

The Question of Palestine

A quarterly overview of pertinent developments on the Question of Palestine. The newsletter includes updates with respect to ARDD's Question of Palestine Program as well as its Global Network on the Question of Palestine and its members.

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Quarterly Overview

This section provides a summary of pertinent developments and trends with respect to the question of Palestine during the past quarter.

The new Israeli coalition government, sworn in on 29 November 2022, has been clear in its intent to take the Zionist project to an unprecedented level through a range of far-reaching unilateral initiatives that have resulted in a renewed onslaught directed at Palestinians, so far primarily in the West Bank.

These developments have huge consequences for Palestinians in all their different geographies: in Israel, the Gaza Strip, and the West Bank, including East Jerusalem, as well as for those in exile in neighboring countries and beyond

New Israeli government

The new Israeli government is widely characterized as the most “hard-right and religious” since Israel’s establishment, both in terms of composition and declared intent. It builds on the earlier Israeli governments, which have each incrementally contributed towards the fulfillment of the Zionist project and as such have always been seen as oppressive, totalitarian, and segregationist in Palestinian eyes.

Returning Benjamin Netanyahu for a sixth term as prime minister, the new government includes as powerful ministers Kahanist hardliners Itamar Ben-Gvir, leader of the ultranationalist Jewish Power party, and Bezalel Smotrich, leader of the hardline Religious Zionism Party, both holding racist and supremacist views.

The coalition has been clear in its manifesto. Besides measures aimed at curbing, even more, the independence of the judiciary and policy changes openly beneficial exclusively to certain segments of Jewish citizens of Israel, the new government has declared: “The Jewish people have an exclusive and inalienable right to all parts of the Land of Israel. The government will promote and develop the settlement of all parts of the Land of Israel—in the Galilee, the Negev, the Golan, and Judea and Samaria.”

Negev, the Golan, and Judea and Samaria.” While this vision and strategy have been at the core of the implementation of the Zionist settler colonial project over Palestine since its inception and, more consistently since 1967, current declarations are without

precedent—even going beyond the 2018 Nation-State Law—notably with the reference to the exclusivity of Jewish rights “in all parts of the Land of Israel” and making the occupied Palestinian territory (OPT) indistinguishable from Israel within the 1967 lines. It thereby explicitly reiterates the denial of the right to self-determination of the Palestinian people, recognized as a peremptory norm of international law. It also effectively proclaims the government’s intention to continue its policies towards annexation, a serious breach of the Geneva Conventions, a war crime and in contravention to many UN resolutions, while abandoning the internationally recognized formula for resolving the Question of Palestine based on relevant UN resolutions.

The new government does not appear to worry about projecting to be the “only democracy in the Middle East” that has been a hallmark of previous governments. This ‘nonchalance’ has been made possible inter alia by the inertia of the international community and its exceptionalism towards Israel.

Developments and trends



This current political reality constitutes an unprecedented threat to the Palestinian people, who find themselves in the most precarious situation since the start of Al-Nakba. The escalation and further institutionalization of colonial violence has renewed forms of Palestinian popular resistance that are now shaping the development on the grounds. Unorganized, underground youth groups have been emerging and reclaiming their right to face the occupier, in the process also questioning the role and strategies of the Palestinian traditional leadership.

The new Israeli government represents a grave threat also to Jordan, which key ministers in the new Israeli government see as an alternative Palestinian homeland—a longstanding position of the Israeli right. With a significant increase in violence already before the arrival of the new government, there is a real risk of an era of unprecedented escalation in OPT, Israel, and beyond.

Only days after the inauguration of the new Government, on 3 January 2023, National Security Minister Ben Gvir made a provocative visit to the Al Aqsa/Haram el-Sharif compound, following several earlier such visits before he became a minister, vowing to return regularly. The visit came hours after reports that Ben Gvir had agreed to put off the visit following a meeting with Prime Minister Netanyahu, marking the first signs of the latter’s lack of control over his coalition. The visit drew widespread local, Arab, and international condemnation and came after Netanyahu had told King Abdullah that he would uphold the status quo in Jerusalem.

Other incitement by members of the new Israeli government include an order to ban Palestinian flags from public places by Israel’s national security minister Ben Gvir in early January and a public statement on 19 March 2023 by finance minister Smotrich that the Palestinian people are “an invention”, both further evidence of the denial of the Palestinian right to self-determination.

The new government’s steps towards curbing the independence of the judiciary have resulted in unprecedented national mass protests led by the Israeli opposition, drawing hundreds of

thousands of demonstrators to increasingly frequent and angry demonstrations, primarily in Tel Aviv but also in Jerusalem, Haifa and other cities. Critically, the Palestinian population is missing from these political exercises: this is because, while these demonstrations are aimed at saving Israel's "democracy", they are indifferent to the illegal occupation Israel has been maintaining, unabated, for almost 56 years. For the Palestinian people, every Israeli government has always represented a threat to their fundamental rights, resembling a military junta.

In the meantime, the situation in the West Bank, prompted in part by ongoing provocations by Ben Gvir and Smotrich, has continued the deadly trend set off in 2022, reaching a boiling point. On 26 January 2023, ten Palestinians were killed in an Israeli raid in Jenin, with more than 20 seriously injured. Two days later, seven Israeli settlers are killed by a Palestinian gunman in East Jerusalem, prompting the government to approve measures to make it easier for Israelis to carry guns. On 6 February 2023, five Palestinians were killed in the Aqabat Jaber refugee camp near Jericho, after the camp had been under siege for a week. On 10 February, two Israelis were killed in a car-ramming attack in East Jerusalem.



On 22 February 2023, 11 Palestinians were killed and over 100 people injured in a raid in Nablus.

On 26 February 2023, two Israeli settlers were killed in Hawara, near Nablus, by a Palestinian gunman. The same night, a Palestinian was killed and hundreds of others injured as dozens of homes and cars were set on fire in Hawara and neighboring villages by dozens of Israeli settlers, escorted by the Israeli army, in what several Jewish and Israeli commentators termed "a pogrom". Yet again, on March 7, an Israeli army raid in Jenin left other 6 Palestinians dead. Since the start of 2023, at least 84 Palestinians have been killed by Israeli soldiers and settlers, more than double the number for the same period of the previous year, along with 12 Israelis.

The Hawara pogrom was accompanied by public calls by Israeli Knesset members and ministers praising the violence and calling for the village to be totally "wiped out". These calls, reminiscent of past Israeli officials' rhetoric, appear to amount to incitement and complicity to commit atrocity crimes, as such prohibited under international law. The situation evokes parallels with the massacres across historical Palestine (1947-49), in Sabra and Shatila (1982), the Genocide in Rwanda (1994), Srebrenica (1995) and during the first and second intifada and has resulted

in further calls to the UN to provide urgent international protection to Palestinian civilians in the occupied West Bank, including East Jerusalem, and blockaded Gaza Strip.

Deeply concerning is that the US, Europe and the UN have failed to respond to these demands, which have instead been met with silence, tantamount to acquiescence. Since the start of the year, the UN Security Council held three debates on the situation in Palestine. After an attempt to have the Council adopt a much stronger and adequate resolution was aborted by the Palestinian government following US pressure, the UNSC adopted a watered-down presidential statement expressing “concern and dismay” over Israel’s planned settlement expansion, condemning the violence, and urging restraint “from both sides”, reinforcing the false equivalence between the colonizer and the colonized. Less than 24 hours later, Israel had already demolished Palestinians infrastructures in the occupied West Bank.

After several visits by senior US diplomats to the Israeli and Palestinian leadership to contain the situation, a US-led summit was held in Aqaba (Jordan), also involving Jordan and Egypt. The summit resulted in the announcement of a settlement freeze for up to four months, to be denied hours later by Netanyahu, providing further evidence of the lack of control over his coalition. A second US-led summit, held in Sharm el-Sheikh (Egypt), resulted in a similar announcement.

In late February 2023, Finance Minister Smotrich was handed broad authority over civilian issues in the West Bank, enabling him to deepen Israel’s presence in the West Bank, increase settlement construction, and thwart Palestinian development. The transfer amounts to legal, de jure annexation of the – already partly annexed – West Bank (as for the first time, control over the whole territory was handed over from military to civilian authorities) and was denounced by Israeli, Palestinian and international human rights organizations. The new arrangement was accompanied by the approval of over 7,000 settlements in the West Bank, the largest number ever announced, prompting further widespread national, Arab, and international condemnation.

Meanwhile, on 9 January 2023, the UN General Assembly requested the International Court of Justice to provide another advisory opinion on the situation in Palestine, this time focused on the illegality of the occupation and the right to self-determination of the Palestinian people.

Palestinian popular reaction to current developments seems to have sparked a new Intifada that is challenging the ideological roots of today’s political reality, entailing renewed rejection of the colonial project and any negotiation with the occupying power, as one cannot be asked to negotiate their release from an almost 56-years long segregationist and aggressive colonial subjugation. While such initiatives have characterized the history of the Palestinian movement throughout, the widespread support these new manifestations of resistance are receiving at the grassroots level and their ability to mobilize despite the harsh control imposed on the land, represent a new development meriting attention.

ARDD’s Question of Palestine Program

This section provides an update with respect to events and publications of ARDD’s program on the Question of Palestine and the ARDD-initiated [Global Network on the Question of Palestine](#).

ARDD held its first [Question of Palestine international conference](#) entitled “Rethinking the Question of Palestine: Policy Options in an Age of Transition”, organized by Al-Nahda Centre’s Question of Palestine Program. It was held in Amman on 11 December 2022. The conference brought together local, Palestinian and international key stakeholders, academic and professional experts with the aim of discussing the current global developments underpinning the Palestinian cause affecting both Jordanians and Palestinians.



The Global Network on the Question of Palestine held its fourth annual workshop in hybrid format (at ARDD's main office in Amman and online) on 12 and 13 December 2022. The workshop brought together Network members and guests for discussions focusing on UNRWA, rethinking the Question of Palestine, the pursuit of justice for Palestinians through the use of universal jurisdiction, with a final session focusing on the GNQP itself, both looking back and ahead.

On 24 January 2023, the ARDD-initiated sent an open letter to UN Secretary-General, Antonio Guterres arguing that the deteriorating situation in Palestine calls for a fundamental change in vision and approach by the UN to the problem.



The letter proposes a strategy to address the core problem underlying the Palestine crisis and re-establish the primacy of international law. It argues that the UN must resume its lead role based on its permanent responsibility for the Question of Palestine. It makes the case for renewed efforts towards strengthened international protection of the Palestinian civilian population. Furthermore, the strategy must move from negotiated solutions to imperatives dictated by UN resolutions and international law, and there must be a new approach to the Palestinian refugee question to find durable solutions.

To further articulate the message in the GNQP open letter, ARDD has published a number of OpEds based on the latter in Dutch, English ([here](#) and [here](#)), French, and Italian, with more OpEds under preparation.

In follow-up to the open letter, ARDD has also written to UN High Commissioner for Human Rights, Volker Turk and to the OHCHR office in Palestine, to make an urgent plea for protection of the Palestinian civilian population in occupied Palestine, making use of existing resources in the country.



On 7 March 2023, ARDD held a roundtable in Amman under the title [Developments in Palestine: Context, trends and regional implications](#), during which experts discussed the crisis in Palestine and called for national unity (report forthcoming).



ARDD will continue to closely follow the situation in Palestine and engage as appropriate. Events under preparation include a webinar on Palestinian prisoners on Palestinian Prisoner's Day (17 April 2023), another webinar, in partnership with Law for Palestine, on the legal aspects of Palestinian popular resistance and several workshops on UNRWA (see section on UNRWA Developments, below).

Prisoner's Day (17 April 2023), another webinar, in partnership with Law for Palestine, on the legal aspects of Palestinian popular resistance and several workshops on UNRWA (see section on UNRWA Developments, below).

GNQP member updates

This section lists academic and other publications by members of the Global Network on the Question of Palestine (both by individual members and member organizations).

Academic publications

Akram, S. M. (2022). Palestinian Refugees. In Routledge Companion to the Israeli-Palestinian Conflict (pp. 185-204). Routledge. <https://www.taylorfrancis.com/chapters/edit/10.4324/9780429027376-16/palestinian-refugees-susan-akram>

Al-Fayez, R. Q., Al-Tawil, M., Abu-Salih, B., & Eyadat, Z. (2023). GTDOnto: An Ontology for Organizing and Modeling Knowledge about Global Terrorism. Big Data and Cognitive Computing, 7(1), 24. <https://www.mdpi.com/2504-2289/7/1/24>

Ashrawi, H. (2022). Peacemaking and Nation-building. In Peacemakers in Israel-Palestine (pp. 125-132). Routledge. <https://www.taylorfrancis.com/chapters/edit/10.4324/9781003262817-12/peacemaking-nation-building-hanan-ashrawi>

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Baroud, R. (2023). Racism, violence, colonialism. *Guardian* (Sydney), (2037), 9-9.

Bastaki, J., & Charles, L. (2022). The Privilege to Work: Syrian Refugees in Jordan, Technical and Vocational Education Training, and the Remote Work Loophole. *Refugee Survey Quarterly*, 41(4), 625-644. <https://academic.oup.com/rsq/article-abstract/41/4/625/6647977>

Berg, K.G. (2022) Palestine. Facts on the ground. Scandinavian University Press. (In Norwegian: [Palestina. Fakta på bakken](#)

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Berg, K.G., Knarvik, O, Vik, S., & Qato, M. (eds) (2023). “[More than the humanitarian gaze. Jørgen Grinde’s photography from the Middle East in the 1950s](#)”

University of Bergen Library.

Bouquet, B., Muhareb, R., & Smith, R. (2022). “It’s Not Whatever, Because This Is Where the Problem Starts”: Racialized Strategies of Elimination as Determinants of Health in Palestine. *Health and Human Rights*, 24(2), 237-254. <https://www.hhrjournal.org/2022/12/its-not-whatever-because-this-is-where-the-problem-starts-racialized-strategies-of-elimination-as-determinants-of-health-in-palestine/>

Chatty, D. (2022). Evolution of the stability sector in Lebanon: the role of civil society. *Forced Migration Review*, (70), 67-69. <https://www.proquest.com/>

[docview/2724707556?pq-origsite=gscholar&fromopenview=true](https://books.google.it/docview/2724707556?pq-origsite=gscholar&fromopenview=true)

Chatty, D. (2022). Peoples’(non-) participation in Conservation: A Case from Oman. *Language and Ecology in Southern and Eastern Arabia*, 241. <https://books.google.it/>

Chatty, D. (2023). Watfa’Speaks. In *Migration, Culture and Identity: Making Home Away* (pp. 11-29). Cham: Springer International Publishing. <https://link.springer.com/> El-Abed, O., & Shabaitah, N. (2023). CHAPTER 6 The Gendered Impact of the Pandemic on Syrian Refugee Women in Jordan. <https://www.degruyter.com/document/doi/10.7560/326527-010/html>

El-Abed, O., Najdi, W., Hoshmand, M., Al Hamouri, F. [forthcoming]. Refugee communities mobilizing in the Middle East: Refugee-led organisations in Jordan, Lebanon and Turkey.

Ekeland, I., & Roy, S (October 15, 2022). The New Politics of Exclusion: Gaza as Prologue. *The Markaz*. <https://themarkaz.org/the-new-politics-of-exclusion-gaza-as-prologue/>

Falk, R. A. (2022). Deconstructing the Struggle Against Nuclearism. *Academicus International Scientific Journal*, 25, 11-23. <https://academicus.edu/al/nr25/Academicus-MMXXII-25-011-023.pdf>

Gargallo, E., Haller, T., Chatty, D., Weissman, S., Meessen, H., Giger, M., & Chkhobadze, N.

(2022). The new green grabbing frontier and participation: Conserving drylands with or without people. In *Drylands Facing Change* (pp. 132-152). Routledge.

<https://www.taylorfrancis.com/chapters/oa-edit/10.4324/9781003174486-10/new-green-grabbing-frontier-participation-eduard-gargallo-tobias-haller-dawn-chatty-samuel-weissman-heino-meessen-markus-giger-roman-maisuradze-nikoloz-iashvili-nino-chkhobadze>

Hanafi, S. (2022). Social love as an approach: Notes from the field. In *Social Love and the Critical Potential of People* (pp. 89-99). Routledge.

<https://www.taylorfrancis.com/books/edit/10.4324/9781003217039/social-love-critical-potential-people-gennaro-iorio-silvia-cataldi?refId=14aaa7c9-ccb2-4500-b2af-03e2d038cd0b&context=ubx> <https://search.informit.org/doi/epdf/10.3316/informit.853738442050122>

Irfan, A. (2023). *Refuge and Resistance: Palestinians and the International Refugee System*. Columbia University Press [forthcoming in July]. <https://cup.columbia.edu/book/refuge-and-resistance/9780231202855>

Kattan, V. (2022). Jordan and Palestine: union (1950) and secession (1988). In *Research Handbook on Secession* (pp. 275-292). Edward Elgar Publishing.

<https://www.elgaronline.com/display/book/9781788971751/book-part-9781788971751-28.xml> Publishing. <https://link.springer.com/> Khalil, A. (2023). Teaching Europe in Palestine: Resisting the 'new normal'?. In Knowledge production in higher education (pp. 103-121). Manchester University Press. <https://www.manchesterhive.com/>

Mansur, Y., Yassin, N., Mourad, Y., Anouti, S., & Zeidan, N. (2023). How Do State and Civil Society Stakeholders in Jordan View the EU-Jordan Compact? https://www.aub.edu.lb/ifi/Documents/publications/research_reports/2022-2023/LSE-JORDAN-Final-version.pdf

Quigley, J. (2023, February). Prohibition of Palestine Arab Return to Israel as a Crime Against Humanity. In Criminal Law Forum (pp. 1-41). Dordrecht: Springer Netherlands. https://scholar.google.com/scholar_url?url=https://link.springer.com/article/10.1007/s10609-022-09450-8&hl=en&sa=T&oi=gsb-gga&ct=res&cd=0&d=1377030077870944113&ei=7D4TZOeTH4z5yASy-6TYDw&scisig=AAGBfm2xjnj5OCBLS3x9fJ9xCHz19TcLxw

Rabbani, M. (2022). Palestinians and Their Discontents. Critical Sociology, 08969205221135524. <https://journals.sagepub.com/doi/> Roy, S. (2022). Speaking from

Exile: The Struggle over Jewish Dissent. ReOrient. <https://www.jstor.org/stable/48706619> Schechla, J., 2022. Habitat Int, UN Human Settlements Programme. Kenya. Retrieved from <https://policycommons.net/artifacts/3126643/h-a-b-i-t-a-t-i-n-t/3919839/> on 16 Mar 2023. CID: 20.500.12592/1smr46 Suleiman, J. (2022). Palestinian Nationality and Citizenship Rights in the Arab Mashreq with a Focus on Lebanon. Hikama, 3(4). <https://hikama.dohainstitute.org/en/issue05/Documents/hikama05-2022-Jaber-Suleiman.pdf>

Shorter articles, commentary, etc.

Hasan Nafea, <https://edgs.co/7lex8>

Sam Bahour, [Over 30 armed Palestinians go on a rampage across Tel Aviv](#)

(2 September 2022, Medium and in Arabic at [Wattan News](#) and [Alhadath](#))

Sam Bahour, [When home is no longer home](#)

[Book Review] (Le Monde diplomatique (English edition) 8 September 2022 Issue and [Medium](#) and in Arabic at [Al-Quds Newspaper](#) and [Wattan News](#) and [Alhadath](#))

Sam Bahour, [Visiting the Palestinian narrative requires more than a visit](#) (20 September 2022, Medium)

Sam Bahour & Tony Klug, [It's Time to Call Israel's Bluff by Sam Bahour - Tony Klug](#) (22 September 2022, CounterPunch and [Medium](#))

Sam Bahour, [A collapse in the making in Palestine](#) (28 September 2022, Medium) Daoud Kuttab, Why West Ban violence between Israelis and Palestinians rages on despite US mediation <https://www.arabnews.com/node/2260631/middle-east>

Daoud Kuttab, Jerusalem second front smoldering <https://www.jerusalemstory.com/en/blog/jerusalem-second-front-smoldering>

Daoud Kuttab, Israelis still expect the Palestinians will surrender. They have never been more wrong <https://www.haaretz.com/>

[opinion/2023-02-27/ty-article-opinion/.highlight/israelis-still-expect-the-palestinians-will-surrender-theyve-never-been-more-wrong/00000186-92f5-d716-a597-f6fd490000](#)

Daoud Kuttab, It's a dangerous turn when a pogrom becomes an act of faith

بر حى لى سايد عار صل يوحت ةر و ط خ
تمويد (English)

<https://religionnews.com/2023/03/03/its-a-dangerous-turn-when-a-pogrom-becomes-an-act-of-faith/>

John Quigley, Request for early warning: Israel: Refusal to repatriate, letter to UN Committee on the Elimination of Racial Discrimination, 20 February 2023 (attached).

Publications by GNQP member organizations

Al-Haq, "[Israeli Apartheid: Tool of Zionist Settler Colonialism](#)" (November 2022).

[Open Letter](#) to the Prosecutor of the International Criminal Court: Civil Society Organisations Call on Prosecutor to Investigate and Deter Crimes in Palestine, (November 2022, DawnMena)
Visualising Palestine & Première Urgence Internationale, [Rising Israeli Settler Violence in the Occupied West Bank](#)

Visualising Palestine and Al-Haq, [Turning War Crimes into Wine](#)

Visualising Palestine, [No War, No Warming](#)

Visualising Palestine, [A System of Silencing](#)

Visualising Palestine, [2022 BDS successes](#)

United Nations

This section provides an update of key reports and updates pertaining to the Question of Palestine by the United Nations. Note: developments pertaining to UNRWA are discussed in the next section.

First report of the new UN Special Rapporteur on the Human Rights Situation in the oPt

GNQP Observer Francesca Albanese's [first report as UN SROPT](#), focusing on the right to self-determination, was published in October 2022.

GNQP member Law for Palestine produced an excellent [summary](#) of the report and spot-on [commentary](#) of the report.

GNQP member Law for Palestine, in partnership with ARDD, hosted a [webinar](#) with Francesca Albanese who presented her first report.

An excellent discussion of the report between Francesca Albanese and Paul Salvatori in [Palestine Chronicle](#).
GNQP Member Mouin Rabbani [interviewed](#) Francesca Albanese on "Palestine: the right to self-determination" on Connections Episode 42.



Second report of the UN Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel

The COI's second report, its first addressed to the UN General Assembly, was issued in October 2022, only a couple of days after that of the UN SRoPt. It focuses on whether the illegality of the ongoing occupation of Gaza and the West Bank and, inter alia, calls on the UN General Assembly to "urgently request an advisory opinion from the International Court of Justice on the legal consequences of the continued refusal on the part of Israel to end its occupation" of the oPt. Strongly condemned by Israel, the report can be accessed here: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiopt/2022-10-19/Report-COI-OPT-14Sept2022-EN.pdf>

Last report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance E. Tendayi Achiume

The last report of former Special Rapporteur E. Tendayi Achiume looks at the key trends in the glorification of Nazism and related racism, xenophobia and intolerance. Amongst others, the report focuses on the instrumentalization of the working definition of antisemitism drafted by the International Holocaust Remembrance Alliance.



This section contains key publications by and with respect to UNRWA.

Academic papers, policy briefs

Albanese, F.P., and Takkenberg, L. (2023). [UNRWA and the Palestinian refugees: Protecting refugee rights while structurally addressing the agency's financially unsustainable modus operandi](#), Refugee Studies Centre, University of Oxford.

Bocco, R., and Fröhlich, F. (2022). [UNRWA and the Palestine Refugees: Challenges for Developing a Strategic Vision](#), The Graduate Institute Geneva.

Rabbani, M, Hussein, J., Buttu,

D, Dumper, M., (2022). [Financing of UNRWA 2020-2030 from a Palestinian Refugee Perspective: Strengthening Refugee Rights under the Current Model of Member State Contributions](#), Palestine Economic Policy Research Institute – MAS.

Berg, K.G., Jensehaugen, J. & Tiltnes, A. (2022). [UNRWA, funding crisis and way forward](#), CMI report 4.

Shorter articles, commentary
Francesca Albanese, Jalal Al

Husseini, Diana Buttu, Michael Dumper, Ardi Imseis, Damian Lilly, Mouin Rabbani, Lex Takkenberg, [Resolving UNRWA's Financial Crisis is Possible with a Fundamental Change in Approach and Vision](#) (2022). For Arabic translation, see [here](#).

UNRWA reports
[UNRWA Strategic Plan 2023-2028](#)

Shorter articles, commentary

Francesca Albanese, Jalal Al Hussein, Diana Buttu, Michael Dumper, Ardi Imseis, Damian Lilly, Mouin Rabbani, Lex Takkenberg, [Resolving UNRWA's Financial Crisis is Possible with a Fundamental Change in Approach and Vision](#) (2022). For Arabic translation, see [here](#).

UNRWA reports

[UNRWA Strategic Plan 2023-2028](#)

Annex

To: Committee on the Elimination of Racial Discrimination
via e-mail OHCHR-cerd@un.org (3 pages)

From: John Quigley, Professor Emeritus


Date: 20 February 2023



REQUEST FOR EARLY WARNING: ISRAEL: REFUSAL TO REPATRIATE

An early warning is necessary on Israel's refusal to repatriate the displaced Arabs of Palestine. Israel because, among other reasons, the Government of Palestine has, as of yesterday, been prevented from seeking redress for violations of human rights.

[Israeli-Palestinian showdown at UN averted after U.S. mediation.](#)



The need for Committee action is pressing because other international mechanisms are unavailable. The United States has pressured the Government of Palestine to agreeing to forgo resort for a period of six months to the International Criminal Court, the International Court of Justice, or the Human Rights Council. The United States may well pressure the Government of Palestine to extend this prohibition when the six-month period expires. The prohibition could become permanent. The United States has been trying for several years to keep the Government of Palestine from utilizing the institutions that protect human rights.

As relates to denial of repatriation, this prohibition prevents the Government of Palestine from filing a Rome Statute Article 14 referral to the ICC Prosecutor regarding denial of repatriation as a crime against humanity. Denial of repatriation constitutes the crime of persecution under Rome Statute Article 7. Jurisdictional prerequisites obtain for ICC jurisdiction for denial of repatriation with respect to the Palestine Arabs inhabiting Jordan, Gaza, and the West Bank. [See attached John Quigley, "Prohibition of Palestine Arab Return to Israel as a Crime Against Humanity.]

This prohibition prevents the Government of Palestine from approaching the Human Rights Council over denial of repatriation (or anything else). Yet the denial of repatriation is the core human rights violation in the Arab-Israeli conflict.

Efforts at effecting repatriation have been met with deadly force. New expulsions are threatened.. An early warning on the need to effect repatriation could serve as a deterrent. As the principal international institution with specific responsibility for discrimination based on race or ethnicity, the Committee occupied the central role on this issue. Israel's refusal to repatriate implicates Article 5(d) (ii) The right to leave any country, including one's own, and to return to one's country; (iii) The right to nationality.

The Committee has recognized that Israel is in violation. In 1987, it stated: With regard to article 5 of the Convention, members of the Committee wished to know why Israel did not permit the Palestinian Arabs who had been driven from their lands to come

back and obtain the same treatment as Jewish people in respect of the recovery of their land, and whether it was Government policy to ensure equal rights for Palestinians in respect of the rights referred to in article 5. [Report of the Committee on Racial Discrimination, §593, UN General Assembly, Official Records, 42nd session, Supp. No. 18, UN Doc. A/42/18]

In 1998, the Committee stated:

The right of many Palestinians to return and possess their homes in Israel is currently denied. The State party should give high priority to remedying this situation. Consideration of Reports Submitted by States Parties under Article 9 of the Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel, 30 March 1998, §18, UN Doc. CERD/C/304/Add.45.

In 2007, the Committee stated,

The Committee is concerned about the denial of the right of many Palestinians to return and repossess their land in Israel (article 5 (d) (ii) and (v) of the Convention). The Committee reiterates its view, expressed in its previous concluding observations on this issue, and urges the State party to assure equality in the right to return to one's country and in the possession of property. [Report of the Committee on the Elimination of Racial Discrimination, 70th session (19 February-9 March 2007) 71st session (30 July-17 August 2007), §211, UN General Assembly, Official Records, 62nd session, Supp. No. 18, UN Doc. A/62/18]

The Committee's silence on this issue since 2007 leaves an impression that Israel's denial of repatriation is not a priority matter for the Committee. Two quite damaging consequences flow from the silence. One is that the exclusion of the Arabs of Palestine is seen as a matter relating to the past only. Another is that the issue of repatriation is seen as a matter for negotiation between Palestine and Israel, but not a matter on which rights are the central consideration. The ongoing conciliation proceeding between Palestine and Israel relates to the occupied territories, hence not to denial of repatriation to home areas in Israel.

The Commission of Inquiry that was established by the Human Rights Council in 2021 is examining root causes of the situation in Gaza. Given that a high percentage of Gaza's population consists of persons in families of those displaced in 1948, the issue of denial of repatriation is on its agenda. The Commission could profit from new guidance from the Committee, both as affirmation that the denial is a violation of rights, and for advice the Committee may have on modalities for implementation. The Committee's recent silence on the issue is the more telling because the issue has been the subject of extensive attention from non- governmental human rights organizations. Amnesty International Israel's refusal to grant Palestinian refugees right to return has fuelled seven decades of suffering. [Amnesty International, Press release, 15 May 2019]



Israel's refusal to grant ... - Amnesty International

A number of other factors show the need for an Early Warning. Israel has given no indication that it intends to comply with the most recent call by the UN General Assembly, which reads that the Assembly

Notes with regret that repatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not yet been effected, and that, therefore, the situation of the Palestine refugees continues to be a matter of grave concern and the Palestine refugees continue to require assistance to meet basic health, education and living needs [Assistance to Palestine Refugees, Res. 77/123, 12 December 2022]

Assistance to Palestine refugees

Israel's Knesset has adopted a Basic Law on Israel as Nation-State of the Jewish People, which denies the attachment of Arabs to the territory of the State of Israel as a matter of principle. It reads:

1. The State of Israel a) Israel is the historical homeland of the Jewish people in which the state of Israel was established. b) The state of Israel is the nation-state of the Jewish people, in which it actualizes its natural, religious, and historical right for self-determination. c) The actualization of the right of national self-determination in the state of Israel is unique to the Jewish people.

As applied to the Palestine Arab refugees, this Basic Law means that the Government of Israel deems them to have no rights in the territory of Israel.

The Government in place since December 2022 seeks to annex the West Bank. Annexation could lead to further expulsions and would eliminate the possibility of repatriation even to that sector of historic Palestine. UNSC draft resolution of 15 February 2023 is a response to that possibility. It "condemns all attempts at annexation, including decisions and measures by Israel regarding settlements, including settlement outposts," and calls for their immediate reversal." Now, apparently, this resolution will not be considered by the Security Council as result of the United States gaining the coerced agreement of the Government of Palestine.

New expulsions of Arabs are sought by the recently appointed Minister of National Security has called for the deportation of Arabs deemed disloyal to Israel. The Knesset adopted a statute on 15 February 2023 to take citizenship from certain Arabs who inhabit territory in Israel, and to take residency rights from certain Arabs who inhabit East Jerusalem.

[Knesset Passes Law to Strip Citizenship of Terrorists](#)

The Knesset is considering reduction of the powers of the Supreme Court, thereby reducing the possibility that the Supreme Court could intervene to prevent expulsions, or to prevent annexation of the West Bank.

The denial of repatriation is a violation that has been ongoing since 1948. Because of the concurrence of the factors listed above, there is an urgent need to consider it without awaiting the next reporting period.