

Buffalo Forum



Local Publication of the
U.S. Marxist-Leninist Organization

Workers of all countries, unite!

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May 22, 2015

Vol. 19 #5

REFUSE STATE TAKEOVER AND MAYORAL CONTROL

Public Control of Public Schools Now!

Governor Cuomo and the private monopoly interests he serves are clearly very worried about the growing resistance in Buffalo and the public's stand to defend the equal right to education for all. This fear is what in large part explains the specific targeting of Buffalo and repeated state efforts to remove the public from

governance. This is being done at a time the public has shown its ability and readiness to govern and decide. A modern democratic government would welcome this development and fully utilize it — as it is a cherished accomplishment of great value to the struggle to raise the quality

Public Control • 3

No Evidence Mayoral Control Solves Problems

As state politicians, including Governor Cuomo, try to impose mayoral control on Buffalo public schools, the claim is being made that it “works.” It is said that places like New York City and Boston have raised test scores and graduation rates. However, these claims are being made without actual evidence to back them up. They are commonly made out of context as well. Various factors, such as the level of public funding, the levels

No Evidence • 6

BILL BLOCKS PUBLIC CONTROL

Mayoral Control and Raising Quality of Buffalo Public Schools

A new bill calling for mayoral control of the Buffalo Public Schools has now been introduced into the New York State Assembly. It follows passage of Cuomo's budget bill, which mandates state receivership for almost half of Buffalo Schools within three years. Both receivership and mayoral control are aimed at blocking the

Mayoral Control • 4

Why Eliminate the Key Ingredient?

Buffalo currently has what is often desired by all those fighting for the right to education — a mobilized, united public, demanding its right to decide. This can be seen in the many speak outs and demonstrations and participation in school board meetings and petitions and organizing in the schools and organizing to refuse the state tests. Conscious efforts by organized forces like *Buffalo Forum* and others have brought many teachers, students and parents forward to join in the fight for the right to education and unite on the demand *Our Schools, We Decide!* This united organized public is the key ingredient to raising the quality of the schools.

Teachers, staff, parents and students of Buffalo are the experts on education for Buffalo — not the state. We also are the experts on what is needed for each particular school with its particular student body and for the district as a

Key Ingredient • 2

Newark Students Again Walk Out to Demand Public Control

On May 22 more than 1,000 Newark high school students from across the city walked out of their classrooms in protest of the state's control over the public school district. Shortly before noon, students left their schools and gathered at city hall. After a

brief demonstration there, they marched to the intersection of Miller Street and McCarter Highway, blocking the street with a sit-in. Students opposed budget cuts, demanded the removal of appointed superintendent Cami Anderson

Newark Student Walk Out • 6

DEFEND RIGHT OF RETURN FOR PALESTINIANS

The Ongoing Crime of Forcible Population Transfer and Secondary Displacement

Palestinian Human Rights Organizations Council

For Palestinians, 2015 marks the 67th year of forced displacement from, and within, their ancestral homeland. This

ongoing Nakba (catastrophe) continues to be perpetuated through Israel's denial of the

Right of Return • 12

I • KEY INGREDIENT

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whole. We are the ones who know key problems as well as key solutions, like music and physical education for every school. We together are the ones who stand and fight for the equal right to education for all. Together, we also have the resources and ability to get additional expertise in any field — expertise that serves the public interest, not private monopolies. Ask a principal or teacher contending with the problems and they will say without a doubt that the more involvement by parents and all concerned, the better the results for students.

To raise the quality of the public schools, all those involved — parents, students, teachers, staff — must work together and be in action to defend rights. That is what is occurring now in Buffalo and that is what Cuomo and now others, through mayoral control, are trying to divert and divide.

Cuomo's Common Core testing and evaluation regime, his call for a single receiver to take over our public schools, and mayoral control, all have in common removing the public. They have in common the notion that single individuals can better solve problems than the united, collective, conscious force of we, the public.

Mayoral control is one more mechanism

of state takeover. The people of Buffalo did not demand this. The elected school board did not. This is yet another action by the state to undermine the equal right to education for all. It is another action to essentially destroy the Buffalo School District, its union and parent organizations. Cuomo has already designated 27 Buffalo schools for state takeover within the next three years. Mayoral control will serve to ensure this happens, that even more schools get added to the list, while very likely more charters are also created. Very quickly not only is the elected school board eliminated, but the district as a single district is eliminated. Schools under receivership need not accept all students, just as charter schools do not.

The Common Core testing and evaluation regime, state receivership, state imposed mayoral control, are all means to increase inequality in our public schools, undermine the quality of education and the working conditions of teachers — which are the learning conditions of students.

The solution is to firmly say, We Refuse! To raise the quality of public schools, raise the quality of democracy — Public Control of Public Schools!

Board of Education Protest April 29



Students, parents, teachers and community organizers protested at the School Board meeting April 29 and spoke out inside, demanding that the board stand up for public control of public schools.

I • PUBLIC CONTROL

of education. Instead, not only did the Governor, in the budget passed, act to impose state takeover of Buffalo public schools (27 schools are already listed for state receivership). Now he and others are pushing state takeover using mayoral control. Anything but the public! This is backward, undemocratic and shows these politicians are not fit to govern modern society.

The current bill for mayoral control does nothing to oppose or stop state takeover using receivership (see article below). Not does it stop state takeover using the Common Core testing and evaluation regime. Indeed, it appears designed to facilitate both of these attacks. This is in part because by removing the elected school board and having the mayor appoint both the board and superintendent, the bill also removes *accountability to the public*. These appointed people are accountable to the mayor, who can fire them as he sees fit. The mayor in turn is accountable to the state in matters of public education, not the people of Buffalo, not the parents,

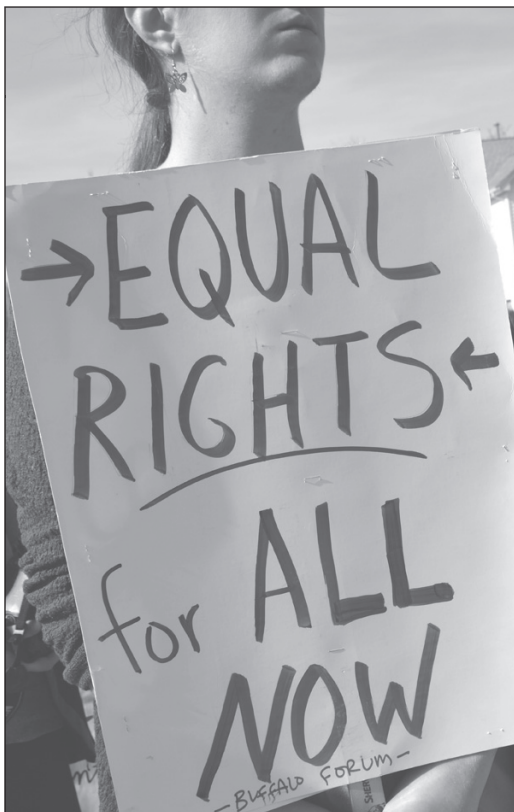
teachers and students of Buffalo. His reports about the schools are submitted to state officials. And they are the ones who decide if mayoral control is to continue. An appointed superintendent or receiver is to have power to decide all matters, not only of hiring and firing but of curriculum and discipline and school closures and more. The superintendent can only be removed by the mayor, not the people, and the receiver by the state, not the people. What then will be the point in speaking out at a public meeting of such an appointed board with its appointed superintendent?! What role will there be for the public once receivers control more than half the district, which could happen within 3-4 years? The whole effort is to block public control when it is clear that is the solution!

Mayoral control, like receivership, is an effort to further concentrate power in the hands of a few, serving private interests, not the public good. Resistance by the public, demands by parents, teachers and students to have a say, contending with elections, all are seen as obstacles by the private monopolies to complete control over the public treasury and takeover of the public schools. Having appointed governance by a single individual removes these obstacles while also serving to undermine resistance, making it appear as futile. Appointed individuals have little reason to even pretend to respect public concerns. This is readily apparent in the appointed Control



Board, which publicly refuses to even acknowledge public comment, let alone respond to it.

While the state and the monopoly interests expect receivership and mayoral control to block the growing resistance, the public is gearing up to ensure the opposite is the case. Our right to decide is a right that we affirm. Our organizing, our demands, our efforts to redesign education so it serves the interests of the students and society, all are matters that *We Decide!* Our resistance is in our hands and based on our initiative. This means stepping up the efforts to REFUSE! receivership and mayoral control while advancing our own alternative. Such efforts include further building and expanding the united actions to demand *Our Schools, We Decide!* It means focusing efforts at school board meetings to denounce mayoral control and receivership and demand that the elected school board do the same. It means using various means, from songs and cultural efforts, to demonstrations and photo displays, to further build our united, conscious fight for *Public Control of Public Schools!*



I • MAYORAL CONTROL

active and united Buffalo public, which is demanding *Public Control of Public Schools* as the modern requirement for democratic governance.

The bill, introduced by Democrats Crystal Peoples-Stokes in the Assembly and backed by Senator Kennedy in the Senate, calls for the mayor to remove the existing elected school board and replace it with one he appoints. The mayor also appoints the superintendent, who is given greater powers than the board, including broad powers over school curriculum, testing, school closings, hiring and firing of principals and teachers, etc.

The legislative session is expected to end June 17. The Buffalo bill is attached to a bill concerning mayoral control for New York City, which the Governor wants passed and is organizing to achieve it. Given he won support to pass other actions against New York City schools, such as more funds for charter schools, and for receivership, he may well succeed with this attack on Buffalo as well. If passed, the appointment of a new board and superintendent could occur very quickly, by July 1, 2015.

Appointed School Board Not Accountable to the Public

While a school board continues to exist, its powers are greatly restricted and the mayor has broad discretion in who he appoints. Board members are accountable to the mayor, not the public. Board members serve for two-years, but the Mayor can fire his appointees for “cause,” which the mayor determines.

Qualifications for board appointments specifically exclude teachers, staff,



principals and others most knowledgeable about education, as no city employee is allowed to serve. On the other hand, business people are acceptable.

Specifically the bill states “All members shall possess extensive educational, educational administration, health or mental health, business or trade experience and knowledge, or is capable of making a significant contribution to improving the education of the students of the city district,” (Assembly Bill 7680, section S 2591-C, 2C). The mayor can readily describe anyone he chooses as someone “capable of making a significant contribution” as no specific criteria are given. Nothing prevents the mayor, and those at the state level, from using these appointments as part of their patronage machinery, a concern already raised by many.

The board only *advises* the superintendent and is considered the employer

of employees, like teachers and principals, even though it is the superintendent that has all powers to hire and fire. For the most part, the board has the role of approving proposals made by the superintendent.

There is little reason to expect the appointed board to go against the appointed superintendent. Given the mayor can remove any or all of them at any time, there is a lot of reason to expect the board will mainly be a rubber stamp for the superintendent and mayor. The board remains in form, but gutted of content as a governing body.

For example, the board approves “standards, policies, and objectives proposed by the superintendent directly related to educational achievement and student performance;” and approves “a protocol developed by the superintendent relating to school closures,” (section S 2591-D, 4A and 4C).

But it is the superintendent who has the power to decide all such matters. The superintendent has control over all the “schools, programs and services.” As well, “The superintendent shall render a decision on all proposed school closures,” (S 2591-E, 3E).

Criteria for school closures are also based on the unfair and arbitrary Common Core testing, which has already been used to unjustly target Buffalo Public Schools for closure. Criteria include, “The school’s academic performance, including standards and criteria to identify for closure the persistently lowest-achieving schools in the city school district that take into account student performance on existing state assessments and graduation rates; the school’s responsiveness to previous school improvement or turnaround

Mayoral Control • 5

4 • MAYORAL CONTROL

efforts; and the current and projected pupil enrollment of the affected school and the prospective need for such school building.” (S 2591-E, 3A).

While for closures the superintendent has to have one public meeting, make closure plans public and provide a report speaking to the impact of such closures on students and the community, there is no language requiring him to submit to the public or even address whatever negative consequences may be identified. Again, the appearance of the role for the public, robbed of actual content.

The people of Buffalo already have considerable negative experience with the branding of their schools and children as failures using state assessments that are seriously flawed, unfair and arbitrary. As just one example the state decides the cut score for failure *after* reviewing all the tests. It does so in a manner to ensure a set failure rate — at present 70 percent “failure.” This then gives the state the power to list schools as “failing” and set them up for state takeover.

The state also systematically rejects redesign plans developed by teachers, students, parents and the community together, with no explanation or justification. In this manner, schools like Bennett, East, Lafayette, and MLK are blocked from implementing plans widely supported by the public, as the plans would serve to raise the quality of education.

Further, including the “prospective need for such building,” in deciding on closure could easily mean, as has been demonstrated, that a private charter school wants it. There is nothing in the bill that prevents the superintendent from closing a school and handing it over to a private charter — for free. And this is likely purposeful, as the bill goes to great lengths dealing with other matters of procurement while having no language requiring the superintendent to keep public schools in public hands.

Appointed Superintendent Has Powers to Mandate Common Core
The appointed superintendent is given broad powers to make all major decisions

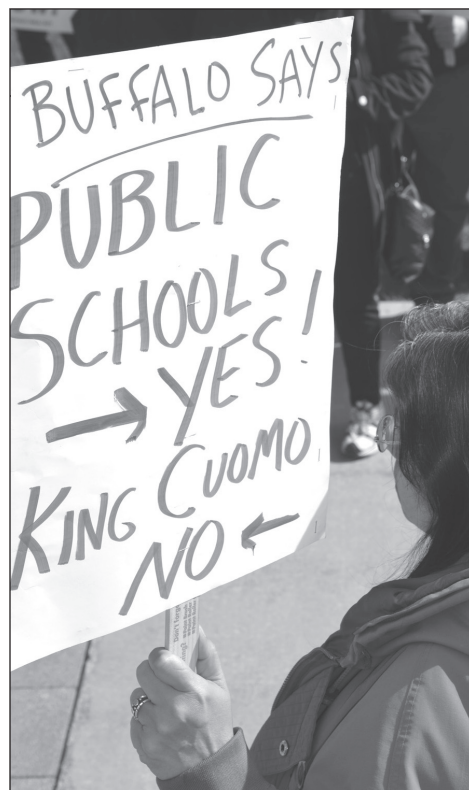
concerning the public schools, while not being accountable to the public. This includes powers of hiring and firing teachers and principals, moving teachers from one building to another, and more.

While not specifically using the words Common Core, the bill basically mandates that it be used for testing and curriculum. It calls for the superintendent to provide “Minimum clear educational standards, curriculum requirements and frameworks and mandatory educational objectives applicable to all schools and programs throughout the city district, and examine and evaluate periodically all such schools and programs with respect to: compliance with such educational standards and other requirements, and the educational effectiveness of such schools and programs,” (S 2591-E, C). This language of “standards,” “mandatory education objectives applicable to all,” “compliance” is the language of the Common Core testing and curriculum regime.

Common Core is a regime already shown to be harmful to students, developmentally inappropriate, and serving to undermine the educational needs of the students. This includes greatly limiting or eliminating music, physical education, art, social studies, group projects, field trips, and more, all in the name of “compliance” with “mandatory objectives.” It includes forcing teachers to use scripts and set deadlines, rather than their own creative teaching abilities.

Standards the public has been demanding, like music and physical education for all, would do a lot more to raise the quality of public schools, including their graduation rates. It is precisely this content, and the demand of the public for it, that is being blocked by the bill.

As a means to divert resistance, the bill also calls for “advisory councils.” These too will be appointed. They have no power and there is nothing requiring their advice to be followed. Much like the hard work that went into redesign plans, it is far more likely that advice will be ignored. The councils are mechanisms to



divert resistance into such efforts, while ensuring decisions are made by appointed individuals.

The public has put forward far better solutions for raising the quality of education and ensuring equal rights for all — neither of which are addressed in the bill. Nor is any evidence provided that mayoral control will contribute to solving these problems. Further, there is no reason to expect mayoral control to stop receivership. So long as the same rigged Common Core testing regime is used, the state can impose receivership and school closures.

The public has expressed its readiness and ability, through numerous demonstrations, petitions, meetings and more, to govern and decide. Empowering the public is what democracy demands and is the solution to fight for. *Buffalo Forum* urges all, including elected representatives, to join the fight for public control.

(The full bill can be found at the New York State Assembly webpage, Bill A07680. If it passes, *Buffalo Forum* will continue its analysis of various other aspects.)

I • NEWARK STUDENTS WALK OUT

and public control over their public schools. The students, organized mainly by the Newark Student Union, together with New Jersey Communities United, have demonstrated numerous times and also organized a sit-in at Anderson's office, demanding that she resign.

Anderson is appointed by the New Jersey Governor. Like other appointed superintendents, she refuses to recognize the students and the public more generally. She has been responsible for closing public schools and expanding private charters, which do not improve education while taking public funds from public schools. Her current proposal includes forcing nine more schools into "turn-around" status, where all teachers must reapply for their jobs and the needs of students are commonly not met. Twenty schools are already in this category so students and teachers have experienced the failure of this approach.



And they are aware of the likelihood that these same schools can be closed.

Newark schools have been under state control for years, yet problems of inequality and poor quality persist. State control and an appointed superintendent have solved no problem facing the people.

Unlike Buffalo, the Newark mayor has repeatedly supported the students

and opposed state control. He released a statement supporting these latest protests, saying state control has not only not helped, but has deepened the district's problems.

Students in Newark continue to lead the way, demanding their right to participate in governance of their schools and refusing to accept state takeover.

I • NO EVIDENCE

of poverty, the numbers of teachers and class sizes, have to be looked at to assess such issues. Further, it is also established that the Common Core testing regime, which is currently being used, is not a valid measure. It is unfair and arbitrary, as are most state standardized tests. They do not address the quality of education nor if it is being raised or not.

It is also the case that a survey of twenty-five years of research on the effectiveness of school boards, published in the *Review of Educational Research*, found few empirical studies, prompting its author to conclude that there is "not yet convincing evidence that appointment of school board members produces effective governance or greater academic achieve-

ment." The Center for the Study of Social Policy surveyed what is known about various governance reforms and concluded that there is no clear evidence that mayoral takeovers improve student achievement or fiscal efficiency. Yet those promoting mayoral control are claim to be doing so in the interests of the students.

On the other hand numerous studies confirm what parents, teachers and students directly experience. As one report providing a synthesis of research on parent involvement over a decade-long period concluded, "When schools, families, and community groups work together to support learning, children tend to do better in school, stay in school longer, and like school more," (A New Wave of Evidence,

a report from Southwest Educational Development Laboratory).

As those standing up for the right to education here in Buffalo have made clear, to raise the quality of education requires expanding and strengthening the role of parents, students, teachers and staff together — not eliminating it. Public control and decision making is the innovation of modern democracy. It is the means to take public education forward. State control, whether through receivership or mayoral control, serves to take education backward. It serves to concentrate more power in fewer hands. We have seen how such concentration in the economy has meant far more inequality. Such concentration in school governance will do the same.

INTERNATIONAL MAY DAY

Buffalo United Action Strengthens Fight for Rights

Buffalo Forum organized a united action for May Day on May 2, bringing together various fighting forces under the banner, *Our Future, Our rights, We Decide!* Participants included teachers and students from Lafayette, MLK, MST, City Honors, Hutch Tech, Buffalo State College, and elsewhere. Those active in the fight for Native American rights, prisoners' rights, against police brutality and for the rights of youth also joined in.

The action included a demonstration from Grant and Ferry to Lafayette High School. The militant spirit, reflected in signs and chants, inspired people on the sidewalk. They expressed their interest and support, as did cars that honked as they passed by. People appreciated the stand taken to defend the rights of all and engage with the community. They also welcomed the signs in Spanish as well as English, as they expressed the stand of the action to respect and support all cultures and languages.

At Lafayette additional people joined in for the celebration. All enjoyed a delicious

meal, including dishes from Puerto Rico and Iraq. Presentations spoke to various struggles, with spoken word highlighting the fight for equality and poetry, in Arabic, supporting the just struggle of Palestinians for their rights. A slideshow of May Day actions worldwide brought to the fore the united struggle of workers worldwide for rights and for a world fit for human beings, where the rights of all are guaranteed. It also included actions in the U.S. standing against U.S. wars, police killings and for immigrant rights.

The main presentation focused on the key issue of decision making, a demand that unites all those fighting for change that favors the people. The on-going battles on education were highlighted, where through conscious participation the public has come forward to demand, *Our Schools, We Decide!* and to stick to that despite numerous efforts by the state to divert people.

Embracing the content of *We Decide!* also means elaborating our own vision, for a modern education and for a modern democracy that meets the needs of society.

Everyone was encouraged to join *Buffalo Forum* and the *Our Schools We Decide* Committee to begin discussion and work to answer the question, "What should a modern education look like?" We will also be building on collective efforts where we learn together and take up social responsibility. These include our cultural group, and developing a media group taking up radio, photography and print reporting so as to give voice to the youth and their concerns and solutions. All interested are invited to participate!

The event concluded with a short concert by the singing group which brought together students and organizers, writing and performing both original songs and those from the struggle for rights. These included the original songs "We Refuse" and "Troops Home Now" (see p.8 & 9) as well as songs in Spanish saluting the Cuban revolution and freedom for Puerto Rico. The audience welcomed songs and music that spoke to our struggles and stands needed, enlivening the evening and sending all home in great spirits.



Songs from International May Day Event

REFUSE THE TESTS

Verse:

*The Common Core tests
Are not for us
They don't help us learn
And we know what's best:
Music, phys. ed, social studies and art
Stop harming students, stop the tests*

Chorus:

*When they say Tests
We Refuse
When they say receiver
We Refuse
Mayoral control
We Refuse*

*The answer is clear
Democracy is here
These are our schools and we decide!*

*These tests say we are failing
So they can close our schools
Or give them for free, to monopolies
But it's the state that's failing
Their scores are unfair
Stop the tests, more learning is better
We know what's best
Smaller classes and projects to share!*

Chorus

*Governor says the public has no role
He wants a mayor and receiver
He wants a single person to decide
We say no, we want control
Parents, teachers, students unite
For equal rights for all we will fight
Now's the time when we decide!*

Chorus



TROOPS HOME NOW, NOT TOMORROW

Verse:

*Our just demand
Against war is clear
And we know what we want
We defend the rights of all
We condemn all attacks
At home and in Iraq
We have united our ranks
Humanity is one
And as one, we say:*

Chorus:

*Troops home now
Not tomorrow
Not one more death
No mother's sorrow
People everywhere
Demanding their rights
Join in the struggle,
Step up the fight*

Verse:

*Our just demand
Against war is clear
And we know what we want
No recruiters in our schools
Out of Afghanistan now
And we know how
Stop funding the wars
And fund our rights
And as one we say*

Chorus:

Verse:

*Our just demand
Against aggression is clear
And we know what we want
Cuba and Korea, Hands Off
We say Stay out of Iran
Stop bombing Pakistan
We stand together worldwide
For sovereignty
And as one we say:*

Chorus:

Verse:

*Our just demand
'gainst occupation is clear
and we know what we want
Free Palestine and Puerto Rico
We oppose U.S. crimes
Anywhere and anytime
We join the peoples worldwide
Humanity is one
And as one, we say:*

Chorus:





Participatory Budgeting Gets a Start in Buffalo

Participatory budgeting, where a portion of public funds are given over to the public to decide how they should be spent, has gotten started in Buffalo. The Common Council, together with the Mayor, agreed to designate \$150,000 for participatory budgeting (PB). This came as a result of a concerted struggle by various organizations and individuals, all putting forward that it is the people who should decide how public dollars are spent. Those demanding more of a role for the public in deciding the budget had called for at least \$1 million to be provided

out of the more than \$1.4 billion city budget. They identified several funding streams that could be used, such as city revenue from the Casino or Community Development Block Grant funds. While a Common Council majority favored PB, the Mayor resisted. In the end, organizers succeeded in getting PB started in Buffalo and they hope to secure more funds in the future.

Organizing Efforts

The work to secure PB for Buffalo has been persistent on going. It has been led

by the Clean Air Coalition of Western New York and included many organizing efforts in Buffalo, such as meetings, teach-ins and more. It included repeated efforts with the Common Council that resulted in a resolution, unanimously passed in July of 2014, to establish a PB

that only elected officials should decide. They explained that the more people are engaged in the decision making, the more likely they are to remain engaged and active in solving the problems being addressed.

Participatory budgeting puts in place a process where the community involved gathers together to identify specific projects they want to see funded. The community could be the whole city, or a specific district. The people decide who can vote, with some communities including children and others just adults. The aim is to involve all concerned in identifying

OUR money.
neighborhood.
decision.

Committee. The resolution specifically said the Council “does hereby support implementing a Participatory Budgeting process in the city of Buffalo.” A committee of more than 35 people representing all nine Council districts and various community organizations set to work to identify funding streams and to mobilize more broadly among the public. The difficulty in securing PB, even though the time for decision making by the people on all budget matters has come, indicates the great reluctance elected officials have to empower the people. Repeated efforts were required to secure the limited amount.

needs and prioritizing them, through discussion and debate. Once projects are identified and funding needs worked out, people gather to vote on specific projects to take up.

The limits of PB can be seen in the difficulties faced in Buffalo, where a very small amount, given the city’s budget, was provided. This means only very limited projects can even be considered. Elected officials are still deciding, not the public. As well it is likely that the committee established will decide what steps will now be taken, rather than engaging the broader public in that debate.

Organizing efforts included mobilizing more than 100 people to attend a recent Common Council hearing on PB. Speaker after speaker addressed the need for the public to decide how public funds are spent. Many spoke to the need for the Council to support a more modern democracy, where the people decide. As one put it, “These are our public dollars and we know best how they should be spent.” People rejected the idea

The fact that a start was made also reflects the more general fight being waged in the city on the issue of Who Decides? This question has been brought to the fore in the fight for the equal right to education for all and broadly promoted as part of that struggle. Similarly, the demand is being raised as part of the struggle against police brutality and killings. People are demanding accountability and their right to play their role in deciding. PB opens space for this discussion while also showing the limitations of the existing form of governance, where the Mayor can act against the majority. While not being happy with the amount secured, organizers are glad that a start has been made.



I • RIGHT OF RETURN

Palestinian refugees' Right of Return, the right to self-determination, and various other Israeli policies, which give rise to forced displacement, including forcible transfer as a grave breach of international law. These policies are framed within the wider gamut of perpetual human rights violations being committed [across the occupied Palestinian territory and Israel].

During the summer of 2014, Palestinian residents of the Gaza Strip — more than 75 percent are refugees — were subjected to a 50-day Israeli aerial bombardment and ground assault. At least 2,215 Palestinians were killed, with the homes of 108,000 more destroyed or severely damaged, while the already crippled civilian infrastructure of this besieged enclave received further extensive damage. At the peak of the assault, 520,000 Palestinians were internally displaced inside the Gaza Strip, accounting for 34 per cent of its total population.

Inside occupied East Jerusalem and so-called 'Area C' (accounting for more than 60% of occupied West Bank land), Israel pursues a policy of forcible transfer of Palestinians by way of unlawful land appropriation, home demolitions, denial of residency, restrictions on land access, and extensive settlement expansion. This multitude of grievous rights abuses is conducted against a backdrop of discrimination, harassment and violence perpetrated by Israeli settlers and security services alike, and reflected in Israel's rapidly advancing plans to forcibly transfer Palestinian Bedouin communities on the Jerusalem periphery to urban townships in the Jordan Valley.

Yet this widespread Palestinian suffering is not limited to the borders of Mandate Palestine, but extends to the millions of individuals who make up the international Palestinian Diaspora. Of particular concern is the fate of those in Syria, with the United Nations Relief and Works Agency finding that half a million Palestinian refugees have been directly affected by the country's ongoing conflict. Many of these refugees will now have experienced secondary or tertiary displacement, while the level of human suffering for residents of Yarmouk Camp in Damascus has escalated wildly following extreme violence and the failure of the international community to ensure the



delivery of desperately needed humanitarian aid and assistance.

These abhorrent developments, along with the predictable failure of U.S.-led 'peace talks' in 2014, highlight the necessity of providing a durable solution to Palestinian refugees which is based upon the just application of international law, rather than political bargaining. The continued failure to deliver to Palestinians the full protection to which they are entitled under international law — centered around their inalienable right to return to their ancestral homes, unequivocally codified in Universal Declaration of Human Rights Article 13, UN General Assembly Resolution 194 and UN Security Council Resolution 237 — must be addressed as a matter of extreme urgency. For as long as the current status quo is maintained, and international protection is absent, Palestinians remain condemned to a fate of continued acute hardship and suffering.

Avenues through which to pursue the just application of international law and, by extension, the promotion of durable, rights-based solutions, are already in place. Alongside diplomatic efforts at the international level to demand Israeli adherence to all applicable legal instruments, states and international civil society alike must also

support and fully participate in mechanisms such as United Nations Independent Commissions of Inquiry, and the investigations of the International Criminal Court (ICC). The strength of these processes lies not just in their respective potential to promote accountability and deliver justice, but also in their contribution to a wider movement towards legally-rooted solutions for the Palestinian people.

Accordingly, we, the undersigned members of the Palestinian Human Rights Organizations Council, make the following recommendations:

- That the international community genuinely strives to secure international protection -- including durable solutions -- for Palestinian refugees, and primarily, their Right of Return and to self-determination.

- That the international community takes all measures to ensure Israel's compliance with its obligations under International Humanitarian Law and International Human Rights Law and calls on Israel to cease those policies and practices that adversely affect the protected population. The international community is thus reminded that forcible transfer amounts to a grave breach of International Humanitarian Law, and as such, States must not recognize the ensuing situation as lawful, nor render aid or assistance in maintaining the situation. The International Community should further call for immediate cessation of such activities and seek guarantees of non-repetition and reparations.

- That the PLO makes concerted efforts to press concerned states and international agencies to meet their responsibilities, particularly with a view to fulfilling their obligations relating to non-refoulement, and non-discrimination.

- That the international community supports endeavors by international mechanisms aimed at securing justice and accountability, including the UN Commission of Inquiry and the ICC.

- That the international community significantly strengthens efforts to deliver humanitarian assistance and protection in accordance with international standards to Palestinian refugees and Internally Displaced Persons, particularly to those besieged in Gaza and Syria.

67TH ANNIVERSARY OF AL NAKBA

The Ongoing Palestinian Nakba

Amjad Alqasis

The year 2015 marks the 67th commemoration of the Palestinian Nakba. The Nakba encapsulates events that took place from 1947 to the early 1950s in which approximately 750,000 Palestinians became refugees. At the beginning of the 20th century, most Palestinians lived inside the borders of Palestine — also known as ‘historic’ or ‘Mandate Palestine’ — now divided into the state of Israel, and the occupied Palestinian territories: the West Bank, including East Jerusalem, and the Gaza Strip. Five major periods of forcible displacement transformed Palestinians into the largest and longest-standing unresolved refugee case in the world today. By the end of 2014, an estimated 7.7 million (66 percent) of the global Palestinian population of 11.5 million are forcibly displaced persons.

A combination of Israeli state practices, laws, and policies seeks to achieve the displacement and dispossession of the indigenous Palestinian population, exerting complete control through a system of apartheid and occupation. This overall regime aims to colonize the territory of Palestine. Therefore, it is not limited to the Palestinians living in the occupied Palestinian territory, but also targets Palestinians residing on the Israeli side of the “1949 Armistice Line.”

Israel’s treatment of non-Jewish Palestinians throughout Israel and the occupied Palestinian territory constitutes an overall discriminatory regime with the primary purpose of controlling the maximum amount of land with the minimum amount of indigenous Palestinians residing on it. The main components of this structure serve to violate Palestinian rights in areas such as nationality, citizenship, residency, and land ownership.

This system was originally applied during the Palestinian Nakba in 1948 with a view to dominate and dispossess all forcibly displaced Palestinians, including the 150,000 who were able to remain within the “1949 Armistice Line,” later becoming Palestinian citizens of Israel. The UN resolution from 1947 to partition Mandate

Palestine triggered armed conflict between local Palestinians and Jewish colonists. This fostered an environment in which the Zionist movement could induce massive Palestinian displacement so as to create the Jewish state.

The task of establishing and maintaining a Jewish state on a predominantly non-Jewish territory has been carried out by forcibly displacing the non-Jewish majority population. Today, 66 percent of the Palestinian people worldwide (more than seven million) are themselves, or the descendants of, Palestinians who have been forcibly displaced by the Israeli regime.

Israeli laws such as the 1954 Prevention of Infiltration Law and military orders 1649 and 1650 have prohibited Palestinians from legally returning to Israel or the occupied Palestinian territory. This deliberate and planned forcible displacement amounts to a policy and practice of forced transfer of the Palestinian population, or ethnic cleansing. This process started prior to 1948, and is still ongoing today in all parts of Mandate Palestine.

Silent Transfer

This process is carried out today by Israel in the form of the overall policy of ‘silent’ transfer, and not by the mass deportations witnessed in 1948 or 1967.

This displacement is silent in the sense that Israel carries it out while trying to avoid international attention, displacing small numbers of people on a weekly basis. It is to be distinguished from the more overt transfer achieved under the veneer of warfare in 1948. For example, Israeli-administered family unification procedures are the only available avenue for Palestinians who find themselves separated from their families, and the current legislative basis for these procedures is provided by the Citizenship



and Entry into Israel Law (Temporary Provision).

This law — passed by the Knesset (the Israeli parliament) in July 2003 and renewed annually up to the present day — prevents Palestinians with West Bank or Gaza Strip IDs from gaining Israeli citizenship or permanent residency by way of marriage to a Palestinian citizen of Israel or Palestinian resident of Jerusalem. The law only allows for the granting of permits to reside or stay in Israel for purposes of medical treatment or fixed-term employment for a period that cannot cumulatively exceed six months.

The motivation underpinning this policy is revealed through consideration of statements made by Israeli officials. In May 2002 — just months before the new law was unveiled — the then-Minister of Interior, Eli Yishai, declared that between 1993 and 2002, roughly 140,000 Palestinians had moved to Israel or East Jerusalem by way of family unification permits. Yishai went on

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Palestinians Mark Nakba Day Amid Israeli Crackdown

Activities to commemorate the Nakba have been underway for several days across Palestine, to highlight Israel's denial of the right of return to more than 7 million Palestinian refugees displaced in 1948 when Israel was founded.

This year's anniversary fell on a Friday, a religious holiday in Palestine when people do not work and schools are closed because they are attending Muslim prayers. Therefore, thousands of

people took part in marches and protests on Wednesday, May 13 to mark the anniversary.

Many mosques devoted their Friday sermons to raising awareness about the Right of Return for Palestinian refugees and their descendants to their former homes. Several rallies in Israel and the Palestinian territories took place after noontime Friday prayers.

As part of Zionist attempts to criminalize

commemoration of the Nakba, Israeli police were put on alert to counter any "violence" after Friday prayers. During last year's Nakba Day, two Palestinians were shot dead by Israeli Border Police near Ramallah, prompting an investigation and claims that Israeli soldiers used live bullets against protesters.

In 2011, Israel enacted the "Nakba Law," which authorizes Israel's finance
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to stress the need for legislation that would "help to halt the phenomenon and maintain Israel's nature as a Jewish and democratic state in the long run."

Following the implementation of the law, human rights organizations petitioned the Israel High Court to have the legislation overturned. In rejecting this petition, Justice Asher Grunis commented that "human rights are not a prescription for national suicide." This reasoning is instructive, demonstrating that the driving force behind this ethnicity-focused policy is rooted not in security concerns, but in demographic sensitivities. Tragically, family unification has become yet another tool deployed by the State of Israel to protect the Jewish majority within its borders, with the result that thousands of Palestinians face a deeply troubled and uncertain future.

A holistic consideration of Israel's approach to family unification — both for Palestinians residing in Israel and those residing within the occupied Palestinian territory reveals a clear and highly discriminatory pattern of behavior, underpinned by the motivation to reduce Palestinian presence within this territory. Indeed, review of the historical background and contemporary reality surrounding family unification paints a picture of ever-tightening restrictions on the ability of Palestinians to enjoy the most basic of human rights, that of a family life. This steady erosion of democratic principles has ultimately resulted in many thousands of Palestinians suffering great hardship and emotional distress, which intrudes on all aspects of life.

As such, Israel is turning family unification into a tool for forced population transfer

which is not restricted to physical force, "but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment," according to the International Criminal Court.

Rights-Based Approach

This Israeli system must be brought to an end and must be judged in accordance with international law and standards. A solution to the ongoing colonization and oppression of the Palestinian people should be found through a strict rights-based approach. Such rights are not guaranteed through political negotiations, but through full adherence to and implementation of international law and rights.

A rights-based approach could be best described as normatively based on international rights standards and operationally directed to promoting and protecting those rights. Therefore, a rights-based approach should integrate norms, standards and principles of the international rights system into the plans, policies and processes that seek solutions to the specific conflict at hand in order to ensure human dignity and justice. Simply speaking, peace cannot be recognized when fundamental human rights and freedoms are violated. In the case of Palestine, this approach would entail solutions based on international law rather than a reliance on political negotiations to bring about a long lasting and just solution.

In this light, it should be unacceptable to refer to illegal Israeli settlements in the occupied Palestinian territory as "undermining

efforts towards peace" — as is regularly the case in political circles — while in reality these settlements constitute a violation of numerous international standards and principles. As such, they are but one of a growing number of physical manifestations of Israel's ongoing impunity. This represents an ugly and dangerous precedent, and if the future sanctity of international law and standards is to be protected, its implementation should not be subject to negotiations, but demanded from the outset.

Therefore, Israel's continuous and calculated strangulation of the Palestinian people must be properly challenged by the international community, and this challenge must come from an assessment of Israeli actions and policy through the lens of international law. The facts on the ground demonstrate that such an assessment will reveal elements of an international crime against humanity, and Israel's regime must be judged accordingly, with the state's impunity for these crimes brought to an end. Yet, the silence — if not complicity — of powerful members of the international community in relation to these crimes continues. The resulting reality represents a worst case scenario: the intense and prolonged suffering of a colonized and occupied population, witnessed in conjunction with an emphatic politicization and devaluing of international law.

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Israel's Denial of the Nakba and Refugees' Right of Return

BADIL Resource Center for Palestinian Residency and Refugee Rights

Israel commemorates its independence day with a series of events celebrating a Jewish 'homecoming' to the land and the birth of the Jewish state as achievements of the Zionist dream for 'Eretz Israel' (all of Mandate Palestine). As Israel celebrates, it entirely disavows any responsibility for the destruction of the homeland of the Palestinian people and their forced displacement — what Palestinians call the 'Nakba' or 'Catastrophe.' Early Zionist leader Israel Zangwill spoke of "a people without land returning to a land without people."

This denial is also found in schools, on official maps and in law. It, in turn, helps perpetuate ongoing confiscation of Palestinian land, an existing discriminatory legal regime, and today's forced displacement. In the words of Eitan Bronstein of the Israeli Zochrot (Remembering) Association:

"If the Nakba never happened, it is impossible that millions of Palestinians today are refugees who demand restitution of their rights."

Between the end of 1947 and early 1949, more than half of the Palestinian population living in Mandate Palestine (estimated at 1.3 million) was displaced by Zionist militia and the state of Israel.

After 1948, Israel used military regulations and legal statutes regarding 'absentee property' to ensure that Palestinian refugees and Internally Displaced Persons could not return to their property and claim it; those who remained on their land were also subject to discriminatory regulations and a military government that lasted until 1966.

In 1950, Israel enacted the Law of

Return, granting any Jew anywhere the right to citizenship as a Jewish national in Israel and (since 1967) also in the occupied Palestinian territory while the 1952 Citizenship Law denationalized the Palestinian refugees. The establishment of a Jewish extra-territorial ethno-religious nationality as the basis for citizenship created one set of rules for Jews and another for Palestinians. Since 1967, Israel's military government in the occupied Palestinian territory has established a similar discriminatory regime of military regulations.

While Israel presents itself as a democracy, UN experts have frequently raised concern. In 2003, the Committee on Economic, Social and Cultural Rights concluded that Israel's extraterritorial concept of "Jewish nationality" is grounds for "exclusive preferential treatment" resulting in "discriminatory treatment against non-Jews, in particular Palestinian refugees." In June 2007, the Committee for the Elimination of Racial Discrimination (CERD) concluded that "the denial of the rights of many Palestinians to return and possess their homes in Israel is discriminatory and perpetuates violations of human rights." CERD also applied the concept of apartheid to some of Israel's practices towards Palestinian citizens of Israel, requesting that Israel "assess the extent to which the maintenance of separate Arab and Jewish 'sectors' may amount to racial segregation."

Israel's apartheid-like policies are visible in the Naqab (Negev), where 160,000 indigenous Bedouin live, many in unrecognized villages that were not

included in Israel's national master plan. These "unrecognized" villages have no access to public services (water, electricity, health or education) and are issued no construction licenses. Unlicensed buildings there are likely to face demolition.

Officials estimate that 45,000 houses in the Naqab could be demolished under Israeli law. At the same time, Israel initiated in 2005 a ten-year, \$3.6 billion plan to develop the Naqab and double the number of its Jewish residents.

Israel considers the occupied Palestinian territory "disputed" not "occupied." In January 2007, UN Special Rapporteur on Human Rights in the occupied Palestinian territory, Prof. John Dugard, reported that Israel's 40-year-long occupation "included elements of colonialism and apartheid." Miloon Kothari, UN Special Rapporteur on the Right to Adequate Housing, found that "the institutions, laws and practices that Israel had developed to dispossess the Palestinians (now Israeli citizens) inside its 1948 border (the Green Line) have been applied with comparable effect in the areas occupied since 1967" and that "Israel's confiscation of land and properties belonging privately and collectively to the Palestinians in the occupied Palestinian territories is a dominant feature of the occupation and an essential component of Israel's population transfer program."

(BADIL Resource Center for Palestinian Residency and Refugee Rights is an independent, community-based non-profit organization mandated to protect and promote the rights of Palestinian refugees and internally displaced persons.)

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minister to revoke funding from institutions that reject Israel as being a "Jewish state" or mark the country's Independence Day as a day of mourning. This law has made it increasingly difficult for the 1.7 million Palestinians who hold Israeli citizenship to commemorate the Nakba.

"The Nakba Law is part of an atmosphere to suppress the Nakba narrative and a discussion of the Right of Return for Palestinian refugees," Liat Rosenberg, Director of Zochrot, told Al Jazeera. "These are right-wing, anti-democratic efforts [that] continue to create an at-

mosphere of fear and suppress this issue from the public discourse." Zochrot is an Israeli non-governmental organization that promotes acknowledgement and accountability for the ongoing injustices of the Nakba, and also promotes the Right of Return for Palestinian refugees.

DEMONSTRATION STARTS WEEK OF ACTION AGAINST MASS INCARCERATION

