

70 YEARS OF AL-NAKBA

State of Palestine
Palestine Liberation Organization
Negotiations Affairs Department



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In Focus:

The Illegality of Moving the US Embassy to Jerusalem

The Ongoing Nakba

May 15, 1948 represents the beginning of the Palestinian *Nakba*, the catastrophe. The Nakba began with the ethnic cleansing of at least 418 villages and cities between 1947 and 1949. It has lasted for over 70 years through the systematic denial of the human and national rights of the Palestinian people, mainly the rights to self-determination and to return to their homeland. By using different tactics, Israel has continued to violate its obligations under international law and United Nations resolutions while enjoying full impunity from the international community. The people of Palestine have been geographically fragmented and subjugated to the ruling of a foreign power that controls the most fundamental aspects of their lives, including the very right to exist and live in their own homeland.

Zionist Terror: Jerusalem In 1948

In November 1947, UNGA Resolution 181 recommended the partition of Palestine into two states, one for the indigenous Palestinian population, who made up two-thirds of the total population of Mandatory Palestine, and another one for the Zionist Jewish population that had arrived to Palestine through successive migratory waves. At that time the Palestinian people owned over 93% of the land, yet they were only given about 44% of Palestine (est). According to that resolution, Jerusalem and the surrounding areas were supposed to be a *Corpus Separatum* or an internationalized city under international administration.



However, early on the Zionist command identified the conquest of Jerusalem as tactical and ideological goal. Several terror attacks took place that killed Palestinian civilians, including the attacks against the King David and the Semiramis Hotels. Beginning with 9 April 1948, when Zionist militias savagely massacred 254 Palestinian civilians in the village of Deir Yassin, several villages and neighborhoods of the western Jerusalem areas were also ethnically cleansed of their indigenous population. By the end of 1949, around 40 Palestinian villages, including Ein Karem, Deir Yassin, Al Malha and Deir Rafat, with a total population of over 70,000 people had been ethnically cleansed from what became known as "West Jerusalem". Of that number, 45,000 of them lived in what was known as the "New City", or the urban area of neighborhoods such as Talbiyeh, Qatamon, Upper Baqa'a and Mousrara. All their properties and belongings were subsequently expropriated and populated with Jewish-Israelis.

Interview with George Baramky

The Story of the Baramky House: Today's "Museum on the Seam"

The Baramky family house was occupied by Zionist militias shortly after the Nakba of 1948. The house is walking distance from the old city of Jerusalem and is located near the historic Mandelbaum Gate along the armistice line. It was later transformed into an Israeli museum, known as the 'Museum on the Seam'.

George Baramky, who is 83 years old today, followed his father's footsteps in studying engineering. His father was a well-known architect who had designed homes in Jerusalem, Jaffa, and elsewhere in Palestine. Many of Baramky's designs are a testament to the Palestinian heritage and architecture that are still intact despite Israel's attempts to erase them from history.

George was 13 years old when his family was uprooted from West Jerusalem during the *Nakba*. Before 1948, his family owned two houses in the Sheikh Jarrah neighborhood on both sides of what became known after 1949 as the Green Line, one of which was rented to Anton Halabi, a well-known pharmacist at the time. Due to the targeted shelling on this neighborhood in late 1947, Baramky recalls that his family, the Halabi family, and many other Palestinian families were forced to leave.

His family first moved to their uncle's house in Talbiyeh and then later they rented a house in Baqa'a. But their stay was cut short due to the continued shelling and shooting by the Zionist militias. The family decided to take a refuge in their aunt's school in Birzeit village and later they moved to Gaza, where they lived, until a military siege in 1952 following the collapse of the cease-fire between Egypt and Israel. The family then moved again to Beirut, Istanbul, and then returned to Jerusalem.

Soon after the family's return to Jerusalem, George's father tried to reclaim the family's house, but the Israeli authorities rejected his claim. George Baramky stated that his father's return to Jerusalem has affected him and his health tremendously: "When my father used to watch his home and the uprooted Palestinian neighborhoods, his heart ached. He cried from not able to reclaim his home hack. He died and his heart filled with sorrow and grief".



Armistice Lines, No-Man's Land and the 1967 Border: Legal Status and Political Position.

According to the Armistice lines of 1949¹, Israel took control of over 78% of historic Palestine, more than the 55% (est.) originally given by UNGA Resolution 181. In Jerusalem, the Zionist militias took over most of what was known as the Jerusalem Governorate, excluding Jerusalem's Old City and a few neighborhoods in the eastern part of the city, including Silwan, Mount of Olives, Sheikh Jarrah and Shouafat. Other areas between East and West Jerusalem were defined as "No Man's Land". The land in those areas mainly belonged to Arab-Palestinians, such as the land in Al Mousrara neighborhood, and would not fall under Israeli control until 1967. Israel never enjoyed sovereignty over such areas and, given that the land was privately owned by Palestinians prior to and following the 1948 war, the "no-man's land" is an integral part of the occupied Palestinian territory.

¹ Also known as Green Line or the internationally recognized June 5, 1967 borders.



The Illegality Of Moving The US Embassy To Jerusalem: The US Administration's Support to the Ongoing Nakba.

The international community never recognized any part of Jerusalem as Israel's capital, as the international community's authoritative legal status on Jerusalem remains the Statute of Jerusalem laid out in the 1947 Partition Plan. Recent proposals and international consensus regarding the Peace Process have coalesced around an agreement where East and West Jerusalem will each serve, respectively, as the capitals of Palestine and Israel. However, in the absence of any negotiated agreement to this effect or the international community's renunciation of the Statute of Jerusalem laid out in the 1947 Partition Plan, Israel cannot claim valid sovereignty over any part of Jerusalem.

Furthermore, international law states clearly that Israel's annexation of East Jerusalem, occupied in 1967 and formally annexed in 1980, is illegal.

UN Security Council Resolution 252 (1968) states "that all legislative and administrative measures and actions taken by Israel...which tend to change the legal status of Jerusalem are invalid and cannot change that status". This reaffirmed the well-established UN Charter 2(4) principle that the acquisition of territory by military conquest is inadmissible by force.

In 1980, United Nations Security Council Resolution 478 stated the following:

"Determines that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on

Jerusalem, are null and void and must be rescinded forthwith”, which includes to have any part of Jerusalem as the capital of the state. The same resolution “[...] calls upon ... Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City”.

By recognizing Jerusalem as Israel’s capital and deciding to move its embassy from Tel Aviv to Jerusalem, the Trump Administration has broken decades of US diplomatic tradition. The letter of assurances to the Palestinian delegation to the Madrid Peace Talks in 1991, issued by US Secretary of State James Baker, stated that “The US does not recognize Israel’s annexation of East Jerusalem, the extension of Israeli law on it or the extension of Jerusalem’s municipal boundaries”. This letter was the basis for the Palestinian agreement to engage in the Madrid Conference and to enter into the Peace Process, which is marked by rounds of negotiations between Israel and the PLO, with the United States acting as a mediator.

Under the Oslo Declaration of Principles, the status of Jerusalem, East and West, is a final status issue and the parties are required not to take steps to prejudice issues left for final status negotiations. This does not alter or concede the status of East Jerusalem as internationally recognized occupied Palestinian territory. In fact, if the United States seek to act as the sole mediator in the peace process, as it has shown it does over the last 20 years, it is even more important that the US does not enable or prejudice the final status issues over which the parties must negotiate. By recognizing Jerusalem as the capital of Israel and moving its Embassy to Jerusalem, the Trump Administration has rewarded Israel for its ongoing violations of UN Charter principles and international humanitarian law, while disregarding US obligations under international law and its commitments made to the PLO at the outset of the Peace Process.

Moving the embassy to Jerusalem while the Palestinian people mourn 70 years of Nakba and Israeli extremists celebrate over 50 years since the occupation of East Jerusalem, represents a direct insult to the Palestinian people, to the Arab World, and to all peace-loving people worldwide.

Israel’s Membership at the UN Was Conditioned on Respect of UN Resolutions and the UN Charter

On May 11th 1949, Israel obtained its membership at the United Nations through UN General Assembly Resolution 273. The resolution notes “the declaration by the State of Israel that it ‘unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a member of the United Nations’”. The resolution also recalled GA Resolution 181 (Partition Plan- 2 states) and GA Resolution 194 (right of return of Palestine refugees) in relations with “the declarations and explanations made by the representative of the Government of Israel before the ad hoc Political Committee in respect of the implementation of the said resolutions”.

Almost 70 years later, Israel continues being a full member of the United Nations despite the fact that it systematically violates the conditions upon which it obtained membership, as well as its constant encouragement to other nations to violate international law and UN resolutions, including by attempting to move foreign embassies to Jerusalem, and give recognition to an unlawful act.

CONCLUSION



The Nakba is the commemoration of 70 years of systematic denial of Palestinian rights permitted by the culture of impunity granted by the international community to Israel. This is being highlighted by the Trump Administration and its hostile policies against the rights of the Palestinian people, including by moving the US Embassy to Jerusalem. Other states have refrained from taking any proactive steps in favor of justice for the Palestinian people, while only issuing stale and recycled statements of support for the two-state. This passive attitude has encouraged Israel to continue violating its obligations under international law and UN resolutions.

As the Trump Administration has endorsed Israeli talking points regarding the “freedom” of all communities under Israeli control in Jerusalem, for the Palestinian people Jerusalem remains one of the most vivid symbols of the ongoing *Nakba*. This is my poignantly demonstrated by the blatantly discriminatory application of Israeli law. On the one hand, the Israeli government encourages extremist Jewish organizations to claim property in Occupied East Jerusalem because it was allegedly owned by Jews pre-1948, leading to several expropriations and evictions of Palestinian homes. Almost always, the expropriation happens because the state, representative of Jews, claims that Jewish property was taken. There is no individual link to the person or family who was allegedly displaced. However, individual Palestinian owners of property in West Jerusalem—who can show individual ownership of the land—are forbidden from claiming properties expropriated in West Jerusalem, including neighborhoods such as Ein Karem, Lifta, Deir Yassin and Al Malha to the neighborhoods of Mousrara, Talbiya and Qatamon.

The inalienable rights of the Palestinian people, including the right to return and self-determination, are well enshrined in international law. It is long overdue for these resolutions to be implemented in order to secure a just and lasting peace. Despite the attempts of the Israeli and US administrations to normalize the systematic violation of Palestinian human and national rights, they have failed and cannot change the legal status of Jerusalem or that the territories conquered in 1967 remain occupied. Palestine is committed to achieving peace based on the implementation of international law, relevant UN resolutions, and mutual recognition and respect between Israelis and Palestinians.