 22 November 1974.
- 13 - UNGA res. 3237 (XXIX), 22 November 1974.
- 14 - See, for example, League of Arab States, Seventh Arab League Summit, Rabat, Morocco, 'Resolution on Palestine', 28 October 1974, §2, affirming the PLO as, 'the sole legitimate representative of the Palestinian people'.
- 15 - Note also the reference to a government representing 'the whole people' in UNGA res. 2625 (XXV), 24 October 1970, 'Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations'.
- 16 - International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 9 July 2004, para. 118.



Threat: Palestinian Political Prisoners in Israel

This is a timely and urgent volume that brings to the fore the systematic injustices endemic to the Israeli imprisonment of Palestinians. The volume not only provides extensive documentation that establishes the particular violence of the legal apparatus as it contains and disciplines arrested Palestinians, but it offers a detailed description of the widespread deviation from accepted standards of justice and procedural law. At stake throughout is the criminalisation of political protest, and this volume offers extensive evidence and analysis to resist this violent use of law. (Judith Butler, Maxine Elliot Professor, Departments of Rhetoric and Comparative Literature, UC Berkeley)

Out of the grim reality of Palestinians as a People of Prisoners and Israeli-Jews as a People of Wardens, this book offers not only nuanced information and unconventional insights, but also the feasibility of an anti-occupation, anti-colonial life of action, developed together by Palestinians and Jews. (Amira Hass, journalist)

No one reading this book will come away without new insight into one of the key areas of Israel's on-going distortion of Palestinian society by the removal of so many men and women key to its development. (Victoria Brittain)

Palestinian prisoners charged with security-related offences are immediately taken as a threat to Israel's security. They are seen as potential, if not actual, suicide bombers. This stereotype ignores the political nature of the Palestinian prisoners' actions and their desire for liberty.

By highlighting the various images of Palestinian prisoners in the Israel-Palestine conflict, Abeer Baker and Anat Matar chart their changing fortunes. Essays written by prisoners, ex-prisoners, Human rights defenders, lawyers and academic researchers analyse the political nature of imprisonment and Israeli attitudes towards Palestinian prisoners. These contributions deal with the prisoners' status within Palestinian society, the conditions of their imprisonment and various legal procedures used by the Israeli military courts in order to criminalise and de-politicise them. Also addressed are Israel's breaches of international treaties in its treatment of the Palestinian prisoners, practices of torture and solitary confinement, exchange deals and prospects for release.

This is a unique intervention within Middle East studies that will inspire those working in human rights, international law and the peace process.

- **Title:** Threat: Palestinian Political Prisoners in Israel [Paperback]
- **Author:** Abeer Baker (Editor), Anat Matar (Editor)
- **Paperback:** 282 pages **ISBN-13:** 978-0745330204
- **Publisher:** Pluto Press (6 May 2011) **Price:** £ 18.99



New Publication

'This Time We Went Too Far'

TRUTH AND CONSEQUENCES OF THE GAZA INVASION

“Better than any other book, ‘This Time We Went Too Far’ shows how the massive destruction visited on Gaza was not an accidental byproduct of the Israeli invasion but its barely concealed objective.” Raja Shehadeh, author, *Palestinian Walks*



For the Palestinians who live in the narrow coastal strip of Gaza, the Israeli invasion of December 2008 was a nightmare of unimaginable proportions: In the 22-day-long action 1,400 Gazans were killed, several hundred on the first day alone.

And yet, while nothing should diminish Palestinian suffering through those frightful days, it is possible something redemptive is emerging from the tragedy of Gaza. For, as Norman Finkelstein details, in a concise work that melds cold anger with cool analysis, the profound injustice of the Israeli assault was widely recognized by bodies that it is impossible to brand as partial or extremist.

Amnesty International, Human Rights Watch, and the UN investigation headed by Richard Goldstone, in documenting Israel's use of indiscriminate and intentional force against the civilian population during the invasion (100 Palestinians died for every one Israeli), have had an impact on longstanding support for Israel. Jews in both the United States and the United Kingdom, for instance, have begun to voice dissent, and this trend is especially apparent among the young. Such a shift, Finkelstein contends, can create new pressure capable of moving the Middle East crisis towards a solution, one that embraces justice for Palestinians and Israelis alike. This new paperback edition has been revised throughout and includes an extensive afterword on the Israeli attack on the Gaza Freedom Flotilla which resulted in the deaths of nine activists and further strained the loyalty of many of Israel's traditional allies around the world. It also contains a brand new appendix in which Finkelstein dissects the official Israeli investigation of the flotilla attack.

“[Finkelstein's] place in the whole history of writing history is assured.” - Raul Hilberg, author, *The Destruction of the European Jews*

“A very impressive, learned and careful scholar.” - Avi Shlaim, Professor, International Relations, Oxford University

- **Title:** This Time We Went Too Far, Truth and Consequences of the Gaza Invasion [Paperback]
- **Author:** Norman G. Finkelstein
- **Paperback:** 343 pages **ISBN-13:** 978-1935928430
- **Publisher:** OR Books (5 May 2011) **Price:** £ 14.00 + P&P



THE PALESTINIAN RETURN CENTRE KEEPING THE ISSUE ALIVE



PRC was established in 1996, following the Oslo negotiations, which failed to address the plight of Palestinian refugees. Since its founding it has strived to defend the rights of Palestinian refugees, raise awareness of their plight and bring the issue of refugees back into the political agenda. It has also strived to preserve Palestinian identity and culture, especially across Europe. The work of PRC covers many arenas including academia, media and communications, consultancy, advocacy, lobbying and many more.

OUR GOALS

- 1 - Defend and Promote the Right of Return
- 2 - Raising Awareness
- 3 - Preserve Palestinian Identity
- 4 - Support Palestinian Refugees

OUR ACHIEVEMENTS

UN Accredited NGO

PRC has been granted the status of an accredited NGO by the United Nations. This entitles PRC to participate in any process or events at the UN in contributing to outcomes.

supporting Palestinian refugees

The Palestinian refugees are diverse they face many different challenges. More recently 35,000 Palestinian refugees fled violence and persecution in Iraq. Many of them took refuge in camps on the borders between Syria and Iraq. PRC coordinated a cross party delegation from the UK and coordinated with UNRWA, UNHCR and Syrian government for temporary resettlement.

Putting Palestinian Refugees in the Political Agenda

PRC ensures that all relevant institutions are made aware of the plight of refugees. In addition to its accredited role in the UN, PRC guarantees that its message is delivered to the EU and other national parliaments.

PRC has sponsored seminars in the EU, lobbied MEPs in Brussels including former and current EU presidents. PRC lead a very high profile delegation to the European Parliament to meet the president at the time Javier Solano and the Turkish Prime Minister Tayyip Erdogan.

Nationally PRC holds public meetings in Westminster in partnership with mainstream political parties.



SERVING PALESTINIAN REFUGEES



RAISING AWARENESS

There are many misinformation about Palestinian refugees, from the birth of their plight in 1948, their status under international law, their current composition and their position within international law and the political process. PRC seeks to rectify this and address the refugee issue in its proper historical context.

Conferences

PRC organises conferences every year to highlight different aspects of the refugee issue. Our conferences draw a wide range of people including academics, politicians, ministers, human rights organisations and activists.

Publications:

The centre has conducted and sponsored a wide range of studies. Our publications include, books, documentary films, exhibitions, research papers, educational CDs, in both English and Arabic.

PRC Online

PRC's online work has grown over the years and now includes, a website, Facebook, Twitter and Youtube. PRC website contains up to date news, information and studies about refugees.

Conference of Palestinians in Europe

PRC founded the European Conference which is now in its Eighth Year. This conference held in major cities in Europe, brings together up to 10 Thousand People in order to preserve Palestinian identity and to show solidarity with the people in Palestine.

Advocacy and Public Relations

The centre has developed strong relationships with MP's in UK and in Europe. We regularly hold public seminars in the Houses of Parliament select committee rooms and the European Parliament. Our strong relationship has encouraged PRC to embark many joint initiatives with British and European MPs

Exhibitions:

We have a number of exhibitions, including, Gaza, prisoners, apartheid and the Nakba. Our exhibitions are held at universities, conferences, PRC events and also offered to other organizations.

Delegations

PRC successfully coordinated a number of delegations from Europe and the UK to Syria, Lebanon and Palestine. Its most high profile delegation was in 2009 when over 50 European parliamentarians visited Gaza.



WWW.PRC.ORG.UK



100h Crown House, North Circular Road, London NW10 7PN, United Kingdom
Tel: 0044(0)2084530919 Fax: 0044(0)2084530994
www.prc.org.uk e: info@prc.org.uk