



INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE

29 November 2018



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INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE, 29 November 2018

On 29 November 2018, the United Nations (UN) will once again observe the International Day of Solidarity with the Palestinian People, in accordance with General Assembly mandates contained in resolutions no. [32/40 B](#) of 2 December 1977, [34/65 D](#) of 12 December 1979, and subsequent resolutions adopted under agenda item '*Question of Palestine*'. This day is extremely meaningful and significant to the Palestinian people. On the very same day in 1947, the General Assembly adopted resolution no. [181 \(II\)](#), commonly referred to as the '*Partition Resolution*' which provided for the establishment in Palestine of a 'Jewish State' and an 'Arab State', with Jerusalem as a *corpus separatum* under a special international regime. Of the two States to be created under this resolution, only one, Israel, has so far come into being while the other, Palestine, still awaits its historical moment.



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Introductory words

The International Day of Solidarity with the Palestinian People traditionally provides an opportunity for the international community to focus its attention on the fact that the question of Palestine remains unresolved and that the Palestinians have yet to attain their inalienable rights as defined by the General Assembly in its resolutions, namely, the right to self-determination without external interference, the right to national independence and sovereignty, and the right to return to their homes and property, from which they have been displaced.



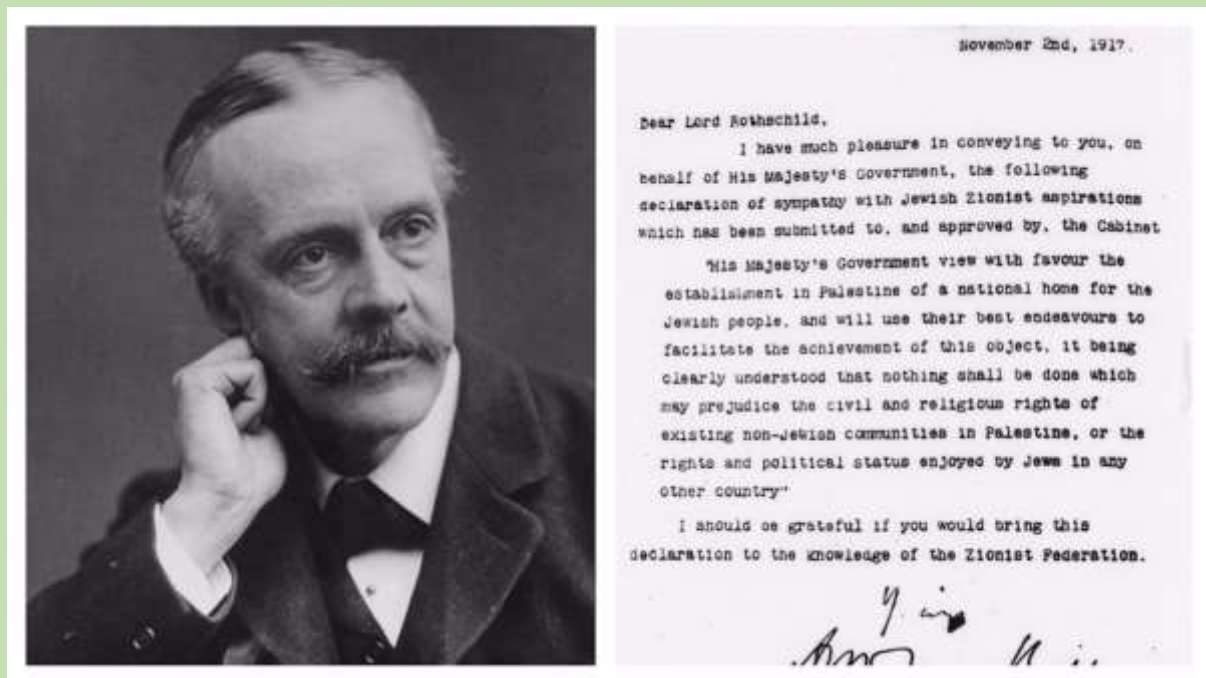
On this day, various activities are carried out by Governments and civil society, including the issuance of special messages of solidarity with the Palestinian people, the organization of meetings, the dissemination of publications and other information material, exhibitions and cultural events, and the screening of films. The United Nations organises different events in its offices around the globe, including in New York, Geneva, Vienna and Nairobi. At the UN Headquarters in New York, the Committee on the Exercise of the Inalienable Rights of the

Palestinian People each year holds a special meeting to observe the International Day of Solidarity with the Palestinian People. Among the speakers are the UN Secretary-General, the President of the UN General Assembly, the President of the UN Security Council, and representatives of relevant United Nations bodies, intergovernmental organizations and Palestine. Civil society organizations (CSOs) are invited to attend.

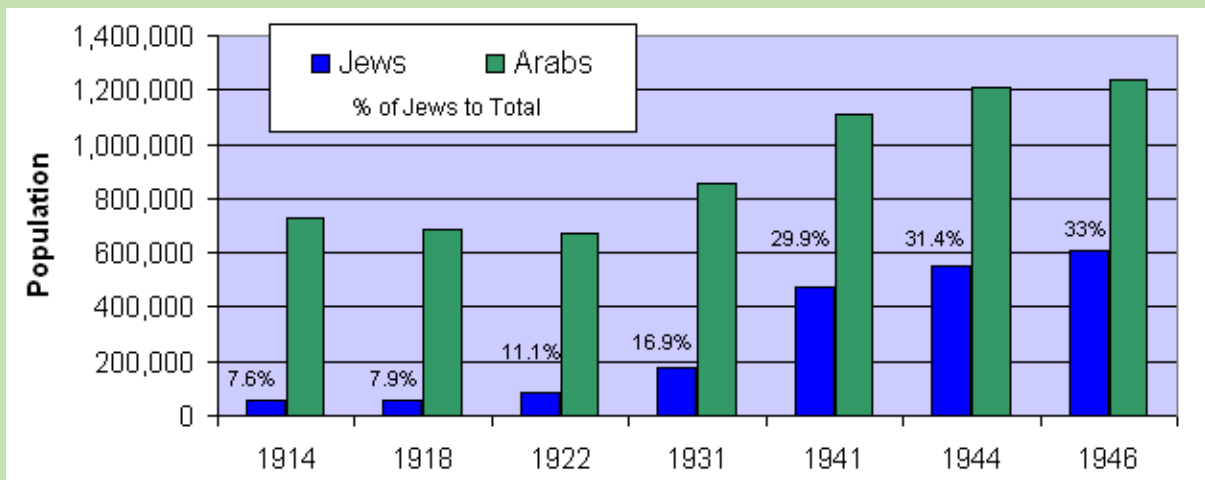
Historical background

In the late 19th century the land of Palestine, at the time under the reign of the Ottoman Empire, consisted of ca. 86% Muslims, 9% Christians and 5% Jews, according to the [1878 census](#). The communities at that time lived together in relative peace and without conflict. As the notion of nationalism was developing in Europe, the idea that the Jewish population should establish their own national state in the Holy Land of Israel, known as 'zionism', came about. It is noteworthy to mention that at the time it was not absolutely clear where this land was situated, and thus, whether this land was in the territory of Palestine or elsewhere. The [First Zionist Congress](#) took place in Basel in 1897 and it adopted the *Basel Programme* which called for, among others, the promotion by appropriate means of the settlement in Israel of Jewish farmers, artisans, and manufacturers.

At the end of WWI, in order to gain support of the Jewish people, the British Government issued the [Balfour Declaration](#) of 2 November 1917, which viewed with favour 'the establishment in Palestine of a national home for the Jewish people.'



After the WWI ended, the League of Nations entrusted the United Kingdom of Great Britain and Northern Ireland with the [Mandate for Palestine](#). During the period of the British rule over the entrusted territory, in particular between the years 1920 and 1939, the Government facilitated Jewish immigration to Palestine. As a result of this policy, the Jewish population in Palestine increased by ca. 320,000 people, which by the year 1938 corresponded to nearly 30% of its overall population. Tensions amongst various members of the society increased together with growing Palestinian nationalism. Following a revolt against the British rule, the Government issued the [1939 White Paper](#) limiting the Jewish immigration and aiming at the establishment of a dual state in 10 years' time.



During the WWII many more Jewish people immigrated to Palestine to escape the Holocaust in Europe. After the WWII, the United Nations General Assembly adopted [resolution no. 181](#) on partition of Palestine on 29 November 1947. Following that, Britain announced the termination of its Mandate over Palestine, to take effect on 15 May 1948. According to the resolution, the territory should have comprised two states, an Arab State and a Jewish State, with Jerusalem being under international control administered by the United Nations.



On 14 May 1948, the Jewish People's Council gathered in Tel Aviv, declared independence and the State of Israel was proclaimed. It was subsequently recognised by the United States on the same day and by the USSR three days later. Following the declaration of independence, the inhabitants of Palestine asked for the support of the surrounding Arab nations as they did not know how to oppose the actions of Israel. It must be noted that this was in the aftermath of permanent struggle for self-determination of the Palestinians and of increasing tensions between them and the Jewish settlers. As a result of the Palestinian call for help, five Arab nations interfered upon the request, invaded the territory and the [war of 1948-1949](#) broke out. Israel won the war and gained extra 30% of the Palestinian territory while the Gaza Strip remained under the control of Egypt, and the West Bank and Jerusalem under the control of Jordan.

As a result of the Arab-Israeli conflict of 1948-1949, more than 700,000 Palestinians fled the territory and sought refuge in neighbouring countries. These events have come to be known as *al-Nakba*, the catastrophe, during which a lot of Palestinians were expelled, displaced, lost their homes and became stateless. They had come under attacks in their homes and villages which had been levelled to the ground. Materially, the 1948 al-Nakba shattered Palestinian socio-economic structures: the Arab economy in Palestine was virtually destroyed, and hundreds of villages were emptied of their inhabitants as over one-half of the country's Arabs were uprooted as refugees. After Israel refused to allow the refugees to return, they were forced to reconstitute their lives in exile as best they could while a complete spatial transformation of Palestine's geography took place that destroyed their villages and all but wiped out the Arab character of the land itself.

Another war broke out on 5 June 1967 by the launching of a series of airstrikes by Israel against a number of Arab states, including Egypt, Jordan, Syria, and lasted only six days. Israel won again and gained control of the West Bank, including the Old City of Jerusalem, the Gaza Strip, the Golan Heights and the Sinai Peninsula. The Arab countries' losses in the conflict were disastrous, including 11,000 casualties for Egypt, 6,000 casualties for Jordan and 1,000 casualties for Syria. Israel lost 700 men. The [Six-Day War](#) also marked the start of a new phase in the conflict between Israel and the Palestinians, since the conflict created hundreds of thousands of refugees and brought more than one million Palestinians in the occupied territories under Israeli rule. On 22 November 1967 [UN resolution no. 242](#) was adopted, laying down principles for a peaceful settlement in the Middle East:

- * *Withdrawal of Israeli armed forces from territories occupied in the recent conflict;*
- * *Termination of all claims or states of belligerency and respect for, acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their*

right to live in peace within secure and recognized boundaries free from threats or acts of force.

The resolution also affirmed the territorial inviolability of every State in the region and called for ‘achieving a just settlement of the refugee problem’. Egypt and Jordan accepted resolution 242 (1967) and considered Israeli withdrawal from all territories occupied in the 1967 war as a precondition to negotiations. Israel, which also accepted the resolution, stated that the questions of withdrawal and refugees could be settled only through direct negotiations with the Arab States and the conclusion of a comprehensive peace treaty. Syria rejected the Security Council action, maintaining that the resolution had linked the central issue of Israeli withdrawal to concessions demanded from Arab countries. The Palestine Liberation Organization (PLO), established on 2 June 1964 with a goal to achieve liberation of Palestine, strongly criticized the resolution, which it said reduced the question of Palestine to a refugee problem.

War broke out again between Egypt and Israel in the Suez Canal area and the Sinai, and between Israel and the Syrian Arab Republic on the Golan Heights in October 1973. On 22 October, the Security Council adopted [resolution 338](#) (1973), which reaffirmed the principles of resolution 242 and called for negotiations aimed at ‘a just and durable peace in the Middle East’. The ceasefire call was later confirmed in [resolution 339](#) (1973) of 23 October. At the request of Egypt as fighting continued in the region, the Security Council reconvened on the 24 October 1973, where a resolution calling for the creation of a new peacekeeping force, which became the second United Nations Emergency Force (UNEF II), was built.

Under a separate agreement reached in May 1974, Israel and Syria signed a disengagement agreement. This led to the establishment of the United Nations Disengagement Force (UNDOF). The Council renewed UNEF’s mandate periodically until July 1979, when it was allowed to lapse following the conclusion of a peace treaty between Egypt and Israel. UNDOF continues to function on the Golan Heights.

On 22 November 1974, the question of Palestine was re-introduced in the Assembly’s agenda. [Resolution 3236](#) (XXIX) reaffirmed the inalienable rights of the Palestinian people to self-determination, national independence and sovereignty, and the right of the Palestinians to return to their homes and property. In 1975, the Committee was established by the General Assembly on the Exercise of the Inalienable Rights of the Palestinian People (CEIRP). The questions of Palestine and related issues have been the subject of numerous resolutions and decisions adopted by the Assembly’s regular, special and emergency sessions.

On 29 November 2012 the Assembly granted Palestine [non-member observer State status](#) in the UN. The relevant issues on the agenda of the Assembly and its subsidiary organs, such as the Human Rights Council include the right of Palestinians to self-determination, their

sovereignty over natural resources, assistance, refugees, IDPs, UNRWA, human rights, Israeli settlements, peaceful settlement of the question of Palestine, and Jerusalem, among others.

Most recent developments

Demolitions, relocation and Israeli settlements

Israel has a longstanding policy of demolishing entire villages and towns in the occupied territory of the West Bank, forcefully evicting and relocating its Palestinian inhabitants. Most recent cases concern three small Bedouin villages located in the South Hebron Hills: [Um Al-Khair](#), [Susiya](#) and [Khan Al Ahmar](#). Palestinian herding communities inhabiting Area C, the

60% of occupied Palestine under total control of Israel in terms of security and land-related civil issues (land allocation, planning and construction, infrastructure), face particularly perilous living conditions. In most cases, these communities have already been



displaced several times and resettled into areas which do not meet their basic needs. Due to the lack of agricultural land and water resources they have been forced to abandon their traditional nomad lifestyle. Moreover, most of these communities face severe restrictions on access to natural resources and water, are not connected to permanent electrical sources and are not provided with social services.

The villagers of the area can only pursue their traditional farming and herding activities with great difficulty and under considerable danger of settler and military violence. Encircled by settlements and ‘military zones’, shepherds cannot graze their flocks freely as they are



prohibited from entering vast areas of their land, which are rarely delineated. If they cross Israeli-designated areas of their own land, they can face arrest and heavy fines. Soldiers often observe or interfere with the shepherding, ordering Palestinians to leave under the threat of arrest or heavy fines. The Israeli government

has also declared certain plants, traditionally used as herbs for tea and foodstuff, ‘endangered species’, thereby prohibiting Palestinians from collecting them. Settlers often directly target

Palestinian livestock and natural resources, for instance by poisoning animals, water sources, and crops.

As the local villages are rarely issued construction permits, their houses, tents, water services, including traditional cistern-based water infrastructure or solar panels, as well as schools and health clinics, can receive demolition orders at any time, thereby depriving them of all aspects central to an adequate standard of living. Socioeconomic indicators in health, water, and education are thus exceedingly low. Especially Bedouin women suffer from a lack of employment, health care, education and access to land. Many Bedouin communities are therefore compelled to relocate to urban townships, in which they have to forsake their nomadic and agricultural way of life and lose their primary means of subsistence.

Some of the Israeli laws that have facilitated demolitions and establishment of Israeli settlements are: *Demolition orders against unauthorized structures 1539-2003*, *Law for the Regulation of Settlements 5777-2017*, *Order concerning the Removal of New Structures 1797-2018* and *Administrative Affairs Courts Law 5768-2018*. During a discussion in the Knesset on 27 June 2017, the director of the Civil Administration Supervision Unit said that there are 500 movable structures in the administration's warehouses confiscated from Palestinians. He stated that all it requires to dismantle and confiscate a movable structure is a formal statement by one of the supervision unit's employees. There is no other administrative or legal procedure needed.

The *Law for the Regulation of Settlements in Judea and Samaria, 5777-2017*, legalizing unauthorized Israeli settlements and giving settlers the right to remain in them, was passed on 6 February 2017. Furthermore, the *Order concerning the Removal of New Structures, 1797-2018*, allows the Israeli army's 'Civil Administration' to target and demolish Palestinian structures in area C within 96 hours, whatever may be the status of the land or the issuing of building permits. The new order aims at preventing international aid from supporting any legal action against future Israeli orders, which has proven quite successful in preventing or delaying illegal demolitions in the past. Finally, the *Administrative Affairs Courts Law, 5768 – 2018*, prevents human rights organizations from flooding the Israeli court system with petitions against the demolition of buildings.

Geneva International Centre for Justice has lodged several appeals with the UN High Commissioner for Human Rights, the Special Rapporteur for Palestine, the UN Secretary-General and all other concerned UN bodies to oppose these actions by Israel. Forced relocation of populations in areas under occupation, such as the West Bank, is a war crime under international law. And relocations are often followed by the construction or expansion of an illegal settlement. The Committee on the Exercise of the Inalienable Rights of the Palestinian People's position is that the presence and construction of Israeli settlements in the Occupied West Bank and East Jerusalem is illegal under international law, contravenes Israel's

obligations under the Road Map and constitutes a serious obstacle to the peace process. [Article 49 of the Fourth Geneva Convention](#) strictly prohibits such colonization, stipulating that *‘The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies’*. This position was reaffirmed in [Security Council resolution no. 465](#) (1980), which determined that Israel’s policy and practices of settling parts of its population and new immigrants in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, constituted a flagrant violation of the Convention.

Blockade of the Gaza Strip and violent suppression of demonstrations

Since the occupation began in 1967, the Palestinian people have lived in four so-called ‘domains.’ The first one comprises Palestinians who live as citizens of Israel, governed by Israeli civil laws with special restrictions. The second one concerns the Palestinians living in the city of Jerusalem, governed by permanent residence laws. The third one relates to those Palestinians who live under conditions of belligerent occupation in the West Bank and Gaza Strip, including those in refugee camps, and are governed by military laws. And finally, the last domain implies the policy to preclude the return of Palestinians, whether refugees or exiles, living outside the territory under Israel’s control.



The blockade of the Gaza Strip is a humanitarian crisis. Israel's restrictions on entry prevent the repairing of Gaza's sole power plant, as well as of houses destroyed during Israeli offensives in the area. Israel continues to control entry to and exit from the Gaza Strip by land, sea and air, and has been subjecting Palestinians to a suffocating blockade, which constitutes an unprecedented form of collective punishment in stark violation of international humanitarian law.

Since the beginning of the blockade, the Gaza Strip's economy has effectively been in recession with the private sector receiving the largest share of losses due to the restrictions imposed by the Israeli authorities on the movement of businessmen and traders, as well as many companies and private enterprises – which make up the only source of income for a large portion of Gaza population – being targeted. The access to water and sanitation, sewage, healthcare, and education are severely and adversely affected. For hospitals in Gaza, constant instability of power supply only deteriorated the quality of the healthcare services available, with the high cost of running a generator forcing small businesses, especially start-ups, to close within a short period of time.



A series of peaceful civilian protests, the aim of which was to demand an end to the 12 years of blockade and to enforce [resolution no. 194](#) (the right of return of the Palestinian refugees to their home), started on 30 March 2018 and was scheduled for six weeks, until 15 May 2018,



the *Nakba Day*. The campaign was given the name 'Great March of Return'. Israel's reaction to these protests has been force, excessive force. The soldiers have used live and explosive

bullets, as well as toxic gas against the protesters. According to [Al Mezan Center for Human Rights](#) almost 200 Palestinians have been killed in the Gaza Strip since 30 March 2018, around 140 of them being victims of the demonstrations, including 28 children, one woman, two journalists, three paramedics and three differently abled people. Another 9,970 were injured, including 1,815 children, 419 women, 114 paramedics, and 105 journalists. Of those injured, 5,645 were hit by live fire, including 919 children and 113 women. Targeting civilians, and moreover, medical personnel and journalist, constitute violations not only of human rights law but also of international humanitarian law.

Discrimination against the Palestinian population

On 19 July 2018, the government of Israel has further deepened the concerns of the international community regarding its institutionalized discrimination against national minorities, notably Palestinian and Arab populations within its territory, by adopting a new divisive nation-state law. The New Basic Law includes 11 discriminatory provisions such as recognizing the land of Israel as the “historical homeland” of all Jewish people who are entitled to enjoy their natural, cultural, religious and historical right to self-determination”. Another



provision declares Jerusalem as Israel's capital, complete and united. It also defines the state symbols, memorials and independence days based exclusively on Jewish heritage (the Star of David in the flag, the Hatikvah as the national anthem, the seven-branched menorah as its emblem, Hebrew calendar along with the Gregorian one as official calendars). Furthermore, the law gives the Arabic language a special status leaving Hebrew as the only official language. Additionally, it promotes the establishment and consolidation of Jewish settlements, insisting that it is a national value. By nature, this bill automatically excludes and discriminates against Palestinians and other minorities.

GICJ and other NGOs submitted a [joint statement](#) to the 39th session of the Human Rights Council in which they urged the Security Council as the main promoter and protector of peace to take initiatives along with the General Assembly and other relevant bodies to remedy this decades-long tragedy by condemning the discriminatory measures taken by Israel. Furthermore, they called upon all the relevant bodies to hold accountable those responsible for enacting discriminatory laws such as the New Nation law that would translate into another apartheid and suggested that the UN exert all efforts for the revocation of the New Nation-State Law that explicitly mentions Jewish national rights but fails to do the same for minorities.

Conclusion

Geneva International Centre for Justice calls on the global community and the relevant UN bodies to:

- ❖ Put pressure on the Israeli government to suspend the construction of the illegal separation wall.
- ❖ Urge the Israeli authorities to immediately stop its discriminatory and apartheid policies against Palestinians.
- ❖ Pressure the Israeli government to comply with its obligations under international law to respect the right to self-determination of the Palestinian people.
- ❖ Call on Israeli authorities to suspend the expansion of illegal settlements in the Palestinian territories and to refrain from adopting any law that contradicts the international norms.

- ❖ Take the necessary measures to guarantee to all displaced Palestinians the right to return to their homes and ensure the compensation, which they are entitled to under UN resolution 194 of 1948.
- ❖ Call on the Israeli authorities to cooperate with the UN bodies and grant them access to the OPT to analyse the situation on the ground.
- ❖ Call on the Israeli authorities to comply with the provisions of international law and international humanitarian law, and guarantee the Palestinian population with the right to a fair trial as well as protecting the rights of Palestinian children, in order to respect their best interests when investigating into the alleged involvement in violent acts.
- ❖ Urge the UN related bodies and, in particular, the Special Rapporteur on the situation of human rights in the occupied Palestinian territories, to open an urgent investigation into all Israeli violations in Gaza, East Jerusalem and the West Bank.
- ❖ Take all the necessary measures in order to refer the violations which amounts to war crimes, genocide, and crimes against humanity to the International Criminal Court in order to hold Israel accountable for its actions.

Geneva International Centre *for* Justice (GICJ)

Independent, non-profit, non-governmental organization

GICJ is an independent, non-profit, international non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work

GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.



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