

Date: 14.05.2019

Stop the Ongoing Nakba: Protect Palestinian Refugees

As the world's largest and most protracted displaced population,¹ Palestinian Refugees and Internally Displaced Persons (IDPs) today number 8.7 Million,² constituting 66.7 percent of the Palestinian people. Yet, neither the internationally mandated bodies nor the international community, have taken any measures to adequately address this ongoing Nakba (catastrophe) by the provision of just and durable solutions as stipulated by international law,³ and as embodied in UNGA Resolution 194 of 1948 and UNSC Resolution 337 of 1967.

Since 1948, Palestinian refugees and IDPs have been denied their fundamental rights by Israel and suffer from the lack of international protection that they are entitled to. Instead, Palestinian refugees and IDPs face unfounded challenges and new obstacles, led conspicuously by the United States of America (USA) Trump administration. With the aim to exempt Israel from its legal obligations and responsibilities and to eliminate Palestinian refugees' right to repatriation, the US administration has launched a campaign targeting both the United Nations Relief and Works Agency (UNRWA) and the well-established status of Palestinian refugees under international law. After decades of providing substantial financial support to the UNRWA, the USA abruptly terminated its funding⁴ and works, thereby transferring international responsibility to host states, while shirking its responsibility and ultimately leading to the deactivation of this vital agency. Additionally, the Trump administration seeks to revoke the status of Palestinian refugees in direct contradiction to the United Nations High Commissioner for Refugees (UNHCR) and States' historic and best practices.⁵ The American administration's actions are part of a wider campaign that aim at imposing a one-sided solution on Palestinian

¹ UNHCR, *The State of the World's Refugees*, April 2006, 106, available at: <https://www.unhcr.org/4444afcb0.html>.

² 5,545,540 M 1948 refugees registered with UNRWA, 1,161,812 M 1948 unregistered refugees, 1,237,462 M 1967 refugees, 415,876 internally displaced inside the Green Line and 344,599 internally displaced in the oPt. BADIL Survey 9th Edition (under final review).

³ Rule 132 of Customary IHL; the Fourth Geneva Convention; Universal Declaration of Human Rights; and the International Covenant on Civil and Political Rights. **Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**, Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005, and Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 of 29 November 1985.

⁴ "US ends aid to Palestinian refugee agency, UNRWA", *BBC News*, 1 September 2018, available at:

<https://www.bbc.com/news/world-us-canada-45377336>; US Department of State, *On US Assistance to UNRWA*, 2018, available at: <https://www.state.gov/r/pa/prs/ps/2018/08/285648.htm>.

⁵ UNHCR, *The State of the World's Refugees*, April 2006, Chapter 5, available at: <https://www.unhcr.org/4444afcb0.html>.

refugees - contrary to international law, relevant UN resolutions, and the principle of justice.

The ongoing Nakba is further exacerbated by Israeli policies of forcible displacement and forcible transfer in Mandatory Palestine⁶, and significant secondary displacement of Palestinian refugees from historic host countries, such as Syria. Another feature of the lack of international protection is the unequal treatment of Palestinian refugees when compared to other refugee populations as a result of discriminatory policies they are subjected to in many third countries. In this context, it is necessary to emphasize that individual states and the UNHCR are under an international obligation to ensure Palestinian refugees' entitlement to rights equal to other refugee populations.

Regardless, Palestinian refugees and IDPs continue to call for their right of return. In the Gaza Strip, the “Great Return” marches have been ongoing since 30 March 2018. The demand for the inalienable right of return by the Palestinian population in Gaza has been met with the illegal and excessive use of force by the Israeli military. As of 10 May 2019, 206 Palestinians, including 44 children, have been killed; and nearly 17,000 Palestinians have been injured, including 8,394 wounded by live ammunition by the Israeli forces.⁷ In May 2018, the UN created an independent Commission of Inquiry to investigate Israeli military practices in the Gaza Strip. In summation, the Commission Chair, Santiago Canton of Argentina stated:

“The Commission has reasonable grounds to believe that during the Great March of Return, Israeli soldiers committed violations of international human rights and humanitarian law. Some of those violations may constitute war crimes and/or crimes against humanity, and must be immediately investigated . . .”⁸

In its report, the Commission strongly recommended that the UN and member states activate international justice mechanisms, such as sanctions, the ICC and criminal jurisdiction, to investigate and seek accountability for the perpetrators of the crimes committed.

⁶ See BADIL's series on Forced Population Transfer: the Case of Palestine, available [here](#).

⁷ Al Mezan Center for Human Rights, “Israeli Forces Kill One Protester and Injure 50 on the 58th Friday of Demonstrations in Gaza”, press release, 10 May 2019, available at: <https://mezan.org/en/post/23525> [accessed: 14 May 2019].

⁸ The UN Independent Commission of Inquiry on the 2018 Gaza Protests, “No Justification for Israel to Shoot Protesters with Live Ammunition”, press release, 28 February 2019, available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24226&LangID=E> [accessed: 14 May 2019].

Addameer Prisoners' Support and Human Rights Association
Al-Haq – Defending Human Rights
Huryyat- Centre for Defence of Liberties and Civil Rights
Jerusalem Center for Legal Aid and Human Rights
Ramallah Center for Human Rights Studies
Independent commission for Human Rights (Observer)



Al-Mezan Center for Human Rights
Aldameer Association for Human Rights
Defence for Children International – Palestine
BADIL Resource Center for Palestinian Residency and
Refugee Rights
The Palestinian Centre for Human Rights

International complacency vis-à-vis the rights of the Palestinian people - particularly the right to reparations - facilitates the continuation and intensification of the ongoing Nakba. The passivity of the international community impacts those who have already been displaced while simultaneously, encourages further displacement, as Israel continues to enjoy impunity for international crimes. As such, third party states must necessarily and promptly recognize that any just and durable solution to the Palestinian Question must begin with the adoption and implementation of a rights-based approach. Failure to do so will maintain the status quo in which international protection is absent, and in which Palestinians are condemned to additional and more protracted displacement.

Therefore, the Palestinian Human Rights Organizations Council (PHROC) fervently calls on:

- The UNGA to establish a mandatory financing mechanism, rather than voluntary state contributions, in order to secure consistent and sustainable funding of UNRWA and to expand the mandate of UNRWA in order to fulfill the legal protection standards that refugees are entitled to.
- States and UN Agencies, particularly the United Nations Relief and Works Agency (UNRWA) and the United Nations High Commissioner for Refugees (UNHCR) to uphold and fulfill their obligations and responsibilities to provide humanitarian aid and assistance as well as physical and legal protection to Palestinian refugees, and to end their discriminatory exclusion from the international and/or national protection system/s;
- UN member states and UNHRC to adopt and implement the recommendations in the report submitted by the UN Commission of Inquiry on the oPt Protests, including the immediate activation of international accountability measures to bring Israel into compliance with its obligations under international law and prosecute perpetrators of international crimes.

END

Addameer Prisoners' Support and Human Rights Association
 Al-Haq – Defending Human Rights
 Huryyat- Centre for Defence of Liberties and Civil Rights
 Jerusalem Center for Legal Aid and Human Rights
 Ramallah Center for Human Rights Studies
 Independent commission for Human Rights (Observer)



Al-Mezan Center for Human Rights
 Aldameer Association for Human Rights
 Defence for Children International – Palestine
 BADIL Resource Center for Palestinian Residency and
 Refugee Rights
 The Palestinian Centre for Human Rights

Palestinian Human Rights Organizations Council comprising:



Addameer Prisoners' Support and Human Rights Association
 Sahar Francis
 General Director



Aldameer Association for Human Rights
 Hala Jaber
 General Director



Al-Haq
 Shawan Jabarin
 General Director



Al Mezan Center for Human Rights
 Issam Younis
 General Director



Badil Resource Center for Palestinian Residency and Refugee Rights
 Nidal Azzah
 General Director



Defence for Children International Palestine Section
 Khaled Quzmar
 General Director



Ramallah Center for Human Rights Studies
 Suhaib Sharif
 General Director



Hurryyat - Centre for Defense of Liberties and Civil Rights
 Helmi Al-Araj
 General Director



Jerusalem Center for Legal Aid and Human Rights
 Issam Aruri
 General Director



The Palestinian Centre for Human Rights
 Raji Sourani
 General Director