



MIFTAH

Conference outputs and interventions:
“Challenges facing the Palestinian political system”

(November, 2024)



The Palestinian Initiative for the Promotion of Global Dialogue and Democracy, MIFTAH, held on Wednesday, November 29, 2023, a hybrid conference entitled, "Challenges Facing the Palestinian Political System" at the Red Crescent Headquarters in Al Bireh. The speakers focused on the importance of clarifying and defining the relationship between the PLO and PA. They also emphasized on the need to enact various tool to support UNRWA.

The conference's objective was to shed light on the challenges to the Palestinian political system within the escalating political and humanitarian situation after the 37th Israeli government under Benjamin Netanyahu took power at the end of 2022.

The meeting brought together a wide range of experts, academics, analysts and political and national figures, in addition to official institutions, diplomatic missions, INGOs, NGOs and university students.

The meeting shed light on urgent and critical issues in the Palestinian political realm, especially in this phase of political changes and genocide against the Palestinian people, particularly in the Gaza Strip.

The conference facilitated a discussion on practical pathways and proposals that contribute to the development of a joint Palestinian vision for confronting challenges to internal Palestinian relations between the PLO and PA and relations with international organizations, in addition to combatting Israel's incitement against UNRWA.

Opening speeches:

- The PLO is the guardian of the Palestinian people's rights and the foundation of their national identity – Dr. Hanan Ashrawi
- The Palestinian cause is witnessing its most perilous historical moment since the Nakba – Dr. Tahreer Al-Araj



Session One: Civil Society vision of the challenges facing the Palestinian political system

- Analytical preface on the problematic relationship between the PLO and PA – Dr. Ali Musa
- Analysis of the PA's political course and its transformations since 1988 – Dr. Azmi Shuaibi
- Transformations in the Palestinian political system and options for realizing the state in light of changes – Jihad Harb
- The main problem in adopted strategies to achieve a political settlement with Israel – Khalil Shaheen

Session 2: Challenges facing the relationship of the political system with international organizations (relationship with UNRWA)

- Israel's plans against UNRWA aimed at eliminating the right of return for Palestinian refugees – Nasser Rayyes
- UNRWA is facing a genocide that requires immediate international action – Jamil Sarhan
- Targeting the refugee cause and UNRWA is within a broader political context linked to the stages of conflict management – Anwar Hamam
- The decision to ban UNRWA is a brazen violation of the Palestinian people's sovereignty, aimed at eradicating the right of return – Tamara Tamimi





Interventions focused on two main pivotal points: The institutional relationship between the PA and PLO (first session) and the relationship of the political system with international organizations, with UNRWA as a case study (second session).

The conference was held in tandem with escalating Israeli violations against the Palestinian people, including increasing settler violence and military attacks on the Gaza Strip, ongoing since October 2023 and amounting to the crime of genocide against the Palestinians. Contrastingly, the Israeli government is trying to undermine the PA by destroying its financial and political capabilities and categorize PLO factions and Palestinian national movements within a terrorist framework, ultimately threatening the stability of the Palestinian political system.

The conference addressed the ongoing Israeli attacks on official and international institutions, including UNRWA.



The PLO is the guardian of the Palestinian people's rights and the foundation of their national identity

First, I would like to welcome our esteemed guests. MIFTAH's doors will always be open to all, to exchange opinions and put forth viewpoints. It is imperative that there is intellectual, political and social interaction to be able to reach mutual visions to face the challenges threatening the Palestinian cause and for the internal advancement of society.

What is happening in Gaza is indescribable in terms of the criminality and genocide being committed against civilians. What is happening is systematic ethnic cleansing taking place before the eyes of the world, without any earnest interventions to halt these crimes. However, in spite of the crimes, we will remain steadfast.

The PLO is not a mere symbol, it is the guardian of the Palestinian people's rights and the foundation for their national identity. Since its establishment, the PLO has represented a unifying source of Palestinian strength capable of taking effective political decisions, but which has been the target of systematic destabilization over the past several years.

This intentional attempt to weaken the PLO was not only the result of external interferences but also due to internal moves that deprived the Executive Committee of political decisions and weakened institutions such as the PNC and Central Council, including constant membership turnover within these institutions.

Alienating the PLO from political decision-making and shifting this to the PA as a service rather than political apparatus, is a dangerous move.

Hence, the role of the PLO must be revived and the relationship between the PLO and PA must be reset. The PA was created as an arm of the PLO not the other way around. Rectifying this requires practical steps to move away from the realm of slogans and to begin achieving actual changes.

When speaking about the Palestinian political system with international organizations, with UNRWA as a case-study, I would like to emphasize the importance of UNRWA's role. The ongoing attack on the agency is aimed at cancelling the right of return and ending the Palestinian refugee cause.

From the start, Israel has sought to eradicate UNRWA, as an international witness to refugee rights. These attempts have been carried out with international support and complicity, as Israel attempts to manipulate international institutions to join their efforts to erase the Palestinian refugee cause. Israel has rebelled, without deterrence, against international law and has violated all Palestinian rights with impunity.

It is an urgent imperative to revitalize and develop the Palestinian political system's approach in dealing with international institutions, with a focus on promoting relations and building bridges of communication with the Palestinian people's allies.



Dr. Hanan Ashrawi
Chairperson of the Board of
Directors

The Palestinian cause is witnessing its most perilous historical moment since the Nakba, which requires unity and counter efforts

Dr. Tahreer Araj
Executive Director



“Let us be aware of the perils of this moment”...these are the key words for facing the existential dangers threatening free peoples on their long walk to freedom. When we say: a historical moment, this means it is merely a moment in time, perhaps not measured by its duration but by its weight and gravity and the historic and existential repercussions it carries. This moment may pass unbeknownst to those in the right, or it may pass with their knowledge but without political will to combat it.

The Palestinian cause is currently witnessing its most perilous moment since the 1948 Nakba. This is a live-streamed genocide of the Palestinian people before the eyes of the world, and with no serious global movement to stop the daily bloodshed as Israel pushes forward with its plans.

Distinguished guests, the plan to annihilate us is no longer a whisper in a closed room or secret discussions among politicians. This is a clear and obvious plan, as blatant as the occupation, which plunders Palestinian rights with no regard. This most extreme and right-wing Israeli government ever has gone over and beyond to finish off the cause, with unhidden moves and intentions. The most recent of these was Israel's declaration to impose sovereignty over the West Bank. In light of the international changes taking place, this has only increased its gluttony for the land, expelling the people and falsifying the historical narrative and truth about the origins of the conflict.

This coincides with a new US administration taking office, one that falls directly in line with Israeli plans and supports its policies of eradication, already signaling this before even setting foot in the White House. The new members of this administration were hand-picked on the basis of their loyalty to Israel, all of which is happening in the absence of Arab support, clearly in order to annihilate the Palestinian cause.

In the face of these dangerous developments, the question remains: Where is our plan? The Palestinians must take immediate action to confront this historic and critical moment, which requires an aware, creative and bold response. The Palestinian house must be put in order and channels of communication opened with all national parties to promote a united Palestinian position. We are not okay. It is no exaggeration that the signs of destruction are looming on the horizon.

The danger of this historical moment demands that we say “We are not okay” and that the time has come for us to bear collective responsibility and to work towards involving all parties in a comprehensive and inclusive dialogue aimed at protecting Palestinian existence and reinforcing their steadfastness by all available means. This must then be translated into a bold and immediate response to push back against the destruction looming on the horizon.

It is crucial to acknowledge that Palestinian unity is a key condition for survival. If unity is not achieved now, it will lose its value in the future. Victory of the Palestinian cause requires joint action to confront the current challenges and to champion the justice of the cause through united and comprehensive action.

Distinguished guests, if we are not united today, there is no value in our unity tomorrow when these major plans are at our doorstep. Today, if we are able to take action but do not have the will, then tomorrow, we may have this will and determination, but our ability will be gone. By that time, it will be too late and all the geopolitical maps of the region would have changed.



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Session One

Civil Society vision of the challenges facing the Palestinian political system

Analytical preface on the problematic relationship between the PLO and PA



Dr. Ali Mousa
Researcher and Academic

There are two main structural problems in the relationship between the PA and PLO since the inception of the latter: the lack of clarity in the relationship and the boundaries of their respective powers.

These problems stem from the roles of the PLO, the ‘sole and legitimate representative of the Palestinian people’ and that of the PA as a temporary administrative body created within the framework of the Oslo Accords to facilitate the establishment of a Palestinian state.

Even though the 2003 amended Basic Law stipulates the formulation of a legal framework for the powers of both the PA and PLO, practical implementation was wracked with complications. The law clearly indicates that the PA and its three pillars: (legislative, executive and judicial) were created as one part of the interim phase stipulated in the Oslo Accords. At the same time, the law reiterates that the PLO is the legitimate and sole representative of the Palestinian people, which puts it at a higher ranking in terms of international recognition and the political role.

The problematic relationship between the PLO and PA can be attributed to several structural and historical reasons. The first is the differences and contexts of their establishment and development. The PA was created as an executive administrative entity born of the PLO. It was meant to complement the work of the PLO in the Palestinian territories in preparation for the declaration of the state, after the end of the transitional period in 1999. However, the differences in the nature of the tasks and circumstances between the two institutions led to a disparity in their roles.

One reason for this problematic relationship is the disparity between the tasks and roles of each. Prior to the establishment of the PA, the PLO focused on its political, diplomatic and revolutionary matters. It did not directly address the everyday living needs of the Palestinians, which remained within the mandates of international parties such as UNRWA or refugee host countries. With the inception of the PA, it became directly responsible for education, health, security and services in the West Bank and Gaza Strip, which promoted their executive role in parallel with the decline of the PLO’s practical role.

Another reason behind their problematic relationship is the growing influence of the PA at the expense of the PLO. The fact that the PA received external funding and clearance tax returns gave it more influence in the political and economic realms, which meant the status and leadership role of the PLO declined.

Yet another reason is the move of PLO leaders to the Palestinian territories after the Oslo Accords were signed and their involvement in the structure of the PA and its institutions, which led to their roles melding within the PA. This ultimately contributed to the erosion of the PLO's independence.

Furthermore, the duality of roles and responsibilities was another reason for this problematic relationship. The amalgamation of PLO and PA leaderships made it more difficult to discriminate between the two political entities and this duality ultimately weakened accountability and transparency and reinforced the overlapping of powers.

One last reason is that the PLO transformed into a more symbolic entity in the absence of a process of renewal for the political and social powers it embodies, namely Hamas and Islamic Jihad. Furthermore, the absence of any true representation of the young Palestinian generation within the PLO made this situation even more complicated.

The problems in the relationship between the PLO and PA cannot be isolated from the current Palestinian political reality, especially in light of the ongoing Israeli genocide and the challenges to national unity.

It should be reiterated that achieving the Palestinian national goals of ending the occupation, achieving return and self-determination and ultimately establishing a state, demands a comprehensive review of the relationship between these two bodies. Integration between PLO and PA institutions must be encouraged, while avoiding any overlapping of roles and powers.

This review must include effective participation from Palestinian civil society, which should play a pivotal role in guaranteeing a transparent political process and the achievement of national unity.

We must also not forget that the problematic relationship between the PLO and PA is not only a matter of powers and roles, but reflects much deeper challenges related to the Palestinian political system as a whole. Any solution to these problems must take political regional and international changes into consideration, in addition to national priorities in order to guarantee the continuation of the Palestinian struggle at the political level and on the ground.



Analysis of the PA's political course and its transformations since 1988 (Practical reality of the relationship between the PLO and PA 1994-2024)



Dr. Azmi Shuaibi
Director member and advisor to AMAN Bod

In 1988, there was a historical transformation in the PLO's vision regarding the overall goal of the Palestinian resistance movement, the means of achieving it and the nature of the right to self-determination. A strategic decision was made to change the main objective of liberating all of the land of Palestine by armed struggle, to considering a political solution to the conflict with Israel through bilateral, peaceful negotiations to end the Israeli occupation of the West Bank and Gaza Strip, including Jerusalem. This transformation included the development of the concept of self-determination through the establishment of a Palestinian state along the 1967 borders, based on UN Resolutions 242 and 338.

This historic decision represented a quantum leap in PLO strategy, which abandoned armed resistance as the main tool and replaced it with peaceful negotiations to achieve the goal of a state. Furthermore, implementation of this approach was within the context of the 1993 Oslo Accords, which granted mutual recognition between the PLO and the state of Israel.

In addition to this, the declaration of principles was approved and negotiated in detail in Cairo, Washington and Sharm Al Sheikh. Agreements were signed for the gradual transfer of powers from the Israeli military governor in the West Bank and Gaza to the elected PA.

The PA was then established as a body for self-rule and the nucleus of the gradual transfer towards a state, in accordance with the PLO vision. The process of transferring powers from the Israeli military administration to the PA began. At the time, the PLO Central Council had approved the establishment of the PA as an interim phase and the PLO Executive committee was mandated to form the Palestinian National Authority Council.

President Yasser Arafat assumed the post of President of the PNA Council, with authorization from the Central Council as part of the PLO's vision to achieve a national program. The PA was formed upon a decision by the PLO Executive Committee and included 18 members from inside and outside the homeland. However, Arafat did not hide his objective of investing in the PA's interim period as a political tool to realize a Palestinian state. Hence, he adhered to the formal symbols of the state, including exercising the authorities of a sovereign state including the position of President.

Neither the PNC, the Central Council or even the PLO Executive Committee defined the nature of the relationship between the PLO and PA, which resulted in a lack of clarity in the relationship between the two. Their powers and jurisdictions were never formerly determined or agreed on in writing. Practically speaking, the PA was the administrative, financial and political force on the ground, which ultimately led to the domination of the PA's institutions, structures and system over positions of power and areas previously within the PLO's jurisdictions.

In 1995, the assassination of Israeli Prime Minister Yitzhak Rabin constituted a turning point in President Arafat's tactics, especially after the Likud Party took power in Israel under Benjamin Netanyahu. Arafat employed tactics of maneuver and confrontation, using the tools of the PLO (armed resistance) to pressure Israel into implementing the accords, namely Israeli military withdrawals from Hebron and around Jerusalem.

Nonetheless, the overall strategy was geared towards promoting the role of the PA as the political course for achieving statehood, after Israeli Prime Minister Benjamin Netanyahu was forced to implement parts of the Oslo Accords in 1996, prompted by US President Bill Clinton.

After Labor's Ehud Barak became Prime Minister in the 1999 elections, he proposed to Yasser Arafat, via the United States, to continue negotiations at Camp David. Arafat, in his capacity as Chairman of the PLO Executive Committee and PA, agreed to hold negotiations on the final sticking points, which from his point of view, would transform the PA to a state along the 1967 borders.

The situation held steady until the political process hit Israeli obstacles, especially during Israeli Prime Minister Ariel Sharon term in office, following the failure of the Camp David talks. Once again, Arafat had put into motion the tools of confrontation to pressure the Israelis and to achieve US President Clinton's proposals to both sides. This was followed by a resumption of negotiations in Taba. However, talks were halted after Sharon's withdrawal and ended with a return to violence and military incursions by Sharon, Arafat's arch enemy, who assassinated him in 2004.

This was followed by the era of President Mahmoud Abbas, who adopted a clear approach, based on a peaceful solution and negotiations as the only recognized means of establishing a state. He believed international diplomatic means was the only way to prompt the Israelis to return to the negotiating table. He succeeded in his attempts, first with Sharon and then with Olmert, almost reaching a two-state solution.

President Arafat believed the closer the realization of a Palestinian state became, the more the role of the PLO retreated. President Abbas, meanwhile, considered the role of PLO had shrunk with the declaration of the state and the establishment of the PA, thereby focusing his efforts on international diplomatic efforts as a full member state at the UN.

Even so, this reality was not officially adopted by PLO institutions. It was perceived as the actions of the leadership, to which others turned a blind eye. This approach led to considerable weakening of the PLO at a time when Israel was weakening the PA through imposing restrictions on it.

Instead of this becoming an opportunity to advance toward statehood, the opposite happened. The PLO and PA were weakened for internal reasons, including the political division and the establishment of a weak Hamas authority in the Gaza Strip, along with a weakened PA in the West Bank.

Furthermore, internal policies such as the defunct PLC and President Mahmoud Abbas' decisions to turn the PLO basically into a PA department, contributed to a setback in the national project towards statehood.

The current situation, which requires a comprehensive review of the PLO-PA relationship, comes in tandem with the all-out Israeli government attack on the two bodies. Hence, it is contingent upon us to build a defensive strategy for survival and steadfastness and to prevent Israel from achieving the Zionist colonialist project's objective for Palestine, through its policies of genocide and displacement.

We have a duty to promote the role of the PLO as a unifying framework for the Palestinian people and to lead a counter-program to Israel's, while taking into consideration the need to develop the role and shape of the PA in a way that serves our national objective and reinforce nationally acceptable options of resistance.

Transformations in the Palestinian political system and options for realizing the state in light of changes

(Possible options for realizing an independent Palestinian state on the June 4, 1967 borders with Jerusalem as its capital, in light of political changes)

The collapse of peace negotiations, led by the United States in 2014, comprised a turning point towards the start of a gradual decline in support among Palestinians and Jewish Israelis over the two-state solution. Israeli settlements and Israeli occupation measures made this option seemingly impossible. Furthermore, the events that followed October 7, 2023 led to an increasing shift towards the military option as a means of resolving the Palestinian-Israeli conflict.

Within the context of possible ways to realize a Palestinian state, the option of the two-state solution still remains the most preferable, for several reasons. These include international support this option and its association with UN resolutions, which represent international legitimacy.

The importance of the two-state solution as an option must be reiterated, since it reinforces the right to self-determination and preserves Palestinian national identity, which was confirmed in the declaration of independence, issued by the PNC. Furthermore, international efforts for over three decades have made this option a major political investment.

Over this past decade, there have been political transformations in the Palestinian system. These transformations are aimed at replacing PLO institutions with PA institutions, eventually to become those of the State of Palestine.

The most prominent transformations are the following: upgrading the status of Palestine to observer state at the UN, which was put into motion following the UN General Assembly Resolution No. 67/19 in November, 2012. This resulted in a name change, from Palestinian National Authority to State of Palestine in official institutions, in addition to the amendment of the President's signature to "President of the State of Palestine" and "President of the PLO Executive Committee."



Jehad Harb
Palestinian writer and researcher

The second transformation was the dissolution of the PLC, which led to fundamental changes in legislative texts. The stipulation for presenting the law-by-decree to the PLC for ratification was cancelled, and law by decrees were drafted based on the PLO Basic Law, thus reinforcing the status of the PLO as the supreme legal and legislative framework.

The third transformation was the Central Council decisions in 2022 in its 31st session when it issued decisions calling for applying the legal status to Palestinian state institutions and their international relations. This included placing the responsibilities of the PLC's general secretariat under the PNC President and turning the Central Council into the State of Palestine's parliament in light of the absence of elections.

One more transformation was the amendment to the General Elections Law, by law by decree, in 2021, which clearly indicated to the election of the President of Palestine by the Palestinian people, thereby reinforcing the legal framework for the phase of statehood.

The most recent transformation was the 2024 decree regarding the Palestinian leadership and President Mahmoud Abbas going to Gaza. The decree includes the formation of a committee to formulate tangible mechanisms for the realization of the state of Palestine, including a constitutional declaration and the formation of a transitional council as a step towards building constitutional institutions.

There are three possible scenarios for realizing a Palestinian state: the first is the election of a constituent council through general elections, which would formulate the state's constitution and grant the government confidence. This scenario is in line with the amendment to the 2021 General Elections Law, which combines the posts of President of Palestine and President of the PLO Executive Committee.

The second scenario is mandating the Central Council with the functions of the constituent council. This scenario allows the Central Council to assume the tasks of the constituent council, including the drafting of constitution and granting a vote of confidence for the government.

I would like to indicate that the results of a poll conducted by the Palestinian Center for Policy and Survey Research in 2022, showed that 51% of Palestinians consider the PLO as their legitimate representative, even though 71% are not satisfied with its role in achieving the objectives of the Palestinian people.

The third scenario is the appointment of a constituent council by consensus. In light of the difficulty in holding elections due to the current conditions, this scenario proposes the formation of a constituent committee by consensus between factions and social forces. This option is aimed at achieving balanced representation that reflects political and social forces.

These political transformations and steps towards the realization of Palestinian statehood reflect ongoing efforts to enhance Palestinian national identity and reformulate the Palestinian political system to fall in line with regional and international changes. Nevertheless, the available options still need national consensus and political will to achieve Palestinian aspirations.



The main problem in adopted strategies to achieve a political settlement with Israel

(Mechanisms for achieving the Palestinian national program for ending the occupation, achieving self-determination and the right of return, in light of the current challenges)



Khalil Shaheen
Palestinian writer and political analyst

The concept of the PA, which developed after the Oslo Accords, fundamentally differs from the first discussions on this issue in the 1970s, especially pertaining to the geographical perimeters of PA, which would form the nucleus of a future Palestinian state. Furthermore, the main problem is not just the political program itself, but the strategies adopted to achieve a political settlement with Israel.

The idea of a National Authority, before the so-called “interim program” was adopted, was based on the establishment of the PA on any piece of Palestinian land liberated. In other words, it was associated with the strategy of a war of liberation and not negotiations. The PA, which was formed out of the Oslo Accords, came within a context of transformations in political thought and the political programs and strategies it produced since 1974. These resulted in the adoption of a negotiating strategy based on the illusion that it was possible to come to an understanding with a settler colonialist and racist regime that would end its control over a land and people, as opposed to daily confrontations with it.

Here lies the existing problem: there is no awareness on the nature of the Zionist, colonialist, settlement project, which is based on the annihilation of the other side, until it declares ultimate victory. The genocide and annihilation in the Gaza Strip reflects this main feature of the extremist right-wing strategy in Israel in settling the conflict with the Palestinians.

The repeated failure in making any progress towards the “two state solution” begs in-depth questions about the futility of this settlement. We must ask ourselves: Why does the political track always hit a dead end? Is the problem in the solution itself, in the way it is being managed, or both?

There are several events over the past decade, especially after the aggression on the Gaza Strip in 2014 and through to the genocide after October 7, that formed critical turning points in the Palestinian psyche in terms of regaining strategies of liberation in all forms. This includes the development of lone wolf operations, individually planned and executed by available means such as stabbing, car ramming, gunfire and even armed military formations, especially in the northern West Bank.

The events since October 7, irrespective of the argument around whether this constitutes a victory or defeat, confirms the genocidal nature of the settler colonial project, which is based on erasure of the other. The current Israeli government is an extension of the rise of extremist movements that embrace this colonial settler vision.

What happened reminds us of the importance of rethinking the nature of the Zionist colonialist settler project, which is based on committing genocide and atrocities to reach a point where it is no longer possible to describe this project as a colonial settlement project. That is, the opponent, or the indigenous people of the land, no longer exist.

This is reminiscent of the events prior to the establishment of the United States of America, when 100 million indigenous people were annihilated and turned into a minority, no more than 1% of the current population. Today, the United States is no longer described as a settler colonial project. Instead, it boasts of being at the forefront of the world's democratic countries. This has happened in other areas as well, such as Canada, and Australia because this is the idea on which a colonial settler regime is based.

The belief that a political settlement can be reached with a colonialist settler entity is an illusion. The Israeli regime seeks to obliterate the existence of the Palestinians with its criminal measures and by solidifying its control over the land, which is a core strategy for settler colonialism.

This does not mean there is no room for negotiations. On the contrary, it is imperative that negotiations are the result of continuous change in the balance of powers, which requires an awareness that this current stage does not offer any opportunity for a tradeoff between the solutions. That is, neither a state on the 1967 borders nor a binational state is possible in the near future. Instead, the focus should be on resistance strategies that will result in a change in the balance of powers, thus allowing the Palestinian people to determine their own fate.

It should be noted that the Oslo Accords and the measures that followed, further entrenched Israeli control over the land, while Palestinian powers were confined to the management of population affairs, with no actual control on the ground. This is a reality that requires critical review.

Furthermore, the geographic divisions created by the Oslo Accords such as Areas A, B and C, weakened Palestinian control, which necessitates a rejection of these division and creating strategies to reinforce control over the land.

New strategies for the struggle must be developed for confronting the occupation, in addition to reinforcing Palestinian control over the land through unified efforts between the PA, after a rethinking its form and functions, and Palestinian factions, civil society and local councils. This role was a major part of the PLO's tasks before the Oslo Accords, to expand its administration of Palestinian society affairs under occupation and during its conflict with it. Today, the current status must be combined with new action on the ground.

Finally, it is imperative to end the Palestinian political division, which is the biggest obstacle to formulating a unified national strategy. We must unite over a new vision for the role and functions of the PA, which will guarantee pushback against the Israeli project, aimed at annihilating us as a people.



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Session 2

Challenges facing the relationship of the political system with international organizations
(relationship with UNRWA)

Israel's plans against UNRWA aimed at eliminating the right of return for Palestinian refugees

There is an absence of a comprehensive national Palestinian strategy for confronting Israeli occupation plans. Contrastingly, Israel has systematic strategic plans that have effectively been in operation over the years, while the Palestinians' performance has been limited to reactions.

Targeting UNRWA is part of these plans. This began in the 1970s and is aimed at eradicating the Palestinian refugee right of return, since the continued existence of UNRWA contradicts Israel's efforts to prevent this right from being realized.

Israel is trying to turn UNRWA into a powerless organization through multiple policies, including: drying up its funding sources and waging incitement campaigns meant to cast doubt on its neutrality and independence. These efforts seek to create international public opinion that would demand the transfer of UNRWA's services to other organizations, thereby paving the way for canceling its role as an international witness to the Palestinian refugee cause.

I would like to draw your attention to the fact that the Israeli Knesset decision, passed in its second and third readings, to outlaw UNRWA operations in territories Israel claims sovereignty over, is aimed at obliterating the Palestinian refugee file and stripping them of their refugee status. This serves to weaken their demand of return, especially since UNRWA is considered an international reference for documenting Israeli violations.

In terms of the legal repercussions of the Knesset decision, it is aimed at stripping UNRWA of its international status and canceling the understandings signed between it and the Israeli foreign ministry since 1967. The decision also prohibits UNRWA from exercising its operations inside the Palestinian territory and allows the closure of its offices and headquarters. It also strips its employees of the immunities granted to them in accordance with UN agreements. This measure means that UNRWA employees could be held accountable and tried under Israeli law.

These steps are flagrant violations of international humanitarian law, especially since the bombing and destruction of UNRWA facilities amounts to documented war crimes according to the Geneva Conventions and the ICC Rome Statute.



Nasser Rayyes
Palestinian legal expert

Via Zoom

Since the beginning of its current aggression on Gaza, Israeli occupation forces have targeted 200 UNRWA facilities, resulting in the total destruction of 71 schools while others were damaged in varying degrees. They also killed 237 UNRWA employees alongside hundreds of civilians who sought shelter in their headquarters.

There is no doubt that impeding UNRWA's operations and preventing it from providing its humanitarian services, is a war crime. It is a policy that contributes to the starvation of the civilian population and deprives them of basic aid. These measures fall within the scope of genocide, according to the 1948 Convention on the Prevention of Genocide.

In order to push back against these Israeli policies, a national commission must be created, comprised of the Refugee Affairs Department, official Palestinian parties and civil society organizations, to formulate an effective national strategy.

There are also steps that can be taken to combat these Israeli policies, including: going to the UN and international organizations to demand resolutions in support of UNRWA and which determine the definition of a Palestinian refugee in a way that would prevent any Israeli manipulation of it; and legislating a Palestinian law for the right of return to bolster the status of refugees, similar to Israeli laws that support settler rights.

Other steps include pressuring the ICC to issue arrests warrants for Israeli officials for war crimes; establishing a national record for Palestinian refugees, with the aim of establishing a national archive to preserve the rights of future generations; and launching a wide-scale campaign in support of UNRWA including addressing and encouraging international and Arab parliaments to boycott the Israeli Knesset.

The Israeli attack on UNRWA, including the targeting of its headquarters in Sheikh Jarrah, constitutes a violation of international agreements that obligate Israel to protect UNRWA's headquarters in East Jerusalem. The PA must take diplomatic and legal steps to ensure the continuation of UNRWA's operations because infringement on the agency is a fundamental threat to the rights of Palestinian refugees and the future of their national cause.



UNRWA is facing a genocide that requires immediate international action

(Repercussions of the Israeli decision regarding UNRWA and the options available to official and international parties to minimize the impact of this decision and provide solutions for Gaza)



Jamil Sarhan

Director of the Independent
Commission for Human Rights in
the Gaza Strip

Via Zoom

First, I would like to stress on the importance of this conference, held amid Israel's ongoing genocide in the Gaza Strip for the past 410 days. These crimes are not limited to the targeting of civilians and infrastructure, but have also impacted UNRWA, which is considered one of the most prominent international humanitarian and relief institutions in the region. Today, UNRWA is facing a genocide that requires immediate international action to halt it and to hold the Israeli occupation accountable.

The Israeli aggression has deprived nearly 600,000 Palestinian students of their right to education, in addition to the killing of 246 UNRWA employees. Scores of other employees have been arrested and tortured during their detention. Israel also attacked UNRWA facilities, including schools, health centers and administrative headquarters and directly targeted students and teachers. These measures are part of the crime of genocide, as stated in the UN Convention on the Prevention and Punishment of Genocide.

UNRWA is not only a humanitarian organization, it is more a 'government within a government' given its far-reaching services to Palestinian refugees, including emergency relief, health care, education and other necessary assistance.

Targeting UNRWA is a war crime. Hence, there must be an accurate diagnosis of the current events to determine the measures necessary to support this UN agency. This is part of a system of genocide aimed at eradicating all forms of humanitarian and relief support for the Palestinians. Moreover, UNRWA's administration and the UN must acknowledge that what is happening is genocide against a UN agency and take the appropriate measures to protect this institution and its employees. There must also be efforts to suspend Israel's recognition as a UN member state as long as it continues to target humanitarian organizations of this magnitude.

Through legislation and policies, Israel is trying to systematically cancel UNRWA's role and this is a crime that not only threatens the Palestinians, but is considered a "humanitarian scourge" representing a flagrant violation of all international values and conventions. Hence, it is not only imperative to take a legal position on this, but also not to accept anything less than dismantling the system of genocide being led by Israel, out of respect for all humanity.

The UN must take firm decisions until the Israeli assault on UNRWA is halted, and to push for suspending Israel's membership at the UN, as a country committing genocide.

Furthermore, the South African government's legal team must submit an urgent request to the ICJ on the issue of UNRWA's targeting and call for decisions that would obligate Israel to halt the assault on UNRWA and its facilities.

It should be noted that the continued targeting of UNRWA reflects Israel's clear intentions for a sustained genocide in the Gaza Strip. These crimes need pushback and immediate action from the international community to ensure the halt of all Israeli measure that violate the rights and human dignity of Palestinian refugees.

Targeting the refugee cause and UNRWA is within a broader political context linked to the stages of conflict management

(The PLO, the UNRWA ban and its repercussions on Palestinian refugees)



Anwar Hamam
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First, we must emphasize the role of researchers and scholars, who have forged a path and offered hope in the toughest of times. Politicians must lean on these researches and studies to pave the way forward and transform crises and challenges into historical opportunities.

The Zionist movement transformed the Holocaust from a crisis and disaster into an opportunity to create the state of Israel, in the blink of an eye. Today, we Palestinians must not allow this genocide to pass quietly or allow pessimistic voices to turn it into a burial ground for the idea of statehood. It should pave the way for the establishment of an independent state of Palestine, with Jerusalem as its capital, and the realization of refugee rights. The current catastrophe, as difficult as it may be and in spite of the pain and suffering, could be motivation for achieving the goals of the Palestinian national project, not the opposite.

The targeting of the Palestinian refugee issue and UNRWA is being carried out within a broader political and historical context linked to the stages of Palestinian-Israeli conflict management. Since 1948, Israel has passed through three stages: managing the conflict, minimizing it and finally reaching the conflict-resolution stage we are living today, which is being led by the religious Zionism in power today. Its objective is to obliterate the Palestinian national cause by targeting three major files: refugees, borders, and Jerusalem.

The refugee cause is being systematically attacked at two levels: the first is by destroying the camps, which have historical witnesses to the 1948 Palestinian Nakba, and the second is by targeting UNRWA, as a representative of international recognition and the responsibility of the international community for allowing the refugee file to continue without a solution.

Targeting UNRWA did not start after October 7, 2023. This has been going on for a long time, dating back to shortly after its inception in 1949. From the beginning, Israel attempted to turn UNRWA into a tool for refugee resettlement, but it failed, because UNRWA maintained its mandate by providing relief, care, protection, rehabilitation, and empowerment services to refugees, safeguarding their interests and documenting their memories and archives. This is why Israel resorted to the defamation and demonization of UNRWA, thrusting it into lengthy and repeated financial crises.

Israel's process of targeting UNRWA was based on a three-dimensional plan, approved by the Israeli foreign ministry and divided into three stages: defamation, linkage to terrorism, weakening and banning its operation, and ultimately finding scenarios for its replacement.

In the first stage of defamation, Israel accused UNRWA employees of participating in the events of October 7.

In stage two, aimed at weakening and hampering UNRWA's role and preventing it from operating, included ratification of two laws to prevent the agency's operations. They also took measures such as shutting its bank accounts in the Israel Leumi Bank.

In the final stage, Israel is floating the idea of replacing UNRWA with other international agencies or any civilian apparatus established by Israel.

This plan is being implemented in full and is advocating for a process of replacement at the international level.

At the Palestinian level, the PLO Refugee Affairs Department formulated a national strategy to take action on the refugee cause and UNRWA's targeting, which was approved by President Abbas and the Executive Committee.

This strategy includes several pivotal points: the first stage focuses on political and diplomatic action at the international level, while stage two includes action within Arab and international unions to push for a suspension of Israel's membership as a state carrying out a genocide. Stage three includes galvanizing popular, national and factional action in addition to the role of civil society and popular committees in the camps.

Regarding international support for UNRWA, a forward-looking approach is required, especially after Donald Trump takes office in the United States. Here, we must not disregard the fact that the US administration under Joe Biden adopted policies even more dangerous than Donald Trump. It froze funding to UNRWA and incited 16 other countries to do the same under false Israeli charges against the agency.

The plan for Palestinian action needs media, diplomatic and popular efforts at all levels and coordination that guarantees the involvement of all parties without exception.

The decision to ban UNRWA is a brazen violation of the Palestinian people's sovereignty, aimed at eradicating the right of return.

The cooperation of UN member states with UN institutions is considered one of the pillars and norms on which the rules-based world order depends. Regardless of the absence of a clear legal text, whether at the level of the UN charter or contractual mechanisms, there are legal obligations on countries to cooperate with UN programs and institutions. It is customarily expected that member countries cooperate with UN institutions by virtue of their membership.

Additionally, there is no legal precedent at the international level if a state cuts ties with any UN institution or program. Any lack of cooperation is limited to countries withdrawing from certain international agencies. For example, the United States pulled out of UNESCO in 2017 and from the UN Human Rights Council in 2018 under former and now reelected president Donald Trump.



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Hence, Israel's decision to outlaw UNRWA presents a legal precedent, which can be considered from several angles, whether in terms of the laws it violates or the current repercussions on the Palestinian people in light of the genocide in the Gaza Strip and attacks in the West Bank, especially in the northern districts. There is also the strategic level in terms of the right of return for Palestinian refugees and within the framework of the illegal Israeli military occupation, according to the ICJ advisory opinion.

Israel refused to join UNRWA in 1949 when it was established. It signed letters of understanding with the agency when it occupied the remainder of historic Palestine in 1967 in accordance with the Law of Armed Conflict, in particular The Hague Convention of 1907 (Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land). Article 43 stipulates that the laws in force in the territory occupied by the occupying power must be respected, given the role of the occupying power in administering the occupied territory without exercising sovereignty, since sovereignty lies with the occupying state and the people under occupation.

Therefore, the Israeli law banning UNRWA from the territories under its control, which extend to the West Bank and Gaza Strip, and preventing its officials from communicating with the agency, is a flagrant violation of the Palestinian people's sovereignty. It also violates the rights of the State of Palestine according to the principles of international law, first and foremost international humanitarian law, in addition to being one more step to eliminating the Palestinian cause, primarily the refugee right of return.

The fact that Israel issued this law and applied it to the occupied Palestinian territories, especially on the heels of the ICJ advisory opinion on the illegality of the occupation, further entrenches its colonialist measures aimed at imposing new facts on the ground. It also reflects Israel's total disregard for international resolutions, given the lack of accountability for its violations of international law and human rights and its ongoing impunity for the international crimes it commits.

There are several repercussions of Israel's decision targeting UNRWA; in the short-term, the targeting of UNRWA headquarters and facilities, whether in Gaza or the northern West Bank, is considered a direct targeting of civilian objects and constitutes a war crime according to international law. Furthermore, the attacks on UNRWA facilities, which are UN institutions, represents a failure of the additional protection afforded by international humanitarian law for these institutions.

The Israeli decision does not only contradict with international laws, but also violates the measures stipulated by the ICJ to guarantee the delivery of humanitarian assistance to Gaza. This threatens to exacerbate the already catastrophic humanitarian conditions, especially since UNRWA is essentially the only party capable of delivering aid in terms of human resources, civilian infrastructure and regulations.

In a similar context, shutting down UNRWA facilities in the West Bank, including Jerusalem, threatens the provision of educational, health and other services to Palestinian refugees, especially those living in the West Bank.

The Israeli decision to ban UNRWA is an integral part of the genocide framework. That is, Israel is pushing to undercut international institutions that deliver humanitarian aid to the Palestinians, thus threatening the lives of refugees. Israel has not sufficed with only targeting UNRWA, but is escalating its violations by targeting Palestinian civilians and committing systematic war crimes.

In the long-term, it is possible that UNRWA's offices will be shut down or that the agency will be replaced with another body, which serves Israel's goals at several levels.

Israel is seeking to eliminate one of the most significant components of the Palestinian cause and its most important pillar for achieving justice for the Palestinian people, the refugee cause, through canceling the role of UNRWA, the official reference point for this cause.

UNRWA is an international symbol for Palestinian refugee rights an infringement upon it means targeting the legal and institutional structure that protects the right of return. This step is part of a long-term strategy to end the refugee cause once and for all.

Based on the aforementioned, combatting this Israeli decision requires several steps, including an increase in international financial funding to UNRWA in light of the catastrophic situation in Gaza, to guarantee the continued provision of services to refugees. This is with consideration to the cut in American contributions, the largest funder of UNRWA. This will most likely continue throughout Donald Trump's second term.

It is imperative to apply international pressure on Israel to cancel this law and insist on its adherence to international law. The official Palestinian role must be promoted internationally and bilateral relations with the international community bolstered, to support and join South Africa in its genocide case at the ICJ. The ICJ's advisory opinion on the illegality of the occupation must also be benefited from, including international obligations in this regard, such as cutting ties and imposing sanctions on Israel.

It is also necessary to emphasize the importance of seeking a suspension of Israel's membership at the UN, especially since such a decision falls within the scope of the UN General Assembly's jurisdictions. It does not need approval from the Security Council, where the Palestinian cause comes up against the veto power of the United States, used to protect Israel.

Additionally, the ICC decision to issue arrest warrants against Israeli Prime Minister Benjamin Netanyahu and former defense minister, Yoav Gallant, must be taken advantage of. This is a historic moment to hold Israeli officials accountable for the international war crimes they committed, through direct action with member states of the ICC Rome Statue to implement the arrest warrants and isolate Israeli officials.

Ultimately, Palestinian CSOs can play an important role in holding Israel accountable, whether by strengthening their relationships with international institutions to pressure various governments into imposing sanctions on Israel or by joining international coalitions to monitor the ICC and lobby to expedite its legal proceedings.



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