



**DIVISION FOR
PALESTINIAN RIGHTS**

**UNITED NATIONS FORUM
ON THE QUESTION OF PALESTINE**

70 Years after 1948 – Lessons to Achieve a Sustainable Peace

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Executive Summary

The United Nations Forum on the Question of Palestine, focusing on the theme “70 Years after 1948 – Lessons to Achieve a Sustainable Peace”, was convened in New York on 17 and 18 May 2018 to evaluate the events of 1948 known in Arabic as the Nakba (the catastrophe) and their continued relevance today. Participants acknowledged that Palestinians had continued to experience the horrors of the Nakba, marked with dispossession, destruction and the massive displacement of millions of Arab Palestinians from their homes and land without a just, lasting and comprehensive resolution in sight. The Forum provided a platform for experts, civil society organizations and United Nations Member States and observers to debate short- to long-term diplomatic actions to address the question of Palestine.

The opening session, which included a statement from the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, a message from the Secretary-General and a speech by a representative of the State of Palestine, was followed by four moderated and interactive panels that were chaired by Bureau members of the Committee and were held on the first and second day of the Forum. Each panel was preceded by short clips from the documentary film “Voices Across the Divide”.

During the Forum, participants agreed that any effective peace process should fully acknowledge the 1948 catastrophe, hold Israel accountable for crimes against humanity, ensure the return of refugees and end the annexation of Palestinian land. They called for a resolution to the conflict that was embedded in full respect for international law, based on multilateralism and relied on concrete steps, with a binding time frame and clear objectives.

Participants recommended a shift from the two-State paradigm to one demanding an immediate end to the occupation and called for a new dynamic strategy that, instead, transcended territorial borders and emphasized reconciliation and equal rights for everyone. They called upon Member States to undertake vigorous diplomatic efforts to launch credible negotiations that would lead to the end of the occupation, bring peace and allow Palestinians to return to their homes.

Participants pointed to discriminatory and other unlawful policies implemented by Israel in the Occupied Palestinian Territory, including East Jerusalem, which had further exacerbated the humanitarian crisis and posed significant obstacles to peace, reconciliation and the return of refugees. Others noted that those practices, which, they argued, amounted to racism, were becoming enshrined in national law, making it more difficult for human rights lawyers and activists to challenge them in Israeli courts.

Noting that the destruction of property and other policies had contributed to a coercive environment, in particular in Area C and East Jerusalem, which had led to the forcible transfer of households and entire communities, participants raised the issue of better international protection for Palestinians, including refugees.

Focusing on refugees and the resolution of the question of Palestine, participants noted that international law had always been relevant to the refugee question and, over time, had acquired a dimension and bore implications that had not been foreseeable 70 years ago. A holistic legal approach to the plight of Palestinian refugees, 70 years down the line, would mean putting the protection of the refugees at the centre of the legal discourse, analysing origins, contexts and solutions through the prism of applicable international norms.

Participants advocated the application of a transitional justice model similar to that which had been employed in such countries as South Africa. It was noted that such a model should also apply in situations focused on reconciliation and reparations, where political transition was not on the table. Such situations included those of formerly colonized or enslaved persons. A successful reparations model would involve such elements as the voluntary physical return of refugees, compensation for lost property and guarantees of non-repetition provided to victims.

Participants stressed the importance of building partnerships with civil society and youth while continuing to exert economic and diplomatic pressure on the Government of Israel. The international community would need to take into account the current political environment, as well as the global and regional shifts away from the United Nations principle of peaceful resolution of conflict, in any discussions about the future.

Participants called upon Member States to take a stand and remind Israel of its obligations under international law. In particular, the dire situation in Gaza, where Israel was still the occupying Power, warranted immediate intervention. They appealed for a strong political agreement that would repeal or amend discriminatory legislative practices and policies and move the peace process forward. They also called for enhancing the means of enforcement, participation on the part of the victims, international support and political backing, a comprehensive legislative framework, a system of return and restitution, rooted in international law, and the fair redistribution of land.

Introduction

1. The United Nations Forum on the Question of Palestine, focusing on the theme “70 Years after 1948 – Lessons to Achieve a Sustainable Peace”, was convened in New York on 17 and 18 May 2018 under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. Ahead of the public Forum, on 16 May, the Committee held closed consultations with representatives of civil society organizations from Palestine, Israel and throughout the world.
2. The Forum brought together Palestinian, Israeli and international experts, civil society and representatives of the diplomatic community to highlight the need to substantively address issues related to the 1948 war. A series of moderated interactive sessions, chaired by Bureau members of the Committee and featuring high-level panellists from across academia, Governments and civil society, focused on the ongoing displacement of Palestinians, questions of accountability and transitional justice and ways out of the political impasse between Palestine and Israel.
3. Short clips from the documentary film “Voices Across the Divide” were shown at the beginning of each session. The programme of the Forum is annexed to the present report.

Opening session

4. The Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Permanent Representative of Senegal to the United Nations, Fodé Seck, presided over the opening session.
5. The Secretary-General, **António Guterres**, noted in his message, delivered by the Deputy Secretary-General, Amina J. Mohammed, that 2018 marked the seventieth anniversary of the Universal Declaration of Human Rights, which should guide the search for a durable solution to the question of Palestine. Underscoring the need for such a solution, the Secretary-General pointed out that the recent violence in the Gaza Strip was a reminder of the international community’s failure to find a just and lasting answer to the plight of Palestinian refugees. He remarked that the lives of generations of Palestinians and Israelis had been defined and confined by a conflict that had shaped their physical and human landscape under a heavy atmosphere of fear, mutual distrust and despair. The illegal establishment and expansion of Israeli settlements had further contributed to displacement and constituted a major obstacle to a two-State solution. Moreover, unacceptable violence and incitement exacerbated mistrust and militant activity, and the absence of Palestinian unity also constituted a barrier to a negotiated solution. The Secretary-General pledged to provide continued United Nations support to Israelis and Palestinians in their quest for two States, living side by side in peace, within secure and recognized borders and with Jerusalem as the capital of both.

6. **Mr. Seck** observed that, while the Committee had convened in 2017 to mark 50 years of the Israeli occupation of Palestinian territory, the question of Palestine had not begun in 1967, and he bemoaned the lack of tangible progress towards a peaceful solution 70 years after the 1948 war and its aftermath. He evoked memories of the Nakba coupled with a national disaster involving loss, suffering, dispossession, destroyed villages and the displacement of hundreds of thousands of Palestinians. If those factors were not adequately acknowledged and addressed, the search for peace in the Middle East would remain elusive. As recognized by the Security Council, a comprehensive approach to sustaining peace would have to address the root causes of the conflict and acknowledge the links connecting development, peace and security and human rights. All over the world, revisiting the painful past and asking difficult questions of all parties had been a prerequisite for peace and an inclusive future. In that spirit, he asked the participants of the Forum to help in mobilizing diplomatic efforts to launch credible negotiations that would lead to a just peace. Pledging, on behalf of the Committee, to continue to advocate the cause of the Palestinian people, including their right to return to their homes, Mr. Seck also drew attention to the critical role played by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and called upon Member States to provide the Agency with all the funds needed to discharge its mandate.

7. Member of the Executive Committee of the Palestine Liberation Organization (PLO), **Hanan Ashrawi**, representing the State of Palestine, acknowledged that the Committee on the Exercise of the Inalienable Rights of the Palestinian People had long provided the Palestinian people with a rare ray of hope. However, 70 years had been far too long for the injustices of expulsion and oppression to occur. Referencing the recent violence in the Gaza Strip, where Israeli soldiers had killed dozens of civilian protesters, including women and children, she warned that, if allowed to continue, such a repugnant anomaly of impunity and disdain for international law risked destroying the international system that the United Nations had built. A process of peace negotiations in which the occupier was constantly rewarded “just for talking”, while Palestine was only threatened and blackmailed or charged with being a terrorist threat, could not persist. Putting the case of Palestine in a wider context, **Ms. Ashrawi** cautioned that, against the backdrop of rising populism, isolationism, nationalism and the arrogance of power, people must remain vigilant against sectarianism and claims of exceptionalism. Asserting that the current Government of the United States of America had made negotiations under the old formula impossible, she said that, notwithstanding decades of negotiations, a people living under occupation should not, under the Fourth Geneva Convention, be expected to negotiate their freedom with their occupier under duress.

III. Plenary sessions

A. Plenary session I

What Happened in 1948 – Why Does it Matter?

Summary

8. The first session, which focused on the question “What Happened in 1948 – Why Does It Matter?”, was chaired by the Permanent Representative of Nicaragua to the United Nations and Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Maria Rubiales de Chamorro, and moderated by Professor of Middle Eastern History and Director of the Middle East Centre at St. Antony’s College of the University of Oxford, Eugene Rogan. The session featured four panellists: former Interim President of Israel and former Speaker of the Knesset, Avraham Burg; Senior Research Fellow at the Middle East Institute and Associate Fellow at the Faculty of Law of the National University of Singapore, Victor Kattan; member of the Executive Committee of PLO, Hanan Ashrawi; and Professor of History and Director of the European Centre for Palestine Studies of Exeter University, Ilan Pappé.

9. **Mr. Pappé** described a sequence of events leading up to the adoption, in 1947, of General Assembly resolution 181 (II), in which the Assembly authorized the partition of Palestine under the British Mandate. He argued that, while many countries under League of Nations mandates, including Iraq, Jordan, Lebanon and the Syrian Arab Republic, had been slated for their independence to be decided through democratic processes, in the case of Palestine, the United Nations had rejected the very idea that its inhabitants would exercise self-determination in the same manner. Instead, the Zionist movement had been given the right to participate in negotiations over the future of Palestine.

10. Before the adoption of resolution 181 (II), the Jewish community had already begun expelling Palestinians from their homes and started a campaign of ethnic cleansing. Jewish forces had been conducting controversial military operations resulting in massacres and the widespread displacement of thousands of Palestinians internally and across the Arab world. The demolished Palestinian villages and towns had been replaced with Jewish colonies and settlements, covered with forests or renamed in Hebrew.

11. **Mr. Pappé** noted that any effective peace process today should: (a) fully acknowledge the 1948 Nakba; (b) hold Israel accountable for its crimes against humanity committed in 1948 and afterwards by allowing the full implementation of General Assembly resolution 194 (III), paragraph 11, on the return of Palestinian refugees to their homes; and (c) include the State of Palestine in any plans going forward.

12. **Mr. Kattan** recounted how the United Nations had become involved in the question of Palestine, when in April 1947 the United Kingdom of Great Britain and Northern Ireland had requested advice from the United Nations on how to transfer power in its mandate for Palestine. According to the Charter of the United Nations, League of Nations mandates could only be modified by placing the respective territory under a trusteeship. The Arab States had supported

independence as the only alternative for Palestine but had been outvoted in the General Assembly. The Organization had instead established the United Nations Special Committee on Palestine, with a broad mandate that had included examining the situation of Jewish refugees in Europe and the issues of a Jewish national home as aspects to take into account in respect of the question of Palestine.

13. The Special Committee had recommended a partition plan, which had been endorsed by the General Assembly on 29 November 1947. The plan had envisioned two sovereign States, one Jewish and one Arab, a distinct international status for Jerusalem and a joint economic board. A separate United Nations Palestine Commission had also been created to assist in the transfer of authority from the United Kingdom to those two nations. However, in January 1948, less than two months after the adoption of the plan, the United Kingdom had stopped cooperating in the process. As a result, the United Nations, which had been involved in the issue for only 13 months, had failed to implement the partition plan.

14. Providing the Israeli perspective beyond 1948, **Mr. Burg** described his situation as belonging to a “very privileged side” that had enjoyed 70 years of freedom and prosperity at the expense of the Palestinian people. Rejecting the notion of Israel’s divine, biblical establishment, as well as the theory of “political Darwinism”, he referred to the events of 1948 as part of an embarrassing Israeli oxymoron. Israel had tried to wipe out any history that had taken place before that year, and, on the other hand, it was not ready to relinquish the history that had taken place after 1967. Commenting on whether the two-State solution was still possible, Mr. Burg expressed optimism but warned that melding the fragmented reality into a peaceful two-State solution would be very challenging. He argued that Israel’s privilege today was almost absolute, to the extent that the modern debate had shifted to a one-State solution – the State of Israel – with two regimes: one full of privileges and another filled with discrimination towards other national groups. He urged the international community to stop counting States and to begin counting equal rights, freedoms and values for everyone.

15. While rejecting attempts to unilaterally shift the focus of negotiations from working towards a two-State solution to accepting a one-State reality, **Ms. Ashrawi** urged the United Nations to remain engaged in the Middle East peace process. She underscored that the balance of power on the ground was severely tipped against the Palestinians and that that status quo would not change until the occupation ended and a sovereign State of Palestine was created. Warning that no nation could expect exceptionalism or impunity for its actions, she underlined that the United States had “smashed the negotiating table into splinters” by moving its embassy to Jerusalem and recognizing the city as Israel’s capital. **Ms. Ashrawi** vowed to continue efforts to redefine Palestine’s relationship with Israel, recalling that the matter of settlement expansion had already been referred to the International Criminal Court and that Palestine would continue to seek recognition in various intergovernmental bodies.

Discussion

16. In the ensuing dialogue, national delegates, representatives of civil society and others commented on various elements of Palestine’s history and their links to its present-day reality.

They argued that history could not be cast aside while the Israeli occupation continued and Palestinians remained stateless.

17. Speakers highlighted the fact that the Nakba had not been a single incident that had occurred in 1948 but rather a continuing action, exacerbated by the absence of a just and peaceful solution to the question of Palestine. They drew parallels between the case of Israel and Palestine and those of Namibia and South Africa during their respective occupation and apartheid regimes. There was broad agreement that a just and sustainable peace between Israel and Palestine would have to fully acknowledge the Nakba and hold Israel accountable for crimes committed in 1948 and beyond.

18. Participants debated the merits of the two-State formula. While some underlined its critical role in elevating the question of Palestine on the global stage, others observed that countless resolutions on the question of Palestine had been adopted at the United Nations but that none had been implemented, and that some 43 vetoes had been cast to protect Israel from accountability.

19. Furthermore, participants noted that religion had become a convenient tool often used by secular leaders to buttress their political arguments, wherein Israel should be accepted as a divinely ordained Jewish State, while they rendered the Palestinian people invisible through misinformation and myths, including that of a “land without a people for a people without a land”. It was argued that, while Israel had treated ancient biblical texts dating back 3,000 years as geopolitical blueprints for twenty-first century realities, it continued to deny the historical anguish of Palestinians.

20. Speakers noted that the claimed exclusivity over the historical tragedy of the horrors of the Holocaust, which was used to eclipse the suffering of anyone else, posed a further obstacle to any peace process or movement towards reconciliation or reparations.

B. Plenary session II

Displacement as a Continuum: The Ongoing Nakba

Summary

21. The second session focused on the theme “Displacement as a Continuum: the Ongoing Nakba”. Panellists examined the internal displacement of Palestinians and the denial of their right to return, as citizens, to their homes and villages. The Permanent Representative of Malta to the United Nations and Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Carmelo Inguanes, chaired the session while the Executive Director of Churches for Middle East Peace, Mae Elise Cannon, moderated the discussion. The session featured three panellists: Visiting Fellow at the Prince Alwaleed bin Talal Center for Muslim-Christian Understanding of Georgetown University, Seraje Assi; Director of the Land and Planning Rights Unit of Adalah: Legal Center for Arab Minority Rights in Israel, Suhad Bishara; and Special Adviser at the Norwegian Refugee Council, Itay Epshtain.

22. At the outset, **Ms. Cannon** stated that the settlement strategy, which had led to the establishment of Israel, had never been abandoned after 1948 and that the Nakba had thus remained

an ongoing reality for Palestinians. She described the work of her ecumenical organization, which embraced a holistic approach to the conflict, and advocated equality, human rights, security and justice for all.

23. **Ms. Bishara** spoke about some of the stringent laws that Israeli authorities had adopted after 1948 to undermine the right of Palestinian refugees to return to their homes. She recalled that, having nationalized Palestinian land and property, the Israeli parliament had passed, in 2017, a law to retroactively validate settlements built on public and private Palestinian land in the West Bank and to validate the expansion of new settlements. Other laws had granted Israeli authorities absolute control over who could enter Israel or become a citizen, essentially guaranteeing State sovereignty over the refugee issue, irrespective of international law and United Nations resolutions on the right of return. She explained that in southern Israel, Bedouin Palestinians were constantly being forcibly displaced while, concerning the West Bank and East Jerusalem, dozens of annexation bills – constituting a form of “demographic engineering” – were currently under discussion in the Knesset. Commenting on recent events in the Gaza Strip, she referred to a legal document submitted to Israel’s Supreme Court regarding the use of live ammunition and snipers against civilian demonstrators, which gave authorities greater leeway to act against both combatants and non-combatants, twisting international humanitarian law to justify illegal actions.

24. **Mr. Epshtain** highlighted recent events in Gaza as a reminder that Palestinians were at risk of being subjected to violence and forcible transfer and being denied access to essential services and that they therefore needed protection. He noted that the internal displacement of Palestinians, for example, in East Jerusalem and the West Bank, was caused by various triggers intrinsically related to the Israeli occupation and the desire to acquire territory by force or coercion and to render that acquisition permanent. Such acquisitions were often implemented against the backdrop of the establishment, expansion and consolidation of illegal Israeli settlements on occupied Palestinian territory.

25. Despite the adoption of Security Council resolution 2334 (2016), in which the Council, *inter alia*, called upon Israel to immediately and completely cease all settlement activities, Israel had expanded settlements, with 4,122 housing units approved for construction in Area C since 2017 and 3,744 in East Jerusalem since 2016. In addition, as at January 2018, at least 230,000 Palestinians had been internally displaced while about 11,000 pending demolition orders had been issued by the Israeli military commander, affecting more than 50,000 structures in Area C, including homes and community assets, such as schools and clinics. Mr. Epshtain warned that more than 50,000 people in Area C were at heightened risk of forcible transfer and another 220,000 in East Jerusalem faced the risk of having their residency rights revoked, being displaced and ending up stateless. Equally at risk were pastoralists and Bedouin communities near places designated by Israel as closed military zones, as well as Palestinian residents of Israeli-controlled parts of Hebron and East Jerusalem. That situation followed the destruction of 5,500 structures since 2009, including 900 humanitarian assets, with 53,000 people adversely affected in Area C and East Jerusalem. He underscored that measures imposed by resolution 2334 (2016) had not proved effective in reversing that trend. Furthermore, the shifting policies and statements of the United States had emboldened Israel to increase its settlement expansion.

26. **Mr. Assi** noted that the situation in the Gaza Strip was first and foremost a refugee crisis and that the recent protests in the enclave had been held with the hope that they would call attention to the humanitarian calamity there. He recalled that, in 1948, the enclave had been turned into a massive refugee camp, with two thirds of its population forced to flee to Gaza and become refugees virtually overnight. Israel had uprooted Palestinians and then humiliated them in Gaza with endless military raids and offensives, full-scale wars and an 11-year-long blockade with no end in sight. Mr. Assi added that the Gaza Strip had been rendered the world's largest open-air prison, described in United Nations reports as unliveable.

Discussion

27. During the discussion, a debate emerged over the term “permanent occupation”, with some participants stressing that no such concept existed under international law and that the situation in Palestine amounted to outright colonization. They voiced support for the idea that the International Court of Justice should consider the issue. It was argued that the concept of “prolonged occupation” had emerged from the good intentions of those trying to use legal means to combat occupation. The objective of referring the question to the International Court of Justice was to use such an advisory opinion as leverage to combat the occupation.

28. Others noted that Israel's practices, which, they argued, amounted to racism, were becoming enshrined in national law, making it very difficult for human rights lawyers and activists to challenge them in Israeli courts.

29. Noting that the destruction of property and other policies had contributed to a coercive environment, in particular in Area C and East Jerusalem, which had led to the forcible transfer of households and entire communities, participants raised the issue of better international protection for Palestinians, including refugees. They called upon Member States to take a stand and remind Israel of its obligations under international law. In particular, the dire situation in Gaza, where Israel was still the occupying Power, warranted immediate intervention.

30. Participants also noted that the question of Palestine was gaining traction among intersectional social movements in the United States. Since early 2000, with the construction of the separation wall, there had been an increased recognition of the significant displacement of Palestinians stemming from Israeli policies and practices and the importance of improving monitoring and response by the humanitarian community. Further added was the recognition that the international definition of an internally displaced person was also applicable to the occupied Palestinian territory.

31. Noting that annexation through the use of military force was unlawful under international law, speakers stressed that one of the basic tenets of humanitarian law was to protect assets, laws and customs of an occupied territory following a belligerent occupation. In addition, an occupying Power must respect, to an extent, the existing laws and institutions in place. Speakers underscored that Israel's resolve was to use the facade of occupation to mask its real intent, which was the acquisition of Palestinian territory and denial of the right to self-determination.

32. Commenting on the recent policy shift by the United States, participants noted that the country's policy had resulted in unconditional support for annexation attempts by Israeli lawmakers and violations of international humanitarian law. Some argued that while the United Nations considered the Gaza Strip occupied territory, Israeli authorities had no incentive to change the status quo, since they did not bear the cost of the occupation.

33. Participants emphasized that the Israeli occupation was not an ordinary one and that it was not akin to South Africa's apartheid regime. Nonetheless, there were lessons to be learned from the anti-apartheid movement. While many Governments were afraid to challenge the United States, which might threaten trade privileges and aid, participants urged countries not to compromise international values and laws.

C. Plenary session III Refugees and the Resolution of the Question of Palestine

Summary

34. The panel, on the theme "Refugees and the Resolution of the Question of Palestine", was chaired by the Permanent Representative of Indonesia to the United Nations and Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Dian Triansyah Djani. The panel was moderated by Senior Fellow at the Institute for Palestine Studies, Mouin Rabbani, and featured four expert speakers: Clinical Professor of Law at the Boston University School of Law, Susan Akram; Executive Director of BADIL Resource Center for Palestinian Residency and Refugee Rights, Lubnah Shomali; Founder of Just in Case – Preparing Toolboxes for Justice in Transition, Jessica Nevo; and Affiliate Researcher at the Institute for the Study of International Migration of Georgetown University, Francesca Albanese.

35. **Ms. Albanese**, addressing the status of Palestinian refugees under international law, noted that her core argument was that international law was fundamentally and persistently relevant to the question of Palestine and, in particular, Palestinian refugees. She argued that that was an essential part of the solution to both questions, adding that, since 1948, most Palestinian refugees and their descendants, numbering today over 6 million, continued to reside in the Middle East, primarily in Jordan, Lebanon, the Syrian Arab Republic, the Gaza Strip and the West Bank, including East Jerusalem. Over time, significant numbers had moved further afield, primarily to Europe and North America. More recently, owing to restrictive asylum policies in Europe and the United States, Palestinians (often already refugees) were pushed to seek protection in countries in Asia and Africa.

36. Noting that the question of Palestinian refugees reflected a historic breach of international law, she said that those questions must ultimately be resolved taking into account those initial violations. Palestinian refugees today suffered limitations to the enjoyment of their rights wherever they lived, as well as discrimination in their host countries. Middle East peace negotiations must address their right to return, among other issues.

37. **Ms. Akram** noted that the early decolonization process at the United Nations had placed territories under different types of mandates and classifications. While some African colonies had been placed under direct United Nations trusteeship and given a specific legal status with independence as the ultimate goal, Palestine had suffered from inconsistencies under the British Mandate, with no foundation for its statehood established. The actions of the Security Council in that regard had also been inconsistent, as the organ had failed to legally frame such issues as the inalienable rights of Palestinians to self-determination and statehood. Instead, the Council had addressed the situation through the lens of a political “land-for-peace” formula. Citing lessons learned from Namibia’s experience, she underlined the crucial need to determine who was defined as a Palestinian national and how to put a uniform legal system in place.

38. **Ms. Akram** noted that, in historical attempts to establish separate Jewish and Palestinian States, a distinction had been drawn between Palestinian nationality, officially established under the Treaty of Lausanne of 1923, and Jewish nationality. Israeli laws depriving Palestinians of citizenship on the basis of ethnicity were illegal under international law.

39. Recognizing the important legal steps taken by the Palestinian Authority, including its engagement with the International Criminal Court, **Ms. Akram** stated that, while not everyone should follow Namibia’s model, lessons could be distilled from that case which could be useful in the Palestinian situation. For example, legal strategies employed in the United Nations and elsewhere had played a significant role in the Namibian bid for statehood in the absence of independence; in contrast, the lack of a clear and sustained legal strategy on the part of the Palestinians had affected their bid for statehood in the absence of independence. As for the role and limitations of UNRWA, she said that the Agency, which had no authority over a durable and permanent solution, had developed a deep and singular experience in supporting the unique needs of Palestinian refugees. She pointed out that, meanwhile, those refugees, as well as all stateless persons, remained explicitly excluded from the Statute of the Office of the United Nations High Commissioner for Refugees.

40. **Ms. Nevo** recalled the years during which she had lived under Argentina’s military dictatorship in the 1970s and 1980s. During that time, the country’s citizens had been marked as traitors if they dared to make art, read prohibited books or ask questions that were critical of or went against the status quo. Using that backstory to frame her presentation on transitional justice and the acknowledgement of historical responsibilities, she noted that a situation similar to that of her experience in Argentina was taking place in the Occupied Palestinian Territory, with Israeli authorities trying to erase Palestinian culture as well as the historical fact of the Nakba. Proponents of the concept of transitional justice espoused the belief that, until a traumatic experience was healed, there could not be any progress. Advocating the application of a transitional justice model, employed in such countries as Argentina, Chile and South Africa, should also apply in situations focused on reconciliation and reparations, where political transition was not on the table. Those included the situations of formerly colonized or enslaved persons in the United States, Canada and the Caribbean; such a model could also be potentially useful in the case of Palestine.

41. Describing the implementation of such a model as a kind of paradigm shift, **Ms. Nevo** noted that an acknowledgement of wrongs needed to be established, and, thereafter, mechanisms

for reparations needed to be launched and steps to implement pre-transitional justice models needed to be taken. She recalled that the Human Rights Council had appointed a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to deal with such issues. Special procedures mandate holders and relevant United Nations entities could support national institutions, including truth and reconciliation commissions tasked with collecting testimony from both victims and perpetrators, and such processes could help to advance acknowledgement and acceptance of historical events and spark a shift in perspective among those involved. A pilot transitional justice project had recently been conducted among Palestinians and Israelis through her organization, with promising results at the grass-roots level.

42. **Ms. Shomali** addressed the complex issue of imagining future solutions to the Israel-Palestine conflict. Underscoring Israel's continued denial of reconciliation and reparations models, or, in other words, its refusal to address the right of return of Palestinian refugees, she argued that the principle of reparations had originally been established to prevent States from allowing conditions that would lead to the displacement or dispossession of their people. A reparations model reduced the financial burden on the international community and on refugees themselves. **Ms. Shomali** also emphasized the importance of acknowledgement, accountability and acceptance, of apology and of the reform of social and political institutions, adding that reparations were required as a mechanism to achieve a durable and sustainable resolution of the conflict and prospects for lasting peace. She stated that a reparations model could be implemented before a political solution was achieved. Ms. Nevo agreed that it was not necessary to wait for a viable political agreement in the Middle East to begin planning for transitional justice mechanisms, the provision of reparations and the return of refugees.

Discussion

43. In the ensuing discussion, participants debated the role of civil society in exerting pressure on international actors and the role and limitations of UNRWA, which had been given a temporary mandate, but which had taken on work that had in effect become permanent. Some asked how the international community could circumvent the veto power of the United States in the Security Council, which had often been used to shield Israel from accountability for its actions.

44. Some speakers contended that the United Kingdom's historic decision not to grant independence to Palestine when it was under the British Mandate had been intentional because statehood would have prevented the establishment of a Jewish homeland. Disagreeing with the assessment that the lessons learned from the Namibian experience were not being utilized in the Palestinian case, some argued that efforts to bring the Palestinian plight to the United Nations were under way, including attempts to ensure that Palestine was recognized as a full Member State. Any suggestion that Palestine, unlike Namibia, had failed to shoulder its legal and political responsibilities at the United Nations was incorrect.

45. Focusing on refugees and the resolution of the question of Palestine, participants argued that, over time, the stagnation and politicization of the refugee question had become the unchallenged reality of all Palestinian refugees, both those living in the Occupied Palestinian Territory and the diaspora. For many refugees, their status had turned into a plight, a factor that limited all other rights: it meant no prospect of enjoying basic human rights and freedoms,

including the freedom to move, work, have a family, enjoy the benefits of a nationality or contribute to any political process, let alone the freedom to shape their future as individuals and as a people.

46. International law had always been relevant to the refugee question and, over time, had acquired a dimension and bore implications that had not been foreseeable 70 years ago. The complexity of the refugee question would neither resolve itself nor fade away by itself. From the beginning, not having made the respect for international law pivotal to the peace negotiations had led to the treatment of Palestinian rights as negotiable, a trend which was in desperate need of reversal.

47. A holistic legal approach to the plight of Palestinian refugees, 70 years down the line, would mean putting the protection of refugees at the centre of the legal discourse, analysing origins, contexts and solutions through the prism of applicable international norms. While, on a more abstract level, the refugee question and the question of Palestine went hand in hand, resolving the question of Palestine through self-determination would not necessarily resolve the refugee question and lead to an acknowledgement of the refugees' historical claims. The attainment of Palestinian rights should not be put aside, nor should negotiations on the question of Palestine go ahead without including the refugee question.

48. Some participants argued that international protection measures through international interventions were obligatory as a response to Israel's unwillingness to provide and ensure protection. Among such measures, the international community should first make efforts to prevent and halt the ongoing displacement and transfer of Palestinians from their homes in East Jerusalem and the West Bank. Others noted that the international community's 70-year approach had been to manage the question of Palestine rather than to solve it, in particular with regard to Palestinian refugees and the internally displaced.

D. Plenary session IV Ways Forward to Achieve a Sustainable Peace

Summary

49. The panel, on the theme "Ways Forward to Achieve a Sustainable Peace", was chaired by the Permanent Representative of Cuba to the United Nations and Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Anayansi Rodríguez Camejo. The panel was moderated by Policy Adviser at Al-Shabaka: The Palestinian Policy Network, Fateh Azzam, and consisted of four expert speakers: Permanent Observer of the State of Palestine to the United Nations and member of the Central Council of PLO, Riyadh Mansour; former Minister of Justice and former Deputy Minister for Foreign Affairs of Israel, Yossi Beilin; Director of the New Internationalism project of the Institute for Policy Studies, Phyllis Bennis; and Mid-Atlantic Regional Director of the OneVoice Movement, Obada Shtaya.

50. At the outset, **Ms. Bennis**, who provided a civil society perspective from the United States, noted that, at that time, there was one piece of land with one governing Power and that the

Government of Israel and its military were in control. Yet, within that occupied territory were two legal structures that were respectively applied to two communities based on ethnicity and religion. That, by definition, was apartheid and was a violation of international norms.

51. She argued that, when General Assembly resolution 181 (II) had provided 55 per cent of the land to what had then been 30 per cent of the population, it had not reflected reality, let alone democracy. Thus, those supporting the two-State formula would also have to consider how exactly to divide the territory in such a way as to ensure equality between two States.

52. While noting that Palestine was under occupation, she observed that any future Palestinian State would not possess any arms nor would it have control over its airspace, adding that, on the question of Palestinian rights, young people on American campuses, including Jewish youth, were increasingly asking how to support those rights and how American aid to the Israeli military was linked to police brutality within the United States.

53. **Ms. Bennis** emphasized the importance of putting various types of non-violent pressure, including economic and diplomatic pressure, on Israel. It was necessary to recognize that the question of Palestine was not simply a border issue but a question of occupation with a significantly more powerful occupier.

54. **Mr. Shtaya** noted that young people constituted the majority of the Palestinian population and had historically been leading the struggle against the occupation. However, that generational pattern meant that those young people did not have the same options to pursue opportunities available to other young people around the world. The cost of the second intifada, in particular, had been very high. Palestinian youth living in the current globalized world had very different aspirations from those of their parents and grandparents; they sought freedom from repression, a better standard of living and rights. Polls showed that young people were non-partisan, even when committed to the national goal of ending the occupation. However, they needed to organize better, and Palestinians had to move beyond tactics to a systematic timeline and a strategy. It was crucial that the young people of Israel realize that self-determination was for all people, not just some. **Mr. Shtaya** called upon countries to offer visa waivers and visa-free entry to allow Palestinians to travel, learn and obtain experience. Supportive countries should bring their businesses and investments to Palestine, in a bid to strengthen its economy.

55. Taking into account the lessons learned since 1948, **Mr. Beilin** reflected on the Oslo peace process and its vision for a solution to the conflict. He stated that the world, by and large, was sick and tired of the Israel-Palestine conflict.

56. He stated that it was not a coincidence that the Oslo Accords had come about through secret talks between Israel and the Palestinians. A charismatic Palestinian leadership, a committed Israeli leadership and a young President of the United States had made the Oslo Accords possible, he recalled, adding that the big mistake was not having gone directly to a permanent agreement. However, at the time, the Palestinians had not been ready while the Israelis had been worried that if the permanent agreement failed it would have been hard to go back to negotiations.

57. Conversely, **Mr. Beilin** noted that the Oslo Accords were not dead. Experts agreed that there was no real equality in Israel and that both Jews and Arabs should fight for Arab equality. However, it would not help the Palestinian cause to question whether or not Israel should be a Jewish State.

58. Noting that the current rift between Hamas and PLO made it difficult to reach a solution, **Mr. Beilin** stated that resolution 181 (II) had been important in and had provided imaginative ideas for envisioning a high level of cooperation between the two sides. He viewed the solution set out in that resolution as a kind of confederation; for Palestinians, that would mean full self-determination, while Israel would have a recognized border after many years. Regarding the issue of settlements, he argued that, for a Prime Minister of Israel, that issue was more difficult than the question of Jerusalem or the issue of refugees. However, it would be easier to resolve the conflict in the framework of a confederation, because settlers could be given a choice to live in the Palestinian territory or leave and be compensated.

59. **Mr. Mansour** noted that the current most important issue for Palestine was to put its house in order and to regain internal unity. He recalled that Palestinians had been negotiating with Israel long before their internal divisions had arisen and achieved something of historic magnitude. For a long time, Palestinians had depended on Arab countries hosting Palestinian refugees to speak for them, but then PLO had become their national voice. He noted that Palestine would not return to a position in which it had no official representation, adding that such a platform would remain until the end of the occupation and the establishment of an independent Palestinian State with East Jerusalem as its capital.

Discussion

60. In the ensuing discussion, experts stressed the importance of building partnerships with civil society and youth while continuing to exert economic and diplomatic pressure on the Government of Israel. Responding to questions concerning human rights violations and statehood, they said that it was important to fight for equality alongside the struggle for self-determination.

61. The international community would need to take into account the current political environment, as well as the global and regional shifts away from the United Nations principle of peaceful resolution of conflict, in any discussions about the future and when identifying possible solutions to achieve in the short and medium terms.

62. Discussing steps to be taken immediately, participants argued that, unless the occupation of Palestine ended, it would be impossible to discuss the possibility of establishing an Israeli-Palestinian confederation. Therefore, the conversation should not start with the concept of confederation before the occupation was brought to an end. Changes in the international negotiation platform also presented challenges, such as recent events that had led the current United States Administration to lose its role as the broker of the peace process. While some political opportunities had been wasted, Palestinians had, in recent years, followed a new policy of convincing 138 countries to recognize their State. As a result, Palestine had been able to change its status to that of observer State. That had allowed Palestine to join the International Criminal

Court and various human rights treaties. The election of the State of Palestine as Chair of the Group of 77 developing countries and China in 2019 would further strengthen its position.

63. It was further argued that the notion of attaining statehood had not been a push by the Palestinians only and that when Palestine had applied to become an observer State, the Office of Legal Affairs had looked into the definition of statehood according to the Convention on Rights and Duties of States. Furthermore, the General Assembly had, through voting, recognized Palestine as a State.

64. Participants argued that the assassination of Yitzhak Rabin and the death of Yassir Arafat had contributed to the end of the Oslo Accords. It was also noted that Benjamin Netanyahu had spent all his life fighting against the Accords. It was further noted that, in its resolution 181 (II), the General Assembly had given Jerusalem a special status. Participants highlighted that the resolution had provided borders and maps, but, ironically, that the State known as the Jewish State was almost half Jewish and half Palestinian. In that context, equality was a concern for everyone. Participants noted that a hard struggle was ahead, both for those on the ground (in Israel and Palestine) and for those in other places. However, Palestinians lived in hope of a sustainable peace.

V. Key themes and recommendations

Panel I

65. There was a need for a “different chronicle for Palestine”, which could be achieved by examining new innovative ideas. That need was especially relevant at a time when a large percentage of Palestinians was under 18 and was interested not only in a sovereign State but also in having more options for a better future.

66. Speakers called for a resolution to the conflict that was embedded in full respect for international law, based on multilateralism and relied on concrete steps, with a binding time frame and clear objectives.

67. The international community should consider a strategy that focused on issues beyond territorial borders and emphasized reconciliation and equal rights for everyone. That approach would help to transcend justifications based on religious laws and the tenuous reality of nation States and define both Palestinians and Israelis as equal under the law.

68. Member States should explore alternative psycho-political solutions that might bring the parties closer together. In parallel, they should undertake vigorous diplomatic efforts to launch credible negotiations that would lead to the end of the occupation, bring peace and allow Palestinians to return to their homes.

69. Any effective peace process should fully acknowledge the 1948 catastrophe, the Nakba, hold Israel accountable for crimes against humanity, ensure the return of refugees and end the annexation of Palestinian land.

70. The international community should, as a matter of urgent necessity, provide financial support to UNRWA to make up for its recent financial shortfall and to alleviate the humanitarian situation.

Panel II

71. Calling attention to several bills and policies that had violated international humanitarian law and human rights law, participants recommended that Member States create deterrent measures, in the absence of a functioning opposition inside Israel, to compel Israel to live up to its international obligations. There was consensus that States were not doing everything in their power to leverage the situation. In that context, the international community should be more courageous in applying international law and holding Israel accountable.

72. With more than 80 per cent of residents in Gaza being dependent on humanitarian assistance, there was a need for new, creative forms of sustainable development, as the enclave had become an economy of survival. Monitoring of and response to humanitarian needs by the humanitarian community needed to be improved.

73. Speakers stressed that the extent of internal displacement should be quantified to enable meaningful advocacy of the respect for international law and to provide protection and aid to Palestinians that were adversely affected. The narrative should shift from one centred on a two-State paradigm to one demanding an immediate end to the occupation of one people and State by another State.

Panel III

74. Reparations would be a good mechanism for deterrence, as a way to avoid the recurrence of displacement and refugee situations. A successful reparations model would involve such elements as the voluntary physical return of refugees, compensation for lost property and guarantees of non-repetition provided to victims.

75. In the meantime, given the challenges linked to the equitable redistribution of Palestinian land, returning refugees were highly likely to be the fourth and fifth generation descendants of those initially displaced. As such, the Committee on the Exercise of the Inalienable Rights of the Palestinian People should recognize and support the need to explore, research and identify effective remedies and just reparations mechanisms tailored to the Palestinian case. That was essential, especially in the light of the current situation, in which the continued denial by Israel was challenged by the continued demand by Palestinians for their right to return.

76. Participants appealed for a strong political agreement that would repeal or amend discriminatory legislative practices and policies and move the peace process forward. They also called for enhancing the means of enforcement, participation on the part of the victims, international support and political backing, a comprehensive legislative framework, a system of return and restitution, rooted in international law, and the fair redistribution of land.

77. In a broader context, should a solution to the question of Palestine remain unattainable in the foreseeable future, a solution should be pursued within the scope of current international law. This would include a focus on:

(a) Non-discrimination and equal rights: Palestinian refugees should be given the possibility to enjoy the full set of rights recognized under international law in any country in which they resided;

(b) Pursuing a durable solution to end refugee status: while all refugees wanted their right to return to be acknowledged and not forfeited, some might be ready to explore solutions other than repatriation and should be allowed to do so. Although that would end their individual refugee status (namely, their entitlement to international protection), it would not curtail the historical claims under General Assembly resolution 194 (III).

78. The Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict allowed for a Palestinian State to be established prior to the conclusion of final status negotiations with Israel. Within that framework, the Quartet maintained that, on the basis of negotiated agreements, the Palestinian Authority could assert its claim to statehood with provisional borders and attributes of sovereignty even before full Israeli withdrawal. That was also the basis of the Oslo Accords.

79. Palestine could utilize established precedents to assert its claim to statehood. In addition to the more than 100 countries that had already established diplomatic relations with Palestine, it had a functioning government, with a president, prime minister, cabinet, legislative council and ministers voted in through open elections held in 1996. Perhaps, following the reconciliation agreement signed between Hamas and Fatah, there would soon be a unified government – but even a divided government did not defeat statehood. For example, the Republic of Korea, Viet Nam and Yemen had been divided States, yet that had not prevented recognition of statehood.

Panel IV

80. The Israeli-Palestinian conflict might be one of the most peculiar cases in modern history due to the complexity of its historical context, including challenges involving religion, colonialism, ethnicity, politics and other issues. However, some lessons learned from the Forum could be applied to other conflict situations around the world. First and foremost, the Israeli occupation was a great violation of human rights. Second, it was the voices of the victims of the conflict that must be heard and echoed in the process of negotiating a peace deal, and not the voices of outsiders who happened to be in power. Finally, a truly sustainable peace could not be achieved until the victims regained their full rights, were compensated with sufficient remedies and felt that their struggle was finally over.

81. The Palestinian leadership needed to look beyond the United Nations to other avenues and platforms, such as civil society. Civil society had been instrumental in changing the discourse on several issues related to the question of Palestine. For example, through the work of civil society,

the term “Nakba” had become commonplace in discussions about the Palestinian issue. Furthermore, the boycott, divestment and sanctions movement had played a huge role in how people across the globe viewed the crisis.

82. Participants encouraged Member States and private companies to invest in Palestine as a means of empowering youth and enriching the economy. Furthermore, they maintained that it was important for Member States to build partnerships with civil society and youth while continuing to exert economic and diplomatic pressure on the Government of Israel.

VI. Closing session

83. The closing session of the Forum was chaired by Mr. Seck.

Summary

84. In his closing statement, **Mr. Mansour** stressed that, despite the increasingly dire circumstances of those in the territory occupied by Israel and in exile, the Palestinian people would never abandon their struggle for peace, freedom and self-determination. He called upon the entire international community to stand in solidarity with Palestine. In particular, urgent efforts were needed to end the blockade on the Gaza Strip and to open new avenues for advancing peace.

85. He expressed gratitude to the Committee for hosting the Forum in the middle of a week that had seen deadly violence against protesters at the Gaza border, bringing the Palestinian cause into focus in both the Security Council and the Human Rights Council. He noted that the Human Rights Council had voted just hours earlier to deploy a fact-finding mission charged with examining the violence in Gaza. In addition, the mission was drafting a Security Council resolution aimed at securing international protection for Palestinian civilians.

86. Turning to the discussions held during the two-day Forum, he welcomed all practical ideas to help Palestinians to advance their cause and put 70 years of displacement and more than five decades of Israeli occupation behind them. Among other contributions, Member States could ensure that the decision by the United States to move its embassy to Jerusalem remained an isolated incident.

87. **Mr. Seck** highlighted the severe funding shortfall currently faced by UNRWA. Noting that the State of Palestine had been designated as the next Chair of the Group of 77 developing countries and China, he called for the international community’s support in that endeavour and emphasized that the moment had arrived to be pragmatic and efficient.

Annex I

PROGRAMME

Thursday, 17 May
10-11 a.m.

OPENING SESSION

Statements

Representative of the Secretary-General:

Amina J. Mohammed

Deputy Secretary-General

Representative of the Committee on the Exercise of the
Inalienable Rights of the Palestinian People:

Fodé Seck

Chair, Committee on the Exercise of the Inalienable
Rights of the Palestinian People

Representative of the State of Palestine:

Hanan Ashrawi

Member of the PLO Executive Committee

11 a.m. - 1 p.m.

PANEL I

What Happened in 1948 – Why Does It Matter?

Panellists

Hanan Ashrawi

Member of the PLO Executive Committee

Avraham Burg

Former Interim President of Israel

Former Speaker of the Knesset

Victor Kattan

Senior Research Fellow, Middle East Institute

Associate Fellow, Faculty of Law

National University of Singapore

Ilan Pappé

Professor of History

Director, European Centre for Palestine Studies

Exeter University

Moderator

Eugene Rogan

Professor of Middle Eastern History
Director, St. Antony's College, Middle East Centre
University of Oxford

3-6 p.m.

PANEL II

Displacement as a Continuum: The Ongoing Nakba

Panellists

Seraje Assi

Visiting Fellow
Prince Alwaleed bin Talal Center for Muslim-Christian
Understanding
Georgetown University

Suhad Bishara

Director, Land and Planning Rights Unit
Adalah: Legal Center for Arab Minority Rights in Israel

Itay Epshtain

Special Adviser
Norwegian Refugee Council

Moderator

Mae Elise Cannon

Executive Director
Churches for Middle East Peace

Friday, 18 May

10 a.m. - 1 p.m.

PANEL III

Refugees and the Resolution of the Question of Palestine

Panellists

Susan Akram

Clinical Professor of Law
School of Law
Boston University

Lubnah Shomali

Executive Director
BADIL Resource Center for Palestinian Residency

and Refugee Rights

Jessica Nevo

Founder

Just in Case – Preparing Toolboxes for Justice in Transition

Francesca Albanese

Affiliate Researcher

Institute for the Study of International Migration

Georgetown University

Moderator

Mouin Rabbani

Senior Fellow

Institute for Palestine Studies

3-5.45 p.m.

PANEL IV

Ways forward to achieve a sustainable peace

Panellists

Riyad Mansour

Permanent Observer of the State of Palestine

to the United Nations

Member of the PLO Central Council

Yossi Beilin

Former Minister of Justice of Israel

Former Deputy Minister for Foreign Affairs of Israel

Phyllis Bennis

Director, New Internationalism project

Institute for Policy Studies

Obada Shtaya

Mid-Atlantic Regional Director

OneVoice Movement

Moderator

Fateh Azzam

Policy Adviser

Al-Shabaka: The Palestinian Policy Network

5.45-6.00 p.m.

CLOSING SESSION

Statements

Fodé Seck

Chair, Committee on the Exercise of the Inalienable Rights
of the Palestinian People

Riyad Mansour

Permanent Observer of the State of Palestine
to the United Nations
Member of the PLO Central Council

Annex II

CHAIR'S SUMMARY

The United Nations Forum on the Question of Palestine “70 Years after 1948 – Lessons to Achieve a Sustainable Peace” was convened in New York on 17 and 18 May 2017, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP). Ahead of the public Forum, on 16 May the Committee held closed consultations with representatives of civil society organisations from Palestine, Israel and throughout the world.

The Forum brought together Palestinian, Israeli and international experts, representatives of the diplomatic community and civil society to highlight the need to substantively address issues related to the 1948 war and subsequent mass displacement and uprooting of Palestinians in the context of, and vital for the success of, efforts to achieve a comprehensive, just and lasting settlement of the question of Palestine. A series of moderated interactive panels, chaired by Committee Bureau members, focused on an evaluation of the events of 1948, known in Arabic as “Al-Nakba” (“the catastrophe”) and their continued relevance today, the ongoing displacement of Palestinians, questions of accountability and transitional justice, and ways out of the political impasse between Palestine and Israel. The Forum provided experts and civil society organizations with a valuable advocacy platform to inform policy and diplomatic action on the question of Palestine at UN Headquarters.

Short clips from the documentary film “Voices Across the Divide” were shown at the beginning of each panel session.

At the inaugural session, the message of Secretary-General António Guterres, delivered by Deputy Secretary-General Amina J. Mohammed, noted that 2018 marked the seventieth anniversary of the Universal Declaration of Human Rights, which should guide the search for a durable solution to the question of Palestine. Underscoring the need for such a solution, he pointed out that the recent violence in the Gaza Strip was a reminder of the international community’s failure to find a just and lasting answer to the plight of Palestinian refugees. “Instead, the lives of generations of Palestinians and Israelis have been defined and confined by a conflict that has shaped their physical and human landscape under a heavy atmosphere of fear, mutual distrust and despair,” the statement highlighted. The illegal establishment and expansion of settlements was contributing further to displacement and constituted a major obstacle to a two-State solution. Moreover, unacceptable violence and incitement exacerbated mistrust and militant activity and the absence of Palestinian unity also constituted obstacles to a negotiated solution. The Secretary-General stressed that “the United Nations will continue to support Israelis and Palestinians on the road to peace by helping them to take the historic steps to achieve two States living side by side in peace, within secure and recognized borders and with Jerusalem as the capital of both.”

Recalling that the Committee had convened in 2017 to mark 50 years of the Israeli occupation of Palestinian territory, the Chair of the Committee, Ambassador Fodé Seck (Senegal), noted that the question of Palestine had nevertheless not begun in 1967. “In the collective memory of the Palestinians and the wider Arab world, Al-Nakba evokes memories from a national disaster involving loss, dispossession, destroyed villages and the displacement of hundreds of thousands,”

he said. That catastrophe had been followed by decades spent in exile and had brought more war, displacement and suffering. Indeed, it was difficult to escape the conclusion that Al-Nakba lay at the very heart of the question of Palestine, he continued. If not adequately acknowledged and addressed, the search for peace in the Middle East would remain elusive. As recognized by the Security Council, a comprehensive approach to sustaining peace would have to address the root causes of the conflict and acknowledge the links connecting development, peace and security, and human rights. Pledging to continue to advocate for the Palestinian people, including their rights of return to their homes, he drew attention to the critical role played by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). All over the world, revisiting the painful past and asking difficult questions of all parties had been a prerequisite for peace and an inclusive future. In that spirit, he asked the participants in the Forum to help in mobilizing diplomatic efforts to launch credible negotiations that would lead to a just peace.

The representative of the State of Palestine, Member of the Executive Committee of the Palestine Liberation Organization (PLO) Hanan Ashrawi, acknowledged that the Committee had long provided the Palestinian people with the rare commodity of hope. “We are suffering an ongoing system of injustice,” she noted, stressing that 70 years was far too long for the injustices of expulsion and oppression to exist. At the present, while Palestinians enjoyed no security of their own, when they tried to defend themselves concerns were immediately raised about Israel’s security, she said, pointing out that just this week, that country’s soldiers had killed scores of civilian protesters – including women and children – while claiming they had been forced to do so “in self-defence”. If this repugnant anomaly of impunity and disdain for international law was allowed to continue, it risked destroying the international system that the United Nations had built. Stating that it was the current Government of the United States that had made negotiations under the old formula impossible, she pointed out that Palestinians had been negotiating for decades, even as a people living under occupation should not – under the Fourth Geneva Convention – be expected to negotiate with their occupier under duress. However, a process of peace negotiations in which the occupier was constantly rewarded “just for talking” – and in which Palestine was only threatened and blackmailed or charged with being a terrorist threat – could not persist. Palestinians would not ask Israel for their freedom, which was their right. Putting the case of Palestine within a wider context, she cautioned that against the backdrop of rising populism, isolationism, nationalism and the arrogance of power, people must remain vigilant against sectarianism and claims to exceptionalism.

During the first panel, on “What Happened in 1948 – Why Does It Matter?”, speakers outlined the events leading up to the adoption of General Assembly resolution 181 (1947), which had authorized the partition of Mandate Palestine and the impact of only one of the two envisioned states having been established. Panellists debated the merits of the two-State formula, with some underlining its critical role in elevating the Question of Palestine on the global stage. Others argued in favour of a strategy that went beyond territorial borders to emphasize reconciliation and equal rights instead. In this context, it was suggested that the Palestinian-Israeli conflict was not an ethno-national “us vs. them” situation but more of a conflict between those defending and opposing peace and justice. Representatives of States and civil society groups commented on the links between Palestine’s history and its present-day reality. Participants drew parallels between the case of Israel/Palestine and the cases of Namibia and South Africa during their respective occupation and apartheid regimes. There was agreement that a just and sustainable peace between Israel and

Palestine would have to fully acknowledge the Nakba and hold Israel accountable for crimes committed in 1948 and onward.

The second panel, on “Displacement as a Continuum: the Ongoing Nakba”, examined the internal and external displacement of Palestinians and the denial of their ability to return, as citizens, to their homes and villages. A discussion emerged over the term “permanent occupation”, with some participants stressing that no such concept existed under international law and that the situation amounted to outright “colonization”. They also voiced support for the International Court of Justice (ICJ) to consider the issue. Others noted that Israel’s practices, which according to their argument amounted to racism, were becoming enshrined in national law, and this would make it more difficult for human rights lawyers and activists to challenge them in Israeli courts. Participants raised the issue of better international protection for Palestinians including refugees and called upon Member States to take a stand and remind Israel of its obligations under international law. Particularly the dire situation in Gaza, where Israel was still the occupying Power, warranted immediate intervention. Participants also highlighted that the issue of Palestine was gaining traction among intersectional social movements in the United States.

Continuing the Forum on 18 May, the third panel, on “Refugees and the Resolution of the Question of Palestine”, addressed questions around the issue of Palestine refugees, including the legal and psycho-social ramifications for Palestinians dispersed from their homes in 1948 and afterwards, as well as the several generations of their descendants. Participants highlighted the universality of refugee rights, countering the often-cited perception of a ‘special status and rights’ of Palestine refugees, giving them privileges that other refugees do not enjoy. Panellists and participants with experience in the field of transitional justice emphasized the potentially powerful benefit of establishing a system of truth-seeking, reparations and reconciliation for the solution of the Israeli-Palestinian conflict and preparing for it, even before an agreement was reached. Suggestions emerged to connect those advocating for the rights of the Palestinian people with various related UN offices, for example the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. It was suggested that in seeking reparations, Palestinian refugees should be treated as dispossessed nationals of a country – Palestine – rather than stateless refugees, and that the United Nations should be also held accountable for its failure to implement GA resolution 181 as well as other, subsequent resolutions on the Palestine question. It was reiterated that obtaining an ICJ advisory opinion may give a boost to the Palestinian cause.

In the fourth panel, on “Ways Forward to Achieve a Sustainable Peace”, speakers stressed the importance for Member States to build partnerships with civil society and youth, while continuing to exert economic and diplomatic pressure on the Government of Israel. Among the latter measures could be an embargo on buying arms and security goods and services from Israel. Conversely, investment in the State of Palestine could be a means of empowering youth and enriching the economy. Responding to questions concerning human rights violations and statehood, they said it was important to fight for equality alongside the struggle for self-determination. A discussion over the status of the Oslo Agreement led to wider conversation over different outcome models for the question of Palestine – from the two-State solution to a confederation modelled on the original GA resolution 181 to a one-State solution with equal rights for all inhabitants. Speakers also highlighted the sensitivity among Jewish Israelis over the perception of what “right of return” for Palestinian refugees could mean in reality for a society that

had created and defended the State of Israel as a haven for the Jewish people. In this context, the reality of the political developments on the ground may have made a dismantling of the settlements impossible. However, other speakers and participants argued that implementing UN decisions and realising the fundamental human rights of the Palestinian people was paramount, and illegal and illegitimate acts could not be justified and absolved by the passage of time.

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****Note: This Summary attempts to provide an overall picture of the deliberations of the Forum. A detailed report, including specific questions that were addressed during the interactive discussions, will be published by the Division for Palestinian Rights in due course*

Annex III
LIST OF SPEAKERS

Susan Akram

Clinical Professor of Law
School of Law
Boston University

Francesca Albanese

Affiliate Researcher
Institute for the Study of International Migration
Georgetown University

Hanan Ashrawi

Member of the PLO Executive Committee

Seraje Assi

Visiting Fellow
Prince Alwaleed bin Talal Center for Muslim-Christian Understanding
Georgetown University

Fateh Azzam

Policy Adviser
Al-Shabaka: The Palestinian Policy Network

Yossi Beilin

Former Minister of Justice of Israel
Former Deputy Minister for Foreign Affairs of Israel

Phyllis Bennis

Director, New Internationalism project
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Suhad Bishara

Director, Land and Planning Rights Unit
Adalah: Legal Center for Arab Minority Rights in Israel

Avraham Burg

Former Interim President of Israel
Former Speaker of the Knesset

Mae Elise Cannon

Executive Director
Churches for Middle East Peace

Itay Epshtain

Special Adviser
Norwegian Refugee Council

Victor Kattan

Senior Research Fellow, Middle East Institute
Associate Fellow, Faculty of Law
National University of Singapore

Riyad Mansour

Permanent Observer of the State of Palestine to the United Nations
Member of the PLO Central Council

Jessica Nevo

Founder
Just in Case – Preparing Toolboxes for Justice in Transition

Ilan Pappé

Professor of History
Director of the European Centre for Palestine Studies
Exeter University

Mouin Rabbani

Senior Fellow
Institute for Palestine Studies

Eugene Rogan

Professor of Middle Eastern History
Director, St. Antony's College, Middle East Centre
University of Oxford

Lubnah Shomali

Executive Director
BADIL Resource Center for Palestinian Residency and Refugee Rights

Obada Shtaya

Mid-Atlantic Regional Director
OneVoice Movement

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