

1948 – 2008: 60 Years of the Palestinian *Nakba*

---

# Survey of Palestinian Refugees and Internally Displaced Persons —— 2006 - 2007 ——



**BADIL Resource Center**  
for Palestinian Residency & Refugee Rights





1948 – 2008: 60 Years of the Palestinian *Nakba*

———— Survey of ————  
Palestinian Refugees  
and Internally  
Displaced Persons  
——— 2006 - 2007 ———



**BADIL Resource Center**  
for Palestinian Residency & Refugee Rights

BADIL is a member of the Global Palestine Right of Return Coalition

# Preface

The *Survey of Palestinian Refugees and Internally Displaced Persons* has been published by BADIL Resource Center since 2002. The *Survey* provides an overview of the case of Palestinian refugees and IDPs, which constitutes the largest and longest-standing unresolved case of refugees and displaced persons in the world today.

The *Survey* endeavors to address the lack of information or misinformation about Palestinian refugees and internally displaced persons, and to counter political arguments that suggest that the issue of Palestinian refugees and internally displaced persons can be resolved outside the realm of international law and practice applicable to all other refugee and displaced populations.

The *Survey*:

- (1) provides basic information about Palestinian displacement – i.e., the circumstances of displacement, the size and characteristics of the refugee and displaced population, as well as the living conditions of Palestinian refugees and internally displaced persons;
- (2) clarifies the framework governing protection and assistance for this displaced population;
- (3) sets out the basic principles for crafting durable solutions for Palestinian refugees and internally displaced persons which are consistent with international law, relevant United Nations Resolutions and best practice; and,
- (4) presents an overview of past and current political initiatives aimed at resolving the Palestinian refugee question, including official diplomacy and civil society efforts.

This issue of the *Survey* (Volume V) highlights the situation of Palestinian refugees and internally displaced persons on the eve of the 60<sup>th</sup> anniversary of the Palestinian *Nakba* (Catastrophe) of 1948 and 40 years into Israel's belligerent occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip. New information and data presented here cover the period between 2006 and mid-2007. A professional review of the methodology used for calculating estimates of the current Palestinian refugee and IDP population was undertaken, in order to guarantee data accuracy and reliability.

The *Survey* examines the status of Palestinian refugees and internally displaced persons on a thematic basis. Chapter One provides a short historical background to the *root causes* of Palestinian mass displacement and ongoing displacement. Chapter Two examines the *demographic characteristics and living conditions* of the Palestinian refugee and displaced population. Chapters Three and Four examine *international assistance and protection*. Chapter Five provides a *political analysis* of the negotiations and the positions of the stakeholders. Each chapter includes basic background information and highlights from the previous year.

The *Survey* also provides a list of recommendations concerning implementation of the rights of Palestinian refugees and internally displaced persons in the context of a just and comprehensive solution to the conflict in the Middle East.

The *Survey* complements other information and advocacy materials prepared for BADIL's *Campaign for Palestinian Refugee Rights* and for the Global Coalition for the Right of Return. Many of the specific issues raised in the *Survey* are addressed in more detail in other BADIL publications.

BADIL Resource Center  
June 2007



# Table of Contents

<i>Executive Summary</i>	vii
<i>Recommendations</i>	x
<i>Glossary</i>	xiii
<i>Abbreviations</i>	xx

## **Chapter One: From the Nakba to the Present Day: Ongoing Displacement**

1.1 Background	3
1.2 From Mandate to Partition	5
1.3 The <i>Nakba</i>	9
1.4 Displacement after the 1948 War	13
1.5 The 1967 War	14
1.6 Israel's Occupation Regime after 1967 and Ongoing Forced Displacement in the OPT	17
1.6.1 Deportation	17
1.6.2 Revocation of Residency Rights	17
1.6.3 Home Demolition	17
1.6.4 Land Confiscation	18
1.6.5 Colonization and Apartheid	18
1.6.6. Harassment of Jewish settlers	19
1.6.7 Israel's Wall and its Associated Regime in the Occupied West Bank	19
1.6.8 The Closure and Permit Regime in the Jordan Valley	21
1.7 Ongoing Forced Displacement in Israel	22
1.7.1 Land Confiscation and Distribution	22
1.7.2 Arbitrary Displacement in the Naqab and Galilee	22
1.7.3 Home Demolition	23
1. 8 Forced Displacement in Host Countries	23
Appendix 1.1: Notes for Figure 1.1	26
Appendix 1.2 Notes for Table 1.1	29
<i>Endnotes</i>	32

## **Chapter Two: Population Numbers, Distribution and Characteristics**

2.1 Background	43
2.2 Distribution	47
2.2.1 Refugees in Camps	50
2.2.2 Refugees Outside of Camps	56
2.3 Demographic Indicators	57
2.4 Labour Force Indicators	60
2.4.1 Labour Force Participation	60
2.4.2 Unemployment	61
2.5 Poverty	62
2.6 Housing	62
2.6.1 Overcrowding	63
2.7 Education	64
2.7.1 Enrolment	64
2.7.2 Literacy	65
2.8 Health	66

2.8.1 Women's Health	67
2.8.2 Children's Health	68
2.9 Violence against Women and Children	69
<i>Annex 2.1: Notes for Table 2.1</i>	70
<i>Endnotes</i>	72

### **Chapter Three: Assistance**

3.1 National, Regional and International Humanitarian Assistance	79
3.1.1. Arab Host States	79
3.1.2. League of Arab States (LAS)	80
3.1.3. The Palestine Liberation Organization(PLO)	81
3.1.4. Assistance in/by Israel	81
3.1.5 The UN Relief and Works Agency for Palestine Refugees (UNRWA)	83
3.1.6 Non-Governmental and Charitable Organizations	84
3.2 Main Forms of Assistance & Developments until 2006	87
3.2.1 Education	87
3.2.2 Health	89
3.2.3 UNRWA Relief and Social Services	91
3.2.4 Housing and Infrastructure	92
3.2.5 Economic Development	94
3.2.6. Emergency Assistance	94
<i>Endnotes</i>	100

### **Chapter Four: Protection**

4.1 Protection of Refugees and IDPs	107
4.2 Durable Solutions for Palestinian Refugees and IDPs	109
4.2.1 The Right of Return	111
4.2.2 The Right to Restitution	113
4.2.3 The Right to Compensation	115
4.3 Protection in Israel and the Occupied Palestinian Territory	118
4.3.1 Protection of Palestinian Refugees and IDPs in Israel	118
4.3.2 Protection of Palestinian Refugees and IDPs in the Occupied Palestinian Territory	120
4.4 Protection in Arab Host States	123
4.4.1 Instruments and Mechanisms of the League of Arab States	123
4.4.2 Protection Practice in Arab Host States	124
4.5 Protection in Countries Outside the Middle East	131
4.5.1 Instruments and Mechanisms	131
4.6 International Protection Agencies and Mechanisms	135
4.6.1 International Committee of the Red Cross	135
4.6.2 The United Nations Conciliation Commission for Palestine	137
4.6.3 The UN Relief and Works Agency for Palestine Refugees	141
4.6.4 The Office of the UN High Commissioner for Refugees	144
4.6.5 The Office of the High Commissioner for Human Rights	146
4.6.6 UN Office for the Coordination of Humanitarian Affairs	147
4.6.7 The UN Collaborative Response to Situations of Internal Displacement	147
4.6.8 The International Court of Justice and the United Nations Register of Damage	148
4.6.9 Universal Jurisdiction	149
<i>Endnotes</i>	150

## **Chapter Five: Politics and the Question of Palestinian Refugees and IDPs**

5.1 Refugees/IDPs and Peace Agreements	165
5.2 Bilateral and Multilateral Negotiations on the Palestinian Refugee Question	165
5.2.1 Negotiations Concerning the 1948 Palestinian Refugees	166
5.2.2 Negotiations Concerning the 1967 Refugees	170
5.3 Political Actors, Peace, and the Question of Palestinian Refugees	171
5.3.1 The Palestine Liberation Organization (PLO)	171
5.3.2 Israel	171
5.3.3 The Quartet	172
5.3.4 The United States	173
5.3.5 The United Nations	174
5.3.6 The European Union	174
5.3.7 The League of Arab States	175
5.3.8 The Organization of Islamic Conference	175
5.3.9 The African Union and the Non-Aligned Movement	175
5.4 Civil Society Initiatives for Refugee and IDP Rights	175
5.4.1 Participation by Palestinian refugees and IDPs	175
5.4.2 Civil Society Initiatives	177
5.4.3 International Human Rights Organizations	179
<i>Endnotes</i>	180

## **List of Tables**

Table 1.1: Estimated Area of Palestinian Land Expropriated/Confiscated, by Period of Expropriation/Confiscation	3
Table 1.2: Refugee Camps Destroyed in Lebanon	24
Table 2.1: Palestinian Refugees and Internally Displaced Palestinians (IDPs)	44
Table 2.2: Number of Convention Refugees, People of Concern to the UNHCR, and Internally Displaced Persons Worldwide, 2006	46
Table 2.3: Distribution of 1948 Registered Refugees, by District of Origin and by Field	50
Table 2.4: Registered Refugees in Official Camps	51
Table 2.5: Population of Palestinian Refugees in Camps (official and unofficial), 31 March 2007	52
Table 2.6: Percentage of Refugee Population in the Occupied Palestinian Territory	56
Table 2.7: Distribution of Palestinian Refugees Outside Camps in Lebanon	57
Table 2.8: Infant and Child Mortality Rates for Palestinian Refugees (per 1,000 births)	59
Table 2.9: Refugee and IDPs Total Labour Force Participation	60
Table 2.10: Unemployment Rates in Jordan, Lebanon, and Syria (2003) (shown as %)	61
Table 2.11: Enrolment Levels (%) in Lebanon, Jordan, Syria, and West Bank & Gaza Strip	64
Table 2.12: Illiteracy (%) in Lebanon, Jordan and Syria	66
Table 2.13: Selected Health Indicators for Women	67
Table 2.14: Selected Child Health Indicators	68
Table 2.15: Percentage of Children (ages 5-14) Chronically Ill or Disabled	69
Table 3.1: Main sources of Humanitarian/Emergency Assistance Received, as Reported by Palestinian Households in the OPT, 2006	83
Table 3.2: UNRWA School Population, Number of Schools, Teachers, Training Places	87
Table 3.3: Percentage of Refugee Students in UNRWA, Government and Private Schools, 2003	88
Table 3.4: Access to Government Education by Palestinian Refugees	89
Table 3.5: Access to Government Health-care Systems for Secondary and Tertiary Care Services	90

Table 3.6: Top 10 UNRWA Donors in 2006	95
Table 3.7: Total Arab State Contributions to UNRWA, Including Regular Budget, Emergency Appeals and Projects, 1950-2006	96
Table 3.8: Selected Indicators for Impact of Donor Shortfalls to UNRWA, 2005-2006	97
Table 3.9: Summary of Emergency Appeals in the Occupied Palestinian Territory, 2000-2006	99
Table 4.1: UNCCP Summary Schedule of Land Settled by Cadastral Survey and Non-settled Land (excl. Beersheba sub-district) in Forms RP/1 and RP/3	139
Table 4.2: Estimates of Palestinian Refugee Losses (US\$ millions) in 1948	141

### ***List of Figures***

Figure 1.1: Estimated Number of Palestinians Displaced, by Period of Displacement	3
Figure 2.1: Distribution of the Palestinian Population Worldwide by Refugee Status, 2006	46
Figure 2.2: Localities in Israel Hosting 100 or more Palestinian IDPs (1948-1950)	47
Figure 2.3: Estimates of the Number of Palestinian Refugees and IDPs Worldwide, 2006	49
Figure 2.4: Age Structure of Palestinian Refugees	58
Figure 2.5: Total Refugee Fertility Rates, 2005-2006	59
Figure 2.6: Percentage of Overcrowded Households, 2004	63
Figure 3.1: Distribution of Sources of Funding by Donor and Budget Fund	96

### ***List of Maps***

Map 1.1: Palestine under British Mandate Administration (1917-1948)	6
Map 1.2: The United Nations Partition Plan for Palestine (1947) and the (1949) Armistice Line	8
Map 1.3 :1948 Depopulated Palestinian Communities and those Remaining	11
Map 1.4: The 1967 Occupied Palestinian Territory and Depopulated Villages in 1967	16
Map 1.5: Israel's Wall in the Occupied Palestinian West Bank, 2006	20
Map 2.1: Palestinian Refugee Communities: Official, Unofficial, Closed, Destroyed, Camps and Housing Projects - 2006	55

### **Note on Sources**

The information in the *Survey* is compiled from a variety of sources, including published reports, books, United Nations documents, press reports, unpublished materials and data from the Palestinian Central Bureau of Statistics (PCBS). The information presented in the *Survey* represents the most recent information available to BADIL Resource Center at the time of publication.

Because of the nature of Palestinian displacement, registration and enumeration, and technical and political complications related to the collection of information about Palestinian refugees, systematic data and information for all groups of Palestinian refugees and internally displaced persons is not available. The most extensive data and information covers those Palestinian refugees displaced in 1948 and registered with the UN Relief and Works Agency for Palestine Refugees (UNRWA). There is little data and information on Palestinian refugees residing in Europe, North America and other areas outside the Middle East. Systematic data and information is also lacking for internally displaced Palestinians in both Israel and the occupied Palestinian territory.

# Executive Summary

Palestinian refugees and internally displaced Palestinians represent the largest and longest-standing case of displacement in the world today. On the eve of the 60<sup>th</sup> anniversary of the *Nakba*, the massive displacement of Palestinians by Israel in 1948, two out of every five refugees in the world are Palestinian. At the beginning of 2007, there were approximately 7 million Palestinian refugees and 450,000 internally displaced Palestinians, representing 70% of the entire Palestinian population worldwide (10.1 million).

Palestinian refugees include those who became refugees following the first Arab-Israeli war in 1948 (the *Nakba*) and the second Arab-Israeli war in 1967, as well as those who are neither 1948 nor 1967 refugees but outside the area of former Palestine and unable or unwilling to return owing to a well-founded fear of persecution. The largest group of Palestinian refugees is made up of those who were displaced or expelled from their places of origin as a result of the *Nakba*. Internally displaced Palestinians include those who were displaced within Israel and the occupied Palestinian territory.

Internal displacement continued unabated in the occupied Palestinian territory (OPT) in 2006. Israeli military operations in the occupied Gaza Strip in the summer of 2006, for example, caused the internal displacement of 5,100 persons. The Wall and its associated regime in the occupied West Bank is also forcibly displacing Palestinian communities, including in occupied eastern Jerusalem, where it was cited as the main reason for the relocation of 17% of the people. Thousands may also have been forcibly displaced in the Jordan Valley as a result of closure, home demolition and eviction orders.

Similar patterns of displacement are also found in Israel, where urban development plans for the exclusive benefit of Jewish communities have displaced indigenous Palestinian communities in the Naqab (Negev) and Galilee.

Palestinian refugees in host countries are also vulnerable to forced displacement. For instance, as a result of the US-led aggression and occupation of Iraq since 2003, persecution has forced over half of the approximately 34,000 Palestinian refugees residing in Iraq to leave the country. During Israel's war on Lebanon in the summer of 2006, approximately 16,000 Palestinian refugees were displaced within Lebanon and to neighboring countries.

The living conditions of Palestinian refugees in the OPT have declined dramatically in 2006 due to the ongoing conflict, Israel's withholding of Palestinian Authority taxes, sanctions imposed by the international community, continued shortfall in donor contribution to refugee assistance, and unresolved gaps in the international protection regime. In 2006, for instance, 39% of Palestinian refugees in the OPT were poor while the health conditions of the population and educational achievement of children decreased. The living conditions of Palestinian refugees in Lebanon have also deteriorated because of Israel's war in the summer of 2006.

In the aftermath of the *Nakba*, a special protection and assistance regime was set up for Palestinian refugees. The regime was composed of the UN Conciliation Commission for Palestine (UNCCP), the UN Relief and Work Agency in the Near East (UNRWA) and the UN High Commissioner for Refugees (UNHCR). The UNCCP was mandated to provide protection to Palestinian refugees, including the search for durable solutions (i.e. voluntary repatriation, resettlement or local integration), but effectively ceased to operate in the mid-1950s. UNRWA is mandated to provide assistance to 1948 and 1967 Palestinian refugees and to those displaced as a result of subsequent hostilities. Although UNRWA has enhanced its protection activities by means of a rights-based approach to assistance and emergency operations, there still is a protection gap for Palestinian refugees, especially for those living in UNRWA's area of operations. Outside UNRWA's area of operations, UNHCR is the international agency responsible for providing both assistance and protection to Palestinian refugees.

UNRWA faces many difficulties in the implementation of its mandate in Lebanon, Syria, Jordan and the OPT as a result of lack of funding and conflicts in the region. The political and humanitarian crisis in the 1967-occupied



Palestinian territory, brought about by Israeli military siege and assaults on civilian areas, including refugee camps, and international sanctions since 2006, as well as Israel's war on Lebanon, have placed further strain on the capacity of the Agency to provide adequate assistance for Palestinian refugees.

Outside UNRWA's area of operations, Palestinian refugees are often denied the rights guaranteed under the 1951 *Refugee Convention* when they seek asylum. National protection of Palestinian refugees in particular has been ineffective as a result of non-application or misinterpretation of Article 1D of the 1951 *Refugee Convention* by national authorities and courts. This has given rise to a "protection gap" in violation of the rights of Palestinian refugees.

Moreover, no international agency is actively searching for durable solutions for Palestinian refugees in accordance with UN Resolutions 194 and 237. Unlike most refugees and displaced persons elsewhere in the world, who usually seek protection against *refoulement*, the primary problem facing Palestinian refugees is Israel's denial of their right to return (i.e. repatriation) to their homes of origin.

No international agency has a mandate to provide assistance and protection for internally displaced Palestinians in Israel. In the occupied Palestinian territory, UNRWA and other international organizations may provide temporary emergency assistance to internally displaced persons (IDP) but no protection is available. The UN Collaborative Response to Situations of Internal Displacement has not yet been applied to Palestinian IDPs.

The performance-based *Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict* has remained the official political framework for international peacemaking, although Israel is implementing unilateral measures, which include components of colonialism and apartheid, in violation of both the *Road Map* and international law. These unilateral measures are applied in order to annex *de facto* the main Jewish colonies ("settlements") and large areas of Palestinian land in the occupied West Bank, while a Jewish demographic majority in Israel is maintained through an increasingly restrictive regime of separation on national grounds.

There was no change in the fundamental positions of Israel and the Palestine Liberation Organization (PLO) regarding the parameters for durable solutions for Palestinian refugees and internally displaced Palestinians, and official political negotiations remained frozen. Israel continued to advocate for a politically-driven and pragmatic solution of the refugee question which excludes recognition of the right of return, arguing that Palestinian refugees should be resettled in Arab states or third countries outside the region. Israeli official and public debate concerning Palestinian refugees focused on demography (i.e., how to maintain a Jewish majority) and separation (i.e., how to separate from the Palestinian population while keeping control of its land). Official statements by the PLO continued to promote a rights-based approach to the refugee question, including a solution in accordance with UN Resolution 194 and the rights to return, property restitution and financial compensation of Palestinian refugees and IDPs.

The United States and Israel continued to vote against UN resolutions that reaffirmed the applicability of international law to the solution of the Palestinian refugee question. The European Union has not formulated a clear policy regarding Palestinian refugees and IDPs, and has not explicitly recognized the right of return, or rights to restitution and compensation of Palestinian refugees.

In the absence of effective protection of their rights to return, restitution and compensation on the part of much of the international community and the United Nations, Palestinian refugees and IDPs have attempted to effect these rights by themselves. In 2006-7, for instance, public participation in annual commemorations of the *Nakba* of 1948 continued to expand. Palestinian citizens of Israel published four interrelated proposals for reform of Israel's political and legal system, including demands for democratisation of the state of Israel and Israel's recognition of its responsibility for the *Nakba*.

Campaigns for boycott, divestment and sanctions (BDS) against Israel are increasingly applied by civil society in order to pressure state actors and companies to enforce international law, in particular after the 2004 ruling of the International Court of Justice (ICJ). On 9 July 2005, on the first anniversary of the ICJ ruling on Israel's Wall in the occupied Palestinian territory, over 170 Palestinian networks and organizations issued the Palestinian Civil Society Call for boycott-divestment-sanction (BDS) until such time as Israel abides by international law. Inspired by the campaign against apartheid in South Africa, numerous BDS motions and activities have been launched since 2006 by churches, unions, political parties, student bodies, community organizations and solidarity committees in various countries, including Belgium, Canada, Ireland, the Netherlands, Norway, Scotland, South Africa, Sweden, Switzerland, the United Kingdom and the United States, as well as in Israel.

The number of civil society initiatives, supporting or working towards a rights-based solution for Palestinian refugees and internally displaced persons has continued to grow in 2006. This includes a small but growing number of Israeli-Jewish initiatives to educate and raise awareness inside Israel about Palestinian refugees and the role of international law in finding durable solutions.

International and local human rights organizations also continued to remind state parties that excluding rights from the political process for reasons of expediency would have terrible consequences, as human rights violations and lack of respect for the rule of law in general would effectively undermine any political process.

# Recommendations

## General Recommendations

**1. Strengthen the rule of law:** The current and future status of Palestinian refugees and internally displaced persons should be addressed by a framework consistent with international law, relevant United Nations resolutions (UNGA 194(III) and UNSC 237), and best practice. Fundamental principles include the rights of refugees and IDPs to return to their homes of origin, repossess their homes, lands and properties, and be compensated for losses and damages. Robust mechanisms should be developed to investigate human rights violations, determine responsibility and accountability for the injuries, loss of life and property violations, ensure reparations from those responsible, and prosecute those guilty of serious violations of international law.

**2. Facilitate refugee/IDP participation:** The process of clarifying protection gaps and crafting durable solutions should include the refugee and IDP communities in order to strengthen democratic principles and structures, expand the range of solutions and lend greater legitimacy to any future peace agreement. Special emphasis should be accorded to the inclusion of Palestinians outside the 1967-occupied Palestinian territory and Israeli civil society as well as women, children and the elderly.

**3. In light of the 60<sup>th</sup> anniversary of the Palestinian *Nakba* in 2008:** A strong effort should be undertaken by civil society and official parties for more awareness, recognition and accountability pertaining to the rights of Palestinian refugees and IDPs. States and the United Nations are called upon to reaffirm the rights of return and restitution of Palestinian refugees and to activate mechanisms and resources, in order to re-examine the obstacles to the return, restitution and compensation of all displaced Palestinians, in particular the 1948 Palestinian refugees.

## International Community

**1. Support rights-based durable solutions:** The Quartet (US, Russia, EU and UN) and other members of the international community should support and facilitate solutions for Palestinian refugees and IDPs consistent with international law, relevant UN resolutions and best practice.

**2. Adopt and apply proper interpretation of Article 1D (Refugee Convention):** States signatories to the *1951 Convention Relating to the Status of Refugees* should incorporate Article 1D into national legislation and apply Article 1D to asylum cases involving Palestinian Refugees. States should not return-deport Palestinian refugees unless asylum authorities are able to establish that effective protection is guaranteed in the country s/he is to be removed to.

**3. Implement the protection standards of the Statelessness Convention:** States signatories should adopt and apply provisions of the *1954 Statelessness Convention* in line with the proper interpretation of Article 1D (*Refugee Convention*) and develop appropriate procedures for the assessment of protection claims under the *Convention*.

**4. Strengthen regional instruments and mechanisms for refugee protection and durable solutions:** Members states of the League of Arab States should develop the *1965 Protocol on the Treatment of Palestinians* in line with the *1992 Cairo Declaration* and regional refugee instruments such as the *1969 Convention Governing the Specific Aspects of Refugee Problems in Africa* with the aim of increasing the scope of protection and clarifying the applicable framework for durable solutions. States members should also strengthen regional mechanisms to monitor the implementation of relevant regional standards.

**5. Increase donor assistance to UNRWA:** States should increase contributions for refugee assistance in line with the average annual growth rate of the refugee population and the annual weighted average rate of inflation in UNRWA's areas of operation. Arab states should bring contributions in line with the commitment set forth in LAS Resolution 4645 (1987) (i.e. 7.8 percent of UNRWA's total regular budget).

**6. Not to recognize the illegal situation resulting from the construction of the wall and its associated regime:**

States should not recognize the *fait accompli* resulting from the construction of the Wall and not render assistance in maintaining the situation created by such construction. States also should ensure compliance by Israel with international human rights and humanitarian law.

## United Nations

**1. Identify agency responsibility to search for and implement durable solutions:** UNHCR, UNRWA, UNCCP and other relevant bodies should continue inter-agency consultation and coordination with the aim of clarifying respective mandates and identifying agency responsibilities for the search for and implementation of durable solutions. The appropriate body or bodies should draft a framework for durable solutions based on international law, relevant UN resolutions and best practice and make clear to all stakeholders that an agreement should be consistent with the consensus of voluntary repatriation, restitution and compensation based on the free and informed choice of each individual.

**2. Identify agency responsibility to protect Palestinian refugees and IDPs in UNRWA areas of operation:** Effective remedy of the protection gap for Palestinian refugees in UNRWA areas of operation and IDPs requires clarification of mandates (i.e. division of protection and assistance roles) and increased inter-agency coordination between UNHCR, UNRWA, UNCCP and other relevant bodies. These three agencies, having been accorded a lead role in the provision of protection and assistance for Palestinian refugees/IDPs should take the initiative to establish a coordination mechanism or secretariat for the exchange of documents, information, data and reports regarding their respective policies and operations.

**3. Establish comprehensive registration system for Palestinian refugees and IDPs:** The United Nations should coordinate action to establish a comprehensive registration system for Palestinian refugees and IDPs for the purpose of international protection and crafting of durable solutions. A comprehensive registration system should include all categories of Palestinian refugees and internally displaced persons.

**4. Ensure that the Register of Damage as a result of the Construction of the Wall and its associated regime registers forced displacement:** The United Nations Register of Damage should include within its scope of damages forced displacement and the number of internally displaced persons caused by the construction of the Wall and its associated regime. Immediate action should be taken in order to ensure that meaningful and comprehensive registration of damages becomes available for Palestinian victims in the OPT at the earliest possible date and to prevent destruction of valuable evidence over time.

## Government of Israel

**1. Comply with international law standards for durable solutions:** The government of Israel should repeal or revise nationality and property legislation to bring relevant laws into compliance with international human rights obligations, as recommended by various United Nations Human Rights Treaty Bodies, so that Palestinian refugees may re-establish domicile in their homeland and repossess their homes and properties. The government of Israel should also implement without further delay the 1951 High Court decisions regarding the return of IDPs from the villages of Iqrit and Bir'im in the context of implementing durable solutions for all IDPs inside Israel. The government of Israel should provide access to all archives containing 1948-related documentation and other documentation related to the displacement and dispossession of Palestinians since that time.

**2. Implement protection standards in the 1967 occupied Palestinian territory:** The government of Israel should apply international human rights instruments and the Fourth Geneva Convention in their entirety in the 1967 occupied Palestinian territory and end its occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip.

### **3. Implement the ruling of the International Court of Justice regarding the legality of the construction of the Wall in the occupied West Bank**

The government of Israel should implement the ruling of 9 July, 2004 from the International Court of Justice and the UN General Assembly Resolution (A/RES/ES-10/15, 2 August 2004). The government of Israel should stop the construction of the Wall and dismantle the associated administrative regime, which is causing a new wave of forced displacement and dispossession. It should also make reparation for all damages incurred.

**4. Dismantle discriminatory para-statal institutions:** The government of Israel should review its relationship with the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, as recommended by UN Human Rights Treaty Bodies, and dismantle those institutions which discriminate against Palestinians by providing preferential public services to Jews which are not available to Palestinians.

## **Palestine Liberation Organization**

**1. Develop a draft framework and mechanisms for durable solutions:** The PLO should draft a framework for durable solutions for Palestinian refugees and IDPs in consultation with refugee and IDP communities consistent with international law, relevant UN resolutions and best practice. The PLO should also design a model for mechanisms to implement durable solutions, including return and housing and property restitution.

**2. Strengthen the Department of Refugee Affairs:** The PLO should strengthen the capacity of the Department of Refugee Affairs as the Palestinian body mandated to oversee the refugee issue. The PLO should strengthen, and where applicable, establish PLO offices where Palestinian refugees can seek the assistance and protection of their representatives.

**3. Rebuild the representative structures of the PLO:** The PLO should reform and re-build structures which represent Palestinians of all political-ideological affiliations so that all Palestinians, including refugees and IDPs, can fully participate in the search for a solution to the Palestinian-Israeli conflict, and the refugee issue in particular, and so that elected officials can more effectively represent their constituency.

## **Civil Society**

**1. Raise awareness about refugee rights and build political vision for a rights-based solution of the protracted conflict between Israel and the Palestinian people:** Palestinian, Israeli-Jewish and international civil society organizations should raise awareness about refugee rights and the framework for durable solutions for refugees and displaced persons worldwide that is also applicable to Palestinian refugees. Joint efforts should be undertaken for a political vision that can offer alternatives to the existing official models based on separation of the land and the people, which violate refugee rights and have been politically ineffective.

**2. Lobby and campaign for a solution consistent with international law, relevant UN resolutions and best practice:** Palestinian, Israeli-Jewish and international civil society organizations should lobby and campaign States and international organizations to adopt a rights-based approach to durable solutions for Palestinian refugees and internally displaced persons. Boycotts, divestments and sanctions should be considered as legitimate means of pressure.



# Glossary

<b>Absentee</b>	A person who, at any time during the period between 29 November 1947 and the day on which the state of emergency (declared on 19 May 1948) ceased to exist, was a legal owner of any property situated in the area of Israel or enjoyed or held it, by himself or through another, and who, at any time during the same period: (1) was a national or citizen of Lebanon, Egypt, Syria, Saudi Arabia, Jordan, Iraq or Yemen; (2) was in one of these countries or in any part of Palestine outside the area of Israel; or (3) was a Palestinian citizen and left his ordinary place of residence in Palestine for a place outside Palestine before 1 September 1948 or for a place in Palestine held at the time by forces which sought to prevent the establishment of the state of Israel or which fought against its establishment (as defined by Israel's 1950 Absentees' Property Law).
<b>Area of UNRWA operations</b>	A state or territory where the United Nations Relief and Works Agency for Palestine Refugees in the Near East ( <i>see UNRWA below</i> ) provides international assistance to Palestine refugees ( <i>see Palestine refugees below</i> ). These currently include Jordan, Lebanon, Syria, the occupied West Bank and the occupied Gaza Strip.
<b>Armistice Line</b>	The 1949 ceasefire line delineating the boundary between Israel and the West Bank and Gaza Strip. The armistice line is not an international border.
<b>Assistance</b>	Aid provided to address physical and material needs. This may include food items, medical supplies, clothing and shelter, as well as the provision of infrastructure, such as schools, services, education and health care. In UNHCR practice, assistance supports and complements the achievement of protection objectives.
<b>Asylum</b>	Admission to residence and last protection against the exercise of jurisdiction by the state of origin (temporary or permanently). A refugee does not have a right to be granted asylum. States still maintain the discretionary power to grant asylum to refugees and to prescribe the conditions under which asylum is to be enjoyed. However, many states have adopted the refugee definition as the criterion for the grant of asylum.
<b>Balfour Declaration</b>	One-page letter from Arthur Balfour from 1917, the British Secretary of Foreign Affairs to Lord Rothschild, head of the British Zionist Federation, granting explicit recognition of and support for the idea of establishing a Jewish homeland in Palestine through immigration and colonization.
<b>Convention refugee</b>	A person recognized as a refugee by states under the criteria of Article 1A of the 1951 Convention Relating to the Status of Refugees, and entitled to the enjoyment of a variety of rights under that Convention.
<b>Displaced person</b>	A Palestinian displaced within and from the West Bank and Gaza Strip in the context of the 1967 Arab-Israeli conflict and falling within the scope of UNSC Resolution 237 (1967). The term includes persons displaced externally and internally at that time, as well as their descendants. The term is also used by UNRWA in reference to persons falling under its mandate in accordance with UNGA Resolution 2252 (1967). The term does not include Palestine refugees ( <i>see below</i> ) displaced to the West Bank and Gaza Strip during the 1948 Arab-Israeli conflict.

<b>Durable solutions</b>	The means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives. The three durable solutions are voluntary repatriation (i.e., return), host country integration and third country resettlement. Voluntary repatriation in safety and dignity, based on the refugee's free and informed decision, is the preferred option and an independent right enshrined in human rights law. Housing and property restitution is an integral component of repatriation.
<b>Ex-Gazan</b>	A Palestinian who left the Gaza Strip and went to Jordan as a result of the 1967 Arab-Israeli conflict. This includes Palestine refugees ( <i>see below</i> ) who came to the Gaza Strip in 1948 and persons whose home of origin is the Gaza Strip, and their descendants.
<b>IDF</b>	Israeli Defence Force
<b>Internally Displaced Persons</b>	<p>Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular <i>as a result of or in order to avoid</i> the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border. The term includes:</p> <p>(1) Palestinians displaced during the first Israeli-Arab conflict in 1947-48 from their homes in that part of Palestine which became Israel on 15 May 1948, and who are unable to return to their homes.</p> <p>(2) Palestinians who were (and continue to be) displaced from their homes inside Israel after 1948, and who are unable to return to their homes.</p> <p>(3) Palestinians originating from the West Bank or the Gaza Strip, who were internally displaced for the first time during the 1967 Israeli-Arab conflict, and who are unable to return to their homes.</p> <p>(4) Palestinians originating from the West Bank or the Gaza Strip who were (and continue to be) internally displaced for the first time as a result of human rights violations by the Israeli occupation regime occurring after the 1967 Israeli-Arab conflict (e.g., home demolition, land confiscation, "separation wall").</p>
<b><i>Intifada</i></b>	Popular Palestinian uprisings against the Israeli occupation of the West Bank and the Gaza Strip. The first <i>intifada</i> began in 1987 and ended in 1991 (Madrid Conference). The second <i>intifada</i> began in September 2000 following the collapse of the Oslo Peace Process and is still ongoing.
<b>Green Line</b>	See "Armistice Line" above.
<b>Integration</b>	One of three durable solutions afforded to refugees and displaced persons. Unlike repatriation ( <i>see below</i> ), refugees do not have a fundamental right to voluntarily integrate into the host state.
<b>Jewish National Fund</b>	(Keren Kayemeth LeIsrael) A quasi-public Jewish institution established in 1901 to purchase land in Palestine and Syria for Jewish colonization and the creation of a Jewish state. The fund was incorporated as an Israeli company in 1953. The fund holds and develops land exclusively for the benefit of Jews. In the 1950s, the state of Israel sold more than 2 million dunums of absentee Palestinian refugee property to the JNF. The JNF holds nine of nineteen seats in the governing body of the Israel Lands Administration, the government body responsible land policy, development, planning and land acquisition for public purposes.

<b>Jewish State</b>	A term used by Israel to define the character of the state. Israel's High Court (Ben-Shalom <i>vs.</i> Central Election Committee) states that the Jewish character of the state is defined by three inter-related components: (1) that Jews form the majority of the state; (2) that Jews are entitled to preferential treatment including the Law of Return; and (3) that a reciprocal relationship exists between the state and Jews outside of Israel.
<b>Mandate for Palestine</b>	A type of international trusteeship entrusted by the League of Nations in 1920 to Great Britain. The purpose of the Mandate system was to facilitate the independence of non-self-governing territory. The Mandate for Palestine, however, aimed to facilitate the colonization of the country through Jewish immigration and settlement in order to secure the establishment of a Jewish national home.
<b><i>Nakba</i></b>	An Arabic term meaning “catastrophe”, referring to the mass displacement and dispossession of Arab Palestinians in 1948.
<b>National</b>	A person recognized as having the status of a legal bond with a state as provided for in law. Some states use the word “nationality” to refer to this legal bond, while others use the word “citizenship”.
<b>Nationality</b>	The status of being a citizen of a particular nation or country.
<b><i>Non-refoulement</i></b>	A core principle of refugee law that prohibits states from returning refugees in any manner whatsoever to countries or territory in which their lives or freedom may be threatened. The principle of <i>non-refoulement</i> is a part of customary international law and is therefore binding on all states, whether or not they are parties to the 1951 Refugee Convention.
<b>Occupied Palestinian Territory</b>	That part of former Palestine (22%) occupied by Israeli military forces in 1967.
<b>Palestine Liberation Organization</b>	The body formed in January 1964 to represent the Palestinian people and reconstitute their rights in their historic homeland as set forth in the Palestine National Charter. The two most important institutions of the PLO are the 669-member parliament and the 15-member executive committee. Economic institutions of the PLO include the Palestinian National Fund and the Palestine Martyrs' Works Society. Major social institutions include the Palestinian Red Crescent Society, the Department of Education, the Institute for Social Affairs and the multiple unions into which Palestinians have organized themselves. The PLO holds a permanent observer seat in the UN General Assembly.
<b>Palestine Refugee</b>	The term used by UNRWA ( <i>see below</i> ) in its registration system to refer to any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.
<b>Palestinian Authority</b>	The body established under the 1993 Declaration of Principles on Interim Self-Government Arrangements and the 1994 Agreement on the Gaza Strip and Jericho Area to administer those parts of the 1967-occupied Palestinian territory evacuated by Israel pending the negotiation of a final settlement. The Palestinian Authority is an organ of the PLO ( <i>see above</i> ).

<b>Palestinian refugee</b>	<p>Common language used to designate all those Palestinians who have become (and continue to be) externally displaced (with regard to 1948 refugees, outside the area that became the state of Israel, and with regard to 1967 displaced persons, outside the OPT) in the context of the ongoing Israeli-Palestinian conflict, as well as their descendants. The term refers to the following three groups:</p> <p>(1) 1948 refugees under UNGA Resolution 194(III) (“Palestine Refugees” in UNRWA terminology, including both registered and non-registered refugees);</p> <p>(2) 1967 refugees under UNSC Resolution 237 (“Displaced Persons” in UN terminology and used by UNRWA with particular reference to UNGA Resolution 2252);</p> <p>(3) Other Palestinians originating from the West Bank and the Gaza Strip who have been forced to leave these areas owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and who are unable or, owing to such fear, unwilling to return to these areas.</p>
<b>Population transfer</b>	<p>The systematic, coercive and deliberate movement of a population into or out of an area with the effect or purpose of altering the demographic composition of a territory, particularly when that ideology or policy asserts the dominance of a certain group over another.</p>
<b>Present absentee</b>	<p>Palestinian who is regarded as an absentee under Israel’s 1950 Absentees’ Property Law, but who remained in that part of former Palestine that became the state of Israel in 1948.</p>
<b>Protection</b>	<p>Interventions by UNHCR or international organizations on behalf of asylum-seekers and refugees to ensure that their rights, security and welfare are recognized and safeguarded in accordance with international standards. Such interventions include: ensuring respect for the right of non-<i>refoulement</i>; admission to safety; access to fair procedures for the determination of refugee status; human standards of treatment; and the implementation of durable solutions. Some important rights are mentioned in the 1951 Refugee Convention, including non-discrimination (Article 3); the right to work (Article 17); the right to housing (article 21); the right to education (Article 22); and the right to be protected against forcible return (Article 33). In addition to these rights, refugees enjoy basic human rights as enshrined in the Universal Declaration of Human Rights (1948); the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); and the UN Convention on the Rights of the Child (1989). The search for durable solutions is also an important component of protection (see durable solutions).</p>
<b>Quadripartite Committee</b>	<p>A committee established under the Interim Agreements (<i>see above</i>) between the PLO and Israel to discuss the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967. The committee is composed of Israel, the Palestinians, Jordan and Egypt.</p>
<b>Refugee camp</b>	<p>A plot of land placed at the disposal of the UN Relief and Works Agency for Palestine refugees (<i>see below</i>) by a host government in order to accommodate Palestinian refugees and set up facilities to cater to their needs.</p>

<b>Refugee Office</b>	A sub-office established in 1950 by the UN Conciliation Commission for Palestine ( <i>see below</i> ) to identify property ownership inside Israel and examine various interim measures by which refugees could derive income from their properties.
<b>Refugee Working Group</b>	A body established in 1992 to improve the living conditions of Palestinian refugees and displaced persons without prejudicing the final status deliberations on the refugee issue, to ease and extend access to family reunification, and to support the process of achieving a viable and comprehensive solution of the refugee issue. The body is comprised of Egypt, Israel, Jordan, Lebanon, the Palestinians and Syria, although Lebanon and Syria have boycotted the Group. The Refugee Working Group is headed by Canada.
<b>Registered refugee</b>	See <i>Palestine refugee</i> above. The term does not indicate refugee status, but rather eligibility for assistance from the UN Relief and Works Agency for Palestine Refugees ( <i>see below</i> )
<b>Repatriation or right of return</b>	<i>Repatriation</i> is one of three durable solutions afforded to refugees and displaced persons. Voluntary repatriation in safety and dignity, based on the fundamental right to return to one's home and country, is recognized as the most appropriate solution to refugee flows. It is the right of refugees to return to their country of origin. The <i>right of return</i> is independent from the acquisition of citizenship or any other legal status. It is a fundamental human right enshrined in human rights and humanitarian law. At any time, even if locally integrated or resettled in a third country, refugees may decide to return to their homes spontaneously or as part of a repatriation program. UNHCR stresses these fundamental points: (1) refugees are free and have the right to return to their country of origin at any time; (2) the decision by a refugee to return should be voluntary; (3) refugees must be provided with objective and up-to-date information about the situation in their country of origin in order to make an informed decision about repatriation; and (4) the level of assistance and protection provided in the country of refuge should not be the determining factor for refugees to decide whether or not to return.
<b>Resettlement</b>	One of three durable solutions afforded to refugees and displaced persons. Unlike repatriation ( <i>see above</i> ) refugees do not have a fundamental right to resettle in a third state.
<b>Restitution</b>	The legal remedy designed to correct the illegal taking of property from its rightful, original owner through the restoration of wrongfully taken property to the original owner. Restitution is an integral component of voluntary repatriation. Compensation may be used when restitution is not physically possible, or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution.
<b>Road Map</b>	An international framework adopted by the United States, Russia, the European Union and the United Nations in 2003 and setting out a three-stage process based on UN Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) for a two-state solution to the Israeli-Palestinian conflict.



<b>RRA</b>	Refugee Rehabilitation Authority. Israeli agency that operated during the early 1950s primarily in official and semi-official “shelter villages.” The number of IDPs handled by the RRA was small.
<b>SHC</b>	Special Hardship Case. UNRWA term denoting households in special need of assistance. SHCs are defined as households having no male adult medically fit to earn an income and no other identifiable means of financial support above a defined level. UNRWA began to offer special assistance to refugee households qualifying as special hardship cases in 1978. Eligibility criteria for the special hardship programme have traditionally been based on status rather than needs.
<b>Stateless person</b>	A person who is not considered a national by any state under the operation of its law.
<b>Statelessness</b>	The condition of not being considered as a national by any state under the operation of its law.
<b>Temporary Protection</b>	An arrangement or device developed by states to offer protection of a temporary nature to persons arriving <i>en masse</i> from situations of conflict or generalized violence, without prior individual status determination.
<b>Unofficial camp</b>	Camps established to provide additional accommodation for Palestinian refugees. Official and unofficial camps have equal access to services provided by the UN Relief and Works Agency for Palestine Refugees ( <i>see below</i> ), except for solid waste collection.
<b>UN Mediator</b>	The special representative of the United Nations mandated to facilitate a solution to the Israeli-Palestinian conflict in 1948. The Mediator, Count Folke Bernadotte, was assassinated by Zionist militia in September 1948 shortly after releasing his recommendations. These became the basis for UN General Assembly Resolution 194(III) calling upon Israel to permit the return of refugees displaced during the war to their homes.
<b>UNCCP</b>	United Nations Conciliation Commission for Palestine. The international organ established by the United Nations in 1948 to protect and facilitate solutions for all persons displaced during the 1948 Arab-Israeli conflict and to facilitate a solution to all outstanding issues between the parties.
<b>UNHCR</b>	United Nations High Commissioner for Refugees. The international organ established by the United Nations in 1949 to protect and seek solutions for refugees worldwide.
<b>UNRWA</b>	United Nations Relief and Works Agency for Palestine Refugees in the Near East. The international organ established by the United Nations in 1949 to provide assistance to persons displaced during the 1948 Arab-Israeli conflict. The United Nations later requested the Agency to provide assistance to persons displaced during the 1967 Arab-Israeli conflict.

**Voluntariness**

A key factor governing durable solutions. Voluntariness means not only the absence of measures that push or coerce the refugee to repatriate, but also that he or she should not be prevented from returning.

**The Wall and its Associated Regime**

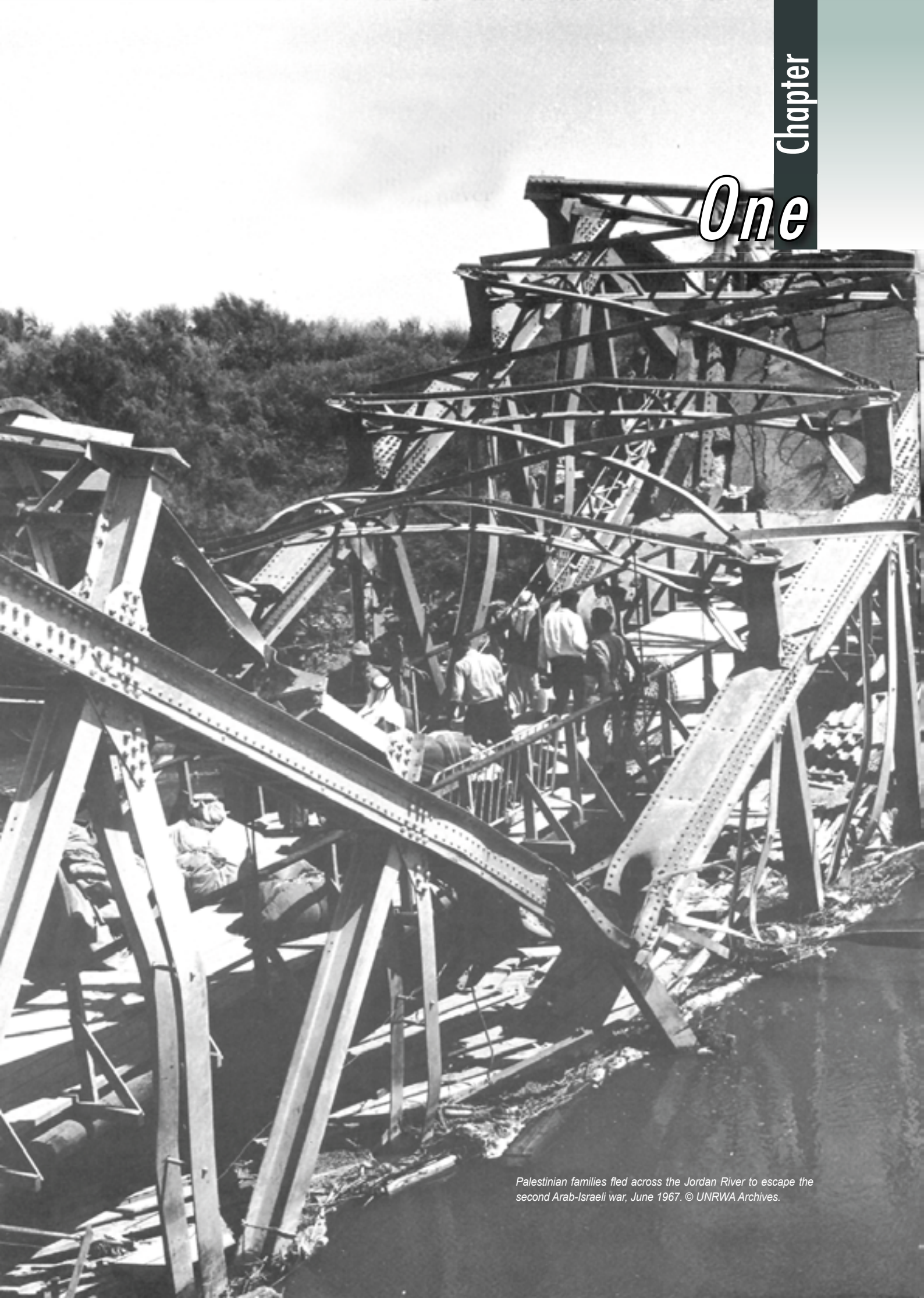
The Wall in the occupied West Bank is either a concrete wall approximately 8-9 metres high with watchtower and sniper positions, or an electric barrier approximately 3-5 meters high with a buffer zone, ditches, razor wire, electronic sensors and cameras. The Associated Regime is a set of administrative decisions composed of military orders (land, property confiscation), closed areas, a new permit system and new regulations at checkpoints (or terminals) and gates.

**Zionism**

A political movement established in the late 19<sup>th</sup> century in response to the persecution of European Jewry. The movement's Basle Program (1897) states that the aim of Zionism is to create for the Jewish people a home in Palestine secured by public international law.

# Abbreviations

ADRID	National Society for the Rights of the Internally Displaced
CAC	Civil Affairs Committee of the Palestinian Authority
CAP	Consolidated Appeals Process
CoE	Council of Europe
DCO	District Coordination Office
ECOSOC	Economic and Social Council of the United Nations
EP	European Parliament
EU	European Union
FAFO	Institute for Applied Social Science
GA	General Assembly of the United Nations
GCC	Gulf Cooperation Council
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
ILA	Israel Lands Administration
IUED	Graduate Institute of Development Studies/University of Geneva
JNF	Jewish National Fund
LACC	Local Aid Coordination Committee
LAS	League of Arab States
LASC	Council of the League of Arab States
NAM	Non-Aligned Movement
NGO	Non-governmental organization
OAU	Organization of African Unity
OCHA	Office of the Coordinator of Humanitarian Affairs
OIC	Organization of Islamic Conferences
OPT	Occupied Palestinian Territory
PCBS	Palestinian Central Bureau of Statistics
PLO	Palestine Liberation Organization
RRA	Refugee Rehabilitation Authority
RWG	Refugee Working Group
SC	Security Council of the United Nations
SHC	Special Hardship Case
UK	United Kingdom
UN	United Nations
UNCCP	United Nations Conciliation Commission for Palestine
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNRPR	UN Relief for Palestine Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNTSO	United Nations Truce Supervision Organization
US	United States
USAID	US Agency for International Development
WFP	World Food Programme
WHO	World Health Programme
WJC	World Jewish Congress
WWI	World War One



*Palestinian families fled across the Jordan River to escape the second Arab-Israeli war, June 1967. © UNRWA Archives.*

# From the *Nakba* to the Present Day – Ongoing Displacement

## ***Preface***

*Displacement and dispossession of Palestinians from their historic homeland began during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. It is estimated that as many as 150,000 Palestinians were arbitrarily displaced within or expelled from Palestine from the beginning of the British Mandate in 1922 through to the end of 1947 when the UN recommended the partition of the country into two states.*

*The majority of Palestinian refugees and internally displaced persons (IDPs) were displaced during armed conflict and the first Zionist/Israeli-Arab war in Palestine, known as the Nakba or Catastrophe. More than 750,000 Palestinians were arbitrarily displaced or expelled between late 1947 and the first half of 1949. Of the roughly 150,000 Palestinians who remained in those parts of Palestine that became the state of Israel on 14 May 1948, approximately 30,000 became IDPs.*

*Several tens of thousands of Palestinians were displaced within and expelled from Israel between 1949 and 1967. Approximately 430,000 Palestinians were displaced, half of them for a second time, during the 1967 Israeli-Arab war, when Israel occupied the West Bank, including eastern Jerusalem and the Gaza Strip. Subsequent displacements and expulsions followed in the 1967-occupied Palestinian territory after the war, and remain ongoing. Secondary displacement of refugees has continued in various countries of exile, including Jordan, Lebanon, Kuwait, Libya, and (most recently) in Iraq.*

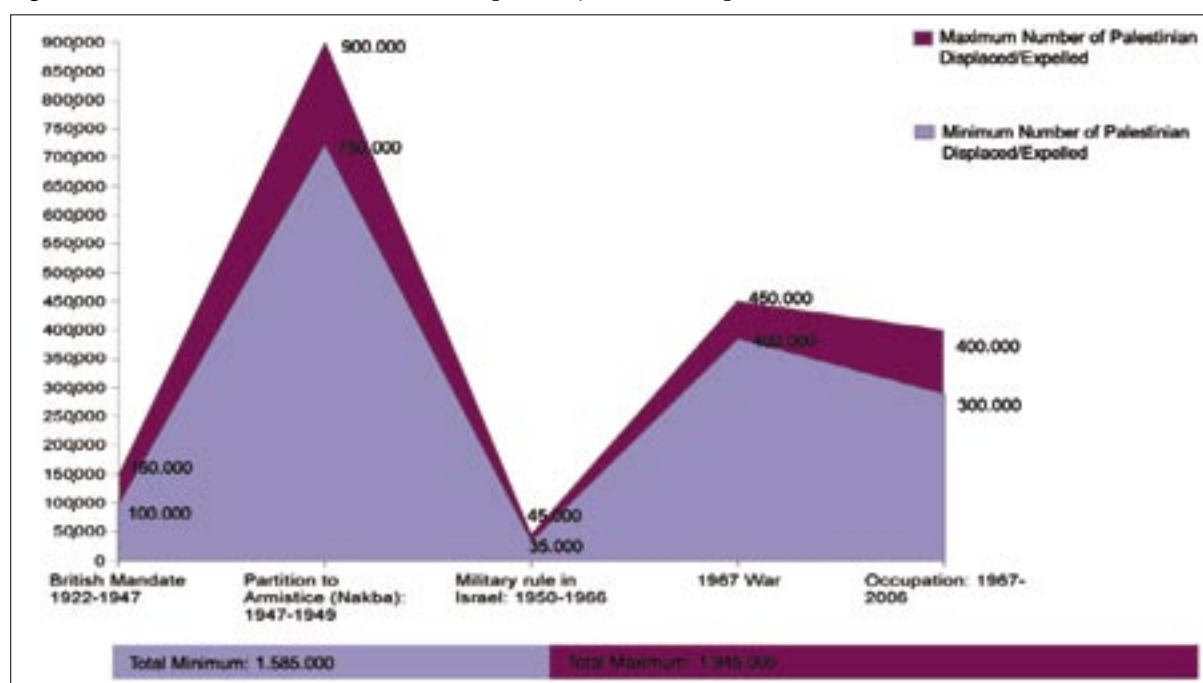
*The majority of Palestinian refugees and IDPs are from areas inside the present-day state of Israel. The state of Israel has expropriated land and properties belonging to these refugees to be held in perpetuity for Jewish use. The remaining Palestinian refugees and IDPs are from the 1967-occupied Palestinian territory. Israel has expropriated or confiscated for Jewish use approximately two-thirds of Palestinian-owned land in both areas.*

*Today, approximately 70 % of the Palestinian people are displaced. Nearly six decades after their initial displacement or expulsion from their homeland, Palestinian refugees and IDPs still lack access to voluntary and durable solutions to their plight based on international law and relevant UN resolutions.*



## 1.1 Background

Figure 1.1: Estimated Number of Palestinians Displaced, by Period of Displacement



Note: There is no single authoritative source for the exact number of Palestinians displaced or expelled from their homes of origin since 1948. The figures above are based on available data and estimates. For a more detailed analysis of these figures and comprehensive references, see Appendix 1.1 at the end of this chapter.

Table 1.1: Estimated Area of Palestinian Land Expropriated/Confiscated, by Period of Expropriation/Confiscation

Year	Area of Confiscated Palestinian Land (km <sup>2</sup> )
British Mandate: 1922–1947	–
Partition to Armistice ( <i>Nakba</i> ): 1947–1949	17,178
Military rule in Israel: 1950–1966	700
1967 War	849
Occupation: 1967–2006	3,558
<b>Total</b>	<b>22,285</b>

Note: The total area of historical Palestine (Israel and OPT) is 26,323 km<sup>2</sup>. There is no single authoritative source for the exact amount of land expropriated from Palestinians since 1948. The figures above are based on available data and estimates. Between 1925 and 1947 Zionist colonization associations purchased some 714 km<sup>2</sup> of Palestinian land. For a more detailed analysis of these figures and comprehensive references, see Appendix 1.2 at the end of this chapter.

Palestinian refugees present the largest and longest-standing unresolved refugee case in the world today. At the beginning of the 20<sup>th</sup> century, most Palestinians lived inside the borders of Palestine, which is now divided into Israel, the occupied West Bank, and the Gaza Strip. Today, approximately half of the Palestinian people have been displaced outside their homeland. Another 23% are displaced within the borders of former Palestine.

There have been five major waves of displacement from former Palestine. During the British Mandate, more than 100,000 Palestinians were displaced within and beyond the borders of the country. The recommendation by the UN General Assembly to partition Palestine into two states in 1947, and the subsequent war led to the mass displacement of over 750,000 Palestinians from their historic homeland. Palestinians refer to this event as the *Nakba* or Catastrophe.

Between 35,000 to 45,000 Palestinians who remained in the areas of Palestine that became part of the state of Israel in 1948 were displaced after the end of the war. A further 430,000 Palestinians were displaced during the 1967 Arab-Israeli war, when Israel occupied the West Bank and the Gaza Strip, as well as the Egyptian Sinai and Syrian Golan Heights. Since then, Palestinians have continued to be displaced from the OPT and within Israel itself.

Palestinian refugees displaced between 1948 and 1967 cannot return because Israel defines itself as a Jewish state and therefore refuses to allow Palestinian refugees to return to their homes of origin inside Israel on the grounds that they are not Jewish. Those refugees who originate from the West Bank, including eastern Jerusalem, and the Gaza Strip cannot return due to Israel's policy of restricting the growth of the Palestinian population in the OPT. The legal regime in Israel and the OPT blocks refugees and IDPs from the right to reparation, including the right to return, restitution and compensation.

### **Population Transfer and Political Zionism**

The UN defines forced population transfer as the "systematic, coercive and deliberate ... movement of population into or out of an area ... with the effect or purpose of altering the *demographic composition* of a territory, particularly when that ideology or policy asserts the dominance of a certain group over another" [emphasis added].<sup>1</sup>

Unlawful population transfer is a crime against humanity and a war crime according to the Rome Statute of the International Criminal Court (ICC). The Rome Statute defines the forcible transfer of population as "forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law."<sup>2</sup> In situations of armed conflict, forcible transfer involves "the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory."<sup>3</sup> This practice is also known as ethnic cleansing.

The idea of population transfer has played a key role in Zionist thinking since the founding of the Zionist movement in the late nineteenth century.<sup>4</sup> According to the movement's Basle Program (1897), "the aim of Zionism is to create for the Jewish people a home in Palestine secured by public international law"<sup>5</sup> as the only solution to the persecution of Jews around the world.

Jewish immigration, colonization and labour were the primary means through which the Zionist movement sought to establish a state in Palestine. Since mass immigration alone would not be sufficient to establish a Jewish majority, and because most Palestinian Arab landowners were unwilling to part with their land, many leaders of the Zionist movement resorted to the idea of transferring the indigenous population out of the country.

This idea was expressed succinctly by Theodor Herzl, the founding father of political Zionism: "We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country. The property owners will come over to our side. Both process of expropriation and removal of the poor must be carried out discreetly and circumspectly."<sup>6</sup>

Leading Zionist thinkers developed numerous plans to carry out the ethnic cleansing of Palestine so as to enable the movement to establish and maintain an ethnic Jewish state. During the British Mandate, these included the Weizman Transfer Scheme (1930), the Soskin Plan of Compulsory Transfer (1937), the Weitz Transfer Plan (1937), the Bonne Scheme (1938), the al-Jazirah Scheme (1938), the Norman Transfer Plan to Iraq (1934–38), and the Ben-Horin Plan (1943–48).

The idea of transfer did not end with the establishment of a Jewish state in 1948. Between 1948 and 1966, various official and unofficial transfer plans were put forward to resolve the "Palestinian problem". These included plans to resettle Palestinian refugees in Iraq (1948), in Libya (1950–58), and further plans for resettlement as a result of the 1956–57 Israeli occupation of the Gaza Strip and the Sinai. Israel also established several transfer committees during this period.

The notion of population transfer was raised again during the 1967 war. Resettlement schemes focused on the Jordan Valley, but also considered locations as far afield as South America. Thousands of refugee shelters were destroyed in the Gaza Strip in an attempt to resettle refugees outside of refugee camps. Similar proposals for population transfer also emerged during the second Palestinian uprising (*intifada*) against the Israeli occupation of the West Bank and Gaza Strip.

For instance, in July 2001, a bill was proposed to encourage the emigration of Palestinian citizens of Israel on the grounds that "they do not identify with the Jewish character of the state" and in order to strengthen "Israel as a Jewish state and a democracy."<sup>7</sup> In November 2004, the National Union party drafted a bill (*Person for Person Law 2004*) proposing to transfer one Palestinian from Israel to the OPT for every Jewish settler removed from the OPT to Israel. When this bill was rejected, it was replaced by a new proposal (*Disengagement Law 2004*) that would "organize the evacuation of residents of southern Jerusalem". According to the initiators, "the transfer of Arabs from densely populated Jewish areas will reduce the friction with the local residents, and may improve the fabric of Jewish life, the Jewish economy, and Jewish security."<sup>8</sup> In 2006, the right-wing Herut political party in Israel adopted as part of their electoral campaign the slogan "A good Arab is not a dead Arab; a good Arab sometimes wants to leave".<sup>9</sup>

## 1.2 From Mandate to Partition

From the beginning of the British Mandate in Palestine in 1922, through to the end of 1947, when the United Nations recommended that the country be partitioned into two states, nearly one-tenth of the Palestinian Arab population was forced to leave home, expelled, or denationalized. Tens of thousands of Palestinian Arabs were also internally displaced during this period as a result of Zionist colonization, the eviction of tenant farmers, and punitive home demolitions by the British administration.

During the First World War, Allied forces under British command occupied Palestine, which was then one of several Arab territory that were part of the Ottoman Empire. In November 1917, the British cabinet issued the Balfour Declaration.<sup>10</sup> The one-page letter from Arthur Balfour, the British Secretary of Foreign Affairs to Lord Rothschild, head of the British Zionist Federation, granted explicit recognition of and support for the idea of establishing a Jewish “national home” in Palestine through immigration and colonization.

At the time, Jews constituted only 8% of the population of Palestine,<sup>11</sup> and owned less than 3% of the total land in the country.<sup>12</sup> The majority of the indigenous Jewish community of Palestine did not support the Zionist idea of creating a separate and exclusive Jewish state in the country.<sup>13</sup> Despite widespread Palestinian Arab opposition to the Balfour Declaration, Great Britain viewed Zionist colonization as a way to advance British interests in the region.<sup>14</sup>

A year later, in November 1918, France and Great Britain signed the Anglo-French Declaration, which affirmed that their goal “[... was] the complete and final liberation of the peoples who have for so long been oppressed by the Turks, and the setting up of national governments and administrations deriving their authority from the free exercise of the initiative and *choice of the indigenous populations*” [emphasis added].<sup>15</sup>

In 1919, the Allied powers met in Paris to determine the status of those non-self-governing territory that had been part of the former Ottoman Empire. Member states of the League of Nations decided to establish a temporary “Mandate System” in accordance with the Covenant of the League of Nations to facilitate the independence of these territory.<sup>16</sup> The August 1920 Treaty of Sèvres between the Allied Powers and Turkey affirmed that Palestine “be provisionally recognised as an independent State subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.”<sup>17</sup>

In 1920, the League of Nations entrusted the temporary administration (“Mandate”) of Palestine to Great Britain, as a “Class A” Mandate (one perceived to be closest to independence).<sup>18</sup> The Mandate for Palestine, however, aimed to facilitate the colonization of the country through Jewish immigration, settlement, and colonization in order “to secure the establishment of the Jewish national home”, in line with the political commitment set out in the Balfour Declaration. The Mandate accorded the Jewish minority in the country and non-resident Jews residing elsewhere full political rights; it granted the Palestinian Arab majority only civil and religious rights.

“[I]n the case of the ‘independent nation’ of Palestine,” observed the British Secretary of Foreign Affairs, “we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country” (as was required by the League of Nations). “Zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land.”<sup>19</sup> These conflicting intentions gave rise to the inherent contradiction of the Mandate of Palestine: the simultaneous establishment of an independent state of Palestine for all its citizens on the territory of Mandate Palestine, and a Jewish national home within or on that same territory.

Map 1.1: Palestine under British Mandate Administration (1917–1948)



The British administration in Palestine promulgated new laws, including the 1925 *Citizenship Order* and the 1928 *Land (Settlement of Title) Order*, which enabled Jews from around the world to acquire citizenship and immigrate to Palestine. Thousands of Palestinian Arabs who were abroad at the time were unable to acquire citizenship under the 1925 law.<sup>20</sup> By the early 1940s, the average rural Palestinian Arab family had less than half of the agricultural land required for their subsistence.<sup>21</sup>

This led to a series of Palestinian uprisings, including the “Great Revolt”, which lasted from 1936 to 1939. The British responded with a combination of military force and administrative measures that severely curtailed basic civil and political rights.<sup>22</sup> Palestinian Arab leaders were arrested, jailed and deported. Thousands of Palestinian Arab homes were demolished.<sup>23</sup> Some 40,000 Palestinian Arabs fled the country during the mid-1930s alone.<sup>24</sup>

Following each uprising, the British government dispatched an official commission of inquiry to Palestine. These commissions invariably identified fear of the political and economic consequences of Zionism among the indigenous population as the leading cause of the conflict. In a blunt assessment, the Shaw Commission pointed out that in the 80 years prior to the Balfour Declaration and British Mandate, “there [was] no recorded instance of any similar incidents.”<sup>25</sup>

In early 1947, the British government informed the newly-established United Nations (the successor to the League of Nations) of Great Britain’s intention to withdraw from Palestine, ending more than two decades of British rule. The UN Charter stipulated that non-self-governing territory should become independent with the termination of a mandate. Alternatively, the Charter provided for the establishment of a “Temporary Trusteeship” similar to the mandate system.

The UN General Assembly, however, decided to appoint a special committee to formulate recommendations concerning the future status of Palestine. The Assembly also rejected requests to obtain an advisory opinion from the International Court of Justice (ICJ) concerning the appropriate legal outcome of the British decision to terminate the Mandate in Palestine, as well as the legal authority of the UN to issue and enforce recommendations on the future status of the country.<sup>26</sup>

#### **Draft Resolution Referring Certain Legal Questions to the International Court of Justice (excerpts)**

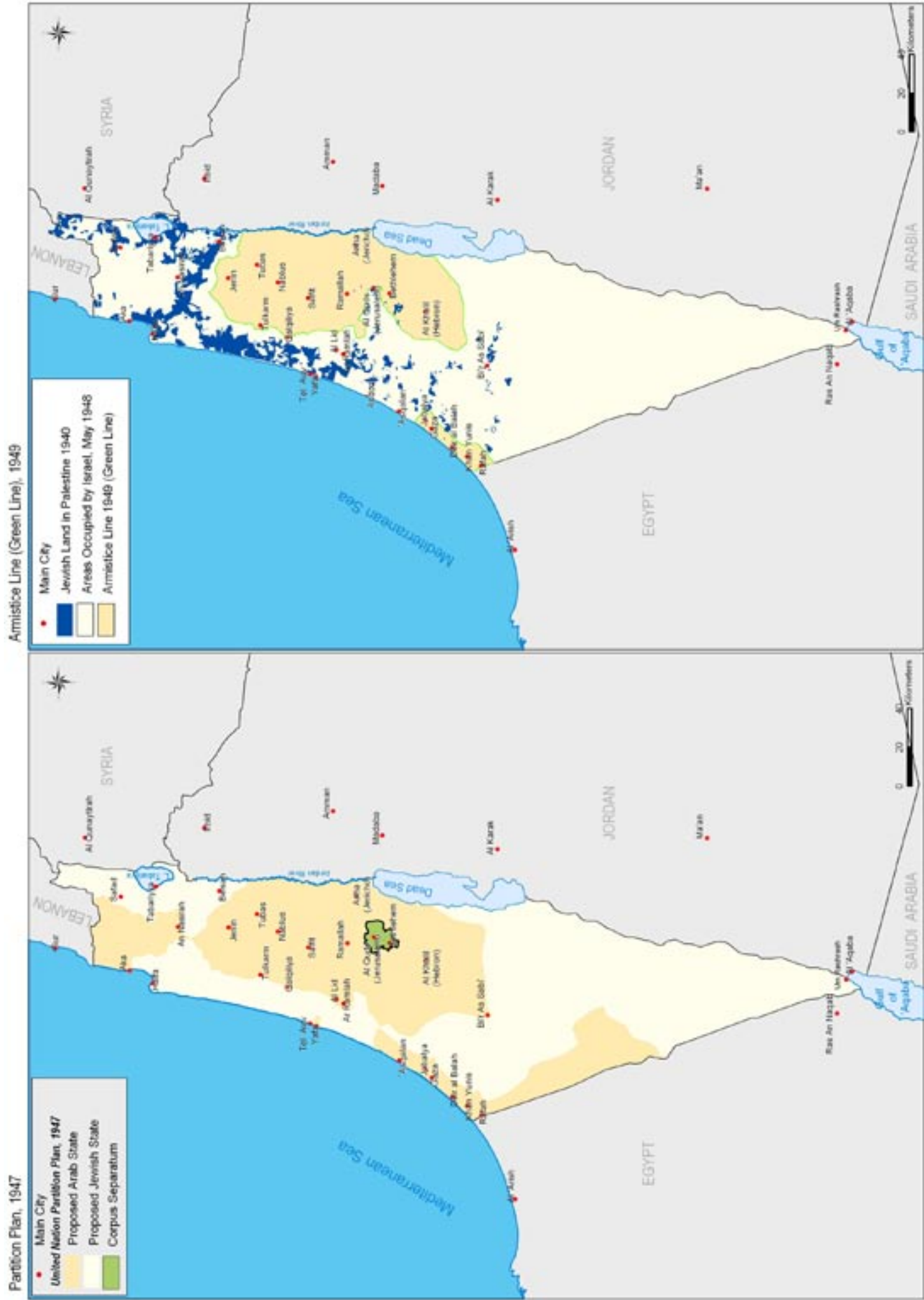
The General Assembly of the United Nations resolves to request the International Court of Justice to give an advisory opinion under Article 96 of the Charter and Chapter IV of the Statute of the Court on the following questions:

- (i) Whether the indigenous population of Palestine has not an inherent right to Palestine and to determine its future constitution and government;
- (ii) Whether the pledges and assurances given by Great Britain to the Arabs during the first World War (including the Anglo-French Declaration of 1918) concerning the independence and future of Arab countries at the end of the war did not include Palestine;
- (iii) Whether the Balfour Declaration, which was made without the knowledge or consent of the indigenous population of Palestine, was valid and binding on the people of Palestine, or consistent with the earlier and subsequent pledges and assurances given to the Arabs;
- (iv) Whether the provisions of the Mandate for Palestine regarding the establishment of a Jewish National Home in Palestine are in conformity or consistent with the objectives and provisions of the Covenant of the League of Nations (in particular Article 22), or are compatible with the provisions of the Mandate relating to the development of self-government and the preservation of the rights and position of the Arabs of Palestine;
- (v) Whether the legal basis for the Mandate for Palestine has not disappeared with the dissolution of the League of Nations, and whether it is not the duty of the Mandatory Power to hand over power and administration to a Government of Palestine representing the rightful people of Palestine;
- (vi) Whether a plan to partition Palestine without the consent of the majority of its people is consistent with the objectives of the Covenant of the League of Nations, and with the provisions of the Mandate for Palestine;
- (vii) Whether the United Nations is competent to recommend either of the two plans and recommendations of the majority or minority of the United Nations Special Committee on Palestine, or any other solution involving partition of the territory of Palestine, or a permanent trusteeship over any city or part of Palestine, without the consent of the majority of the people of Palestine;
- (viii) Whether the United Nations, or any of its Member States, is competent to enforce or recommend the enforcement of any proposal concerning the Constitution and future Government of Palestine, in particular, any plan of partition which is contrary to the wishes, or adopted without the consent of, the inhabitants of Palestine.

Reprinted in *Yearbook of the United Nations 1947–1948*. UN Doc. 1949.I.13 (31 December 1948).



Map 1.2: The United Nations Partition Plan for Palestine (1947) and the (1949) Armistice Line



In September 1947, the UN Special Committee on Palestine issued its recommendations on the future status of the country.<sup>27</sup> The majority of the Committee members supported the creation of two states, one Arab and the other Jewish, “to afford a workable basis for meeting in part the claims and national aspirations of both parties.” Others favoured a federal state to “ensure equal rights for both Arabs and Jews in their common state.”

UN General Assembly Resolution 181(II), of 29 November 1947, recommended the partition of Palestine.<sup>28</sup> This Resolution proposed two states, one Arab and one Jewish, in which all persons were to be guaranteed equal rights.<sup>29</sup>



*Palestinian students protesting UN partition plan, 12 March 1947. © Orient House Archives.*

The proposed Jewish state was allotted 56% of the land, even though the Jewish community comprised less than one-third of the population of Palestine at the time and owned no more than 7% of the land.<sup>30</sup> The dispersal of the Arab and Jewish populations in the country meant that nearly half the population of the proposed Jewish state consisted of Palestinian Arabs, who owned nearly 90% of the land.<sup>31</sup>

By the time the British had decided to turn the question of Palestine over to the United Nations in 1947, an estimated 100–150,000 Palestinian Arabs had been displaced within or from their homeland.<sup>32</sup> By this time, Zionist colonization associations had acquired more than 700 km<sup>2</sup> of land, mostly from larger landowners not resident in Palestine.<sup>33</sup>

### 1.3 The *Nakba*

The UN recommendation to partition Palestine set off a series of events that led to the mass displacement of Palestinians from their homeland. Approximately half of the Palestinian population (estimated at 1.3 million)<sup>34</sup> was displaced between the end of 1947 and early 1949. Half of these were displaced before 15 May 1948, when the first Arab-Israeli war began. Israel took control of refugee homes, properties and lands. Palestinians refer to this period as the *Nakba*, or Catastrophe.

The greatest outflow of refugees before the war took place during April and early May 1948 as a result of the Zionist military operation known as “Plan Dalet”, which was designed “to achieve the military *fait accompli* upon which the state of Israel was to be based.”<sup>35</sup> The massacre of more than 100 men, women and children in the Palestinian village of Deir Yassin in April 1948 is widely acknowledged to have contributed to the fear and panic that led to the mass displacement.<sup>36</sup>

The unilateral declaration of the establishment of the state of Israel by the Zionist movement, in Tel Aviv on 14 May 1948, coincided with the withdrawal of British forces from Palestine and led to the collapse of the UN plan to divide Palestine into two states. The subsequent entry of Arab forces into Palestine set off the first Israeli-Arab war. Palestinians fled their homes as a result of attacks on civilians by Israeli forces, massacres, looting, destruction of property and other atrocities. Others were forcibly expelled.



*The war of 1948 (Nakba), Zionist forces explode Palestinian houses in the village of Deir Aban, West Jerusalem, 15 October 1948. © Israeli Government Press Office.*

Palestinian villages and towns were shelled by Israeli forces to encourage flight, especially in those areas where there was local resistance, or in those parts of Palestine deemed to be of strategic importance to the new state. Palestinian men, women and children, fleeing their villages in search of temporary refuge, were fired on to ensure their departure. Incidents like these occurred in major cities throughout the country, including Haifa, Jaffa, Akka, Ramle, Lydda and Jerusalem, as well as in many villages.<sup>37</sup>

Many sought temporary refuge elsewhere after hearing news of atrocities against the civilian population.<sup>38</sup> This included a spate of nine reported massacres in October 1948, in which

Palestinian Arab villagers were raped, bound, executed and dumped in mass graves.<sup>39</sup> In the village of Dawayima, for example, Israeli forces killed 80–100 men, women and children. The children were killed by blows to their heads with sticks. Several elderly women were put in a house which was then blown up.<sup>40</sup>

Palestinians were also physically expelled from their villages and towns.<sup>41</sup> In early July 1948, for example, then Lt. Colonel Yitzhak Rabin issued orders to expel the inhabitants of Ramle and Lydda.<sup>42</sup> In late October 1948, an official cable was issued to all Israeli division and district commanders in the north: “Do all you can to immediately and quickly purge the conquered territory of all hostile elements in accordance with the orders issued. The residents should be helped to leave the areas that have been conquered.”<sup>43</sup>

Israeli military forces systematically destroyed hundreds of Palestinian villages during the war, as one of six measures included in a “Retroactive Transfer” plan approved in June 1948 by the Israeli Finance Minister and Prime Minister to prevent Palestinian Arab refugees from returning to their homes.<sup>44</sup> The destruction of homes and entire villages was accompanied by large-scale looting.<sup>45</sup> In the city of Jaffa, for example, it was estimated that the Israeli military removed 30,000 Pounds worth of Palestinian moveable property daily.<sup>46</sup>

By the time the first Arab-Israeli war ended in early 1949, 85% of the indigenous Palestinian population who had been living in the territory that became the state of Israel had been displaced.<sup>47</sup> Most refugees found refuge in those parts of Palestine (22% of the total area) not under the control of Israeli military forces following the cessation of hostilities. In total, 750–900,000 Palestinians were displaced between the end of 1947 and early 1949.<sup>48</sup>

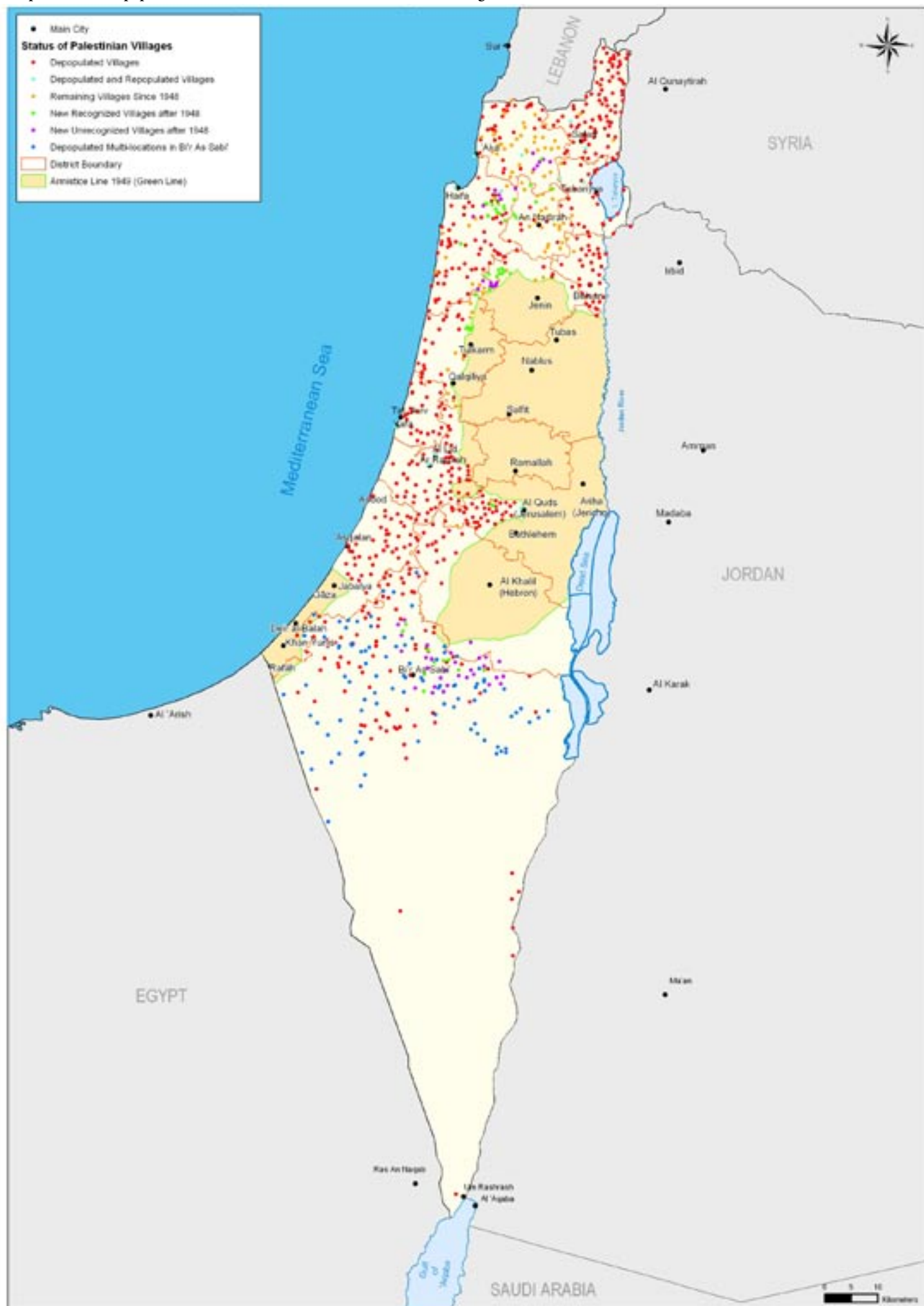


*Palestinian refugee families near the city of Tulkarem, summer 1948. © ICRC Archives.*

In several of the sub-districts of former Palestine that were wholly incorporated into Israel – Jaffa, Ramla and Beersheba – not one Palestinian village was left standing. In total, more than 500 Palestinian villages, with a land base of more than 17,000 km<sup>2</sup>, were depopulated and destroyed.<sup>49</sup> An estimated two-thirds of Palestinian refugee homes inside the new state of Israel were destroyed; the remaining third were expropriated and occupied by Jews.<sup>50</sup>



Map 1.3: 1948 Depopulated Palestinian Communities and those Remaining



Based on Salman Abu Sitta, *Atlas of Palestine 1948*. Palestine Land Society, London, 2004.

### **Zionist Colonization of Palestine**

The displacement of Palestinians from their homeland since the beginning of the 20<sup>th</sup> century has been accompanied by a simultaneous process of Zionist colonization. Between 1922 and 1948, the Jewish population in Palestine increased by more than six times, primarily due to immigration. At the same time, the international community was facilitating the resettlement of displaced European Jews in Palestine in violation of international commitments not to resettle displaced persons in non-self-governing territory without the consent of the indigenous population of that territory. During this period, the borders of many Western countries, including the United States, remained largely closed to Jewish refugees, many of whom did not consider Palestine as their country of first choice for seeking asylum. In the United States, for example, opinion polls revealed that the majority of Americans were unwilling to permit further Jewish immigration to the country, despite their knowledge of Nazi persecution and atrocities.<sup>51</sup>

Within the first decade of Israel's existence, Jewish immigration accounted for over 70% of the growth of the Jewish population.<sup>52</sup> Over more than six decades, immigration has remained the primary source of growth of the Jewish population inside Israel. Since 1948, over three million Jews have immigrated to Israel.<sup>53</sup> As of 2006, immigration accounted for 57% of the growth of the Jewish population inside Israel. The greatest demographic shift occurred in the areas that became the state of Israel, where the number of Jews increased by more than five times between 1949 and 2006.<sup>54</sup> The increase in the Jewish population in historic Mandate Palestine due to mass immigration between 1922 and 1948 was approximately the same. An equally massive demographic shift



*Zionist soldiers take position in the neighborhood of Yamin Moshe, Jerusalem, 14 June 1948. © Israeli Government Press Office.*

occurred in occupied eastern Jerusalem after 1967, where the Jewish population increased from nil in 1967 to more than 50% of the population today, primarily due to colonization. In 2006, the number of Jewish settlers in colonies in the occupied West Bank, including eastern Jerusalem, reached over 440,000.

During the period of the British Mandate, the primary means of land acquisition was through purchase by several Zionist associations, including the Jewish National Fund (JNF),<sup>55</sup> established to buy land for the settlement of new Jewish immigrants in Palestine. The JNF purchased the majority of the land acquired during this period. Total Jewish land ownership increased by a relatively small amount during the period of the British Mandate as a percentage of the total land in Palestine. In 1922, Jews owned approximately 2.5% of the total land in Palestine. By 1945, total Jewish ownership had increased to approximately 6%.<sup>56</sup> Average annual acquisitions, facilitated through the promulgation of new laws during the British administration in Palestine, however, increased nearly twenty-fold during the Mandate.

While total Jewish ownership remained small, the real impact of the acquisition of land by Zionist colonization associations during the period of the British Mandate lay in the location and quality of land. By 1948, land acquisitions and settlement of Jewish immigrants had created the "strategic and demographic backbone" of the nascent Jewish state. Land acquired by the various Zionist colonization associations included a high percentage of land in some of the most fertile areas of Palestine. While Jewish land ownership comprised slightly less than 7% of the total area of Palestine by the end of the British Mandate, Jews owned more than 12% of the cultivable land.<sup>57</sup> Unlike the indigenous Palestinian Arab population, Jews in Palestine had 100% of the land required for their rural subsistence.<sup>58</sup>

The amount of land under Jewish "ownership" or control increased more than ten times between 1948 and the early 1950s. This dramatic increase in land under Jewish control can be attributed solely to the expropriation of Palestinian property. As of the mid-1950s, Jewish "ownership" and control of land in historic Mandate Palestine increased from approximately 7% to over 70%. Inside the borders of the new state of Israel, Jewish "ownership" and control of land increased from approximately 11% to over 90%. The confiscation of refugee property and so-called state land in the OPT in 1967 increased total Jewish "ownership" and control to at least 45% of the 1967-occupied territory. By 2006, it was estimated that Jewish "ownership" and confiscation of land comprised 88% of the total area of historic Mandate Palestine.<sup>59</sup>

## 1.4 Displacement after the 1948 War

Between 1949 and 1967, Israel continued to displace Palestinians from areas under its control through internal population transfer and expulsion, primarily from the northern border villages, the Naqab (Negev), the “Little Triangle” (an area ceded to Israel under the armistice agreement with Jordan), and from villages partially emptied during the war. Tens of thousands of Palestinians lost their homes and lands, the majority during the 1950s.

The war ended in 1949, and armistice agreements were signed with Egypt in February, Lebanon in March, Jordan in April, and Syria in July. Within days of the signing of the Egyptian-Israeli General Armistice Agreement, some 2,000–3,000 Palestinians from the villages of Faluja and Iraq al-Manshiya were beaten, robbed and forced to leave their homes by Israeli forces.<sup>60</sup> In March 1949, Israeli forces expelled the inhabitants of Umm Rashrash and founded the city of Eilat. According to UN observers, some 7,000 Palestinians residing west of the southern armistice lines near the Palestinian town of Dura were expelled from Israeli-held territory in March 1949.<sup>61</sup>

Annexation of the Little Triangle led to the expulsion of 8,500 Palestinians.<sup>62</sup> In 1950, Israeli forces expelled the remaining 2,500 Palestinian residents of the city of Majdal (today’s Ashqelon) into the Egyptian-controlled Gaza Strip.<sup>63</sup> More than 20,000 Bedouin were expelled from their traditional tribal areas between 1949 and 1956.<sup>64</sup> The majority of those who were expelled were from the Naqab (Negev) in the south; some 5,000 Bedouin in the north were expelled into Syria.

During and after the war, Israel took prisoners of war and established labour camps, in which living conditions were poor. In November 1948, the Red Cross visited four camps and concluded that the prisoners were used “to obtain from them work extremely useful to the economy of the State.”<sup>65</sup> According to the testimony of a prisoner held in Ljlil labour camp, prisoners were used to demolish Arab homes, remove debris from already demolished houses, and carry salvaged items to Jewish homes.<sup>66</sup> The prisoners remained in these camps for two to five years; most were released by 1955.

Israeli police carried out raids on Palestinian villages to search for refugees who had returned to their homes or lands. Returnees (referred to as “infiltrators”) were subsequently transported to the border and expelled.<sup>67</sup> In January 1949, for example, refugees from the Palestinian towns and villages of Shafa’amr, Ma’ilya and Tarshiha who tried to return home were detained; their passports and money were confiscated, they were loaded onto trucks, driven to the border, and forced to cross into Jordan.<sup>68</sup> By 1956, Israeli forces had killed some 5,000 refugees who had tried to return to their homes.<sup>69</sup>

Other Palestinians were transferred to new areas within the state to break up the concentration of Palestinian population centres, and to open up further areas for Jewish settlement. Many of the government records from this period remain sealed. The remaining Palestinian inhabitants from the Galilee villages of Ja’una, Khisas and Qeitiya, for example, were forced onto trucks in the summer of 1949 “with brutality [...] kicks, curses and maltreatment [...] and dumped on a bare, sun-scorched hillside near the village of ‘Aqbara, just south of Safad.”<sup>70</sup>

From the end of the 1948 war through 1966, Israeli forces committed a number of additional massacres inside Israel, in the Jordanian-annexed West Bank, and in the Gaza Strip.<sup>71</sup> For example, in 1953, Unit 101, headed by Ariel Sharon, attacked the village of Qibya west of Ramallah. More than 50 residents of the village were killed.<sup>72</sup> The most notorious massacre during this period took place in Kufr Qassem, with the killing of 49 Palestinians at the start of the 1956 Suez war in the Sinai.<sup>73</sup>

Several Palestinian villages whose residents were displaced inside Israel were destroyed as part of a government campaign to render border areas “clean” [Hebrew: *naki*] and “empty” [Hebrew: *reik*].<sup>74</sup> By the middle of the 1960s, Israel had nearly completed what was referred to as “cleaning up the national views in Israel.”<sup>75</sup> The names of more than 500 depopulated Palestinian villages were erased from the map, while the Arabic names of remaining places and other geographical landmarks were replaced with Hebrew names.<sup>76</sup>



*Palestinian fleeing the Gaza Strip on small fishing boats. Refugees from all over Palestine gathered in the Gaza Strip in 1948; many tried to continue their journey via two routes: a 200 miles long desert track through the Sinai to Cairo, and the Mediterranean Sea. Both routes were cut off as a result of the 1967 Israeli occupation. © UNRWA Archives.*

Following the war, Israel established a military government, largely to control the Palestinian population remaining inside Israel and prevent the return of Palestinian refugees.<sup>77</sup> Freedom of expression was severely restricted, and Palestinians were confined to controlled areas; written permission from the military commander was required for those leaving Palestinian towns and villages.<sup>78</sup> A special network of military courts was set up to ensure compliance with emergency regulations; military court rulings could not be appealed and could instruct the “detention, expulsion, or banishment [from Israel], seizure and control of property and land,

or the imposition of fines”.<sup>79</sup> The military government remained in place until 1966. Jewish affairs in the country, however, were governed by the civilian government.

Israel also adopted new laws to ensure that Palestinian refugees would not be able to return and repossess their homes and properties. The *1952 Citizenship and Entry into Israel Law* facilitated the mass denationalization of Palestinian refugees. Because most Palestinian refugees were outside the state of Israel on, or after, 14 July 1952, date at which the Citizenship and Entry into Israel Law came into effect, they have been unable to resume domicile in their homeland.<sup>80</sup> In contrast, all Jews are entitled to Israeli citizenship according to the *1950 Law of Return*.

A web of new land laws was adopted to facilitate the expropriation of refugee property and its transfer to the state and the Jewish National Fund (JNF). These included emergency regulations and laws relating to so-called abandoned Palestinian property.<sup>81</sup> According to the 1960 Basic Law: Israel Lands, land expropriated under this legal regime is held by the state of Israel and the JNF as the inalienable property of the Jewish people. The land cannot be sold to non-Jews.

By the mid-1950s, the number of Palestinians expelled by Israeli authorities comprised some 15% of the total Palestinian population inside Israel (approximately 195,000 persons).<sup>82</sup> During this period, Israel expropriated some 700 km<sup>2</sup> of land from Palestinians who remained within the territory that became the state of Israel.<sup>83</sup>

## 1.5 The 1967 War

During the 1967 war between Israel and neighbouring Arab states, more than one-third of the Palestinian population of the occupied West Bank, including eastern Jerusalem, and the occupied Gaza Strip were displaced. Half of these had already been displaced once before during the 1948 war. The 1967 war ended after only six days.

As in the 1948 war, Israeli military forces attacked numerous civilian areas that had no military significance.<sup>84</sup>



Both *The Guardian* and *The London Times* reported that “Israeli aircraft frequently strafed the refugees on the road from Jerusalem to Jericho, destroying and burning.”<sup>85</sup> Refugee camps in Jericho, for example, were bombed by the Israeli air force, leading to an exodus of tens of thousands of refugees. Israeli forces destroyed Nuweimeh and al Ajajra refugee camps in Jericho in 1967 and the camp at Karameh on the Jordanian side of the border in 1968. Most of the refugees living in Ein as-Sultan and Aqbat Jabr camps in Jericho were also displaced to Jordan.<sup>86</sup>

Palestinians were also driven from their homes by Israeli military forces.<sup>87</sup> Others were transferred out of the West Bank on buses and trucks provided by the military.<sup>88</sup> In some cases, young Palestinian men were forced to sign documents stating that they were leaving voluntarily. “When someone refused to give me his hand [for finger-printing] they came and beat him badly,” said one Israeli officer. “Then I was forcibly taking his thumb, and immersing it in ink and finger-printing him.... I have no doubt that tens of thousands of men were removed against their will.”<sup>89</sup>



1967 Palestinian refugees. © UNRWA Archives.

Israel completely destroyed several Palestinian villages, including Imwas, Yalu and Beit Nuba in the Latrun salient northwest of Jerusalem.<sup>90</sup> The entire Moroccan quarter in the Old City of Jerusalem, adjacent to the Western Wall, was razed to make way for a large plaza for Jewish religious and national events. In the West Bank town of Qalqilya, Israeli military forces destroyed half of the town’s 2,000 homes. The Palestinian villages of Beit Marsam, Beit Awa, Jiftlik and al-Burj were also razed.

By the time the 1967 war came to an end, 430,000 Palestinians had been displaced, among them some 193,500 refugees displaced for a second time, and 240,000 residents displaced from the West Bank and Gaza Strip for the first time.<sup>91</sup> Up to 95% of these displaced persons went to Jordan, while some found refuge in Syria and Egypt. The areas of the occupied West Bank most affected included the Jordan Rift, Hebron, and the frontier areas of the Ramallah district. Israel expropriated more than 400 km<sup>2</sup> of land owned by Palestinians who had been displaced from the West Bank and Gaza Strip during the war.<sup>92</sup>

Map 1.4: The 1967 Occupied Palestinian Territory and Depopulated Villages in 1967



## 1.6 Israel's Occupation Regime after 1967 and Ongoing Forced Displacement in the OPT

Throughout the post-1967 period, Palestinians in the occupied West Bank and Gaza Strip experienced continued forced displacement and dispossession through a number of measures, including deportation, revocation of residency rights, home demolition, confiscation and annexation of land, and the Wall and its associated regime. It is estimated that some 400,000 Palestinians have been displaced from the OPT since 1967.<sup>93</sup>

Israel established a military government in the occupied West Bank (excluding eastern Jerusalem) and the Gaza Strip in 1967, and illegally annexed occupied eastern Jerusalem through a series of administrative orders and laws passed between 1967 and 1980.<sup>94</sup> In the occupied West Bank and Gaza Strip, the military government has issued over 1,200 military orders since 1967, introducing extensive administrative and legal changes.

Under the Oslo agreements in the mid-1990s, the Israeli military government transferred some responsibilities to the Palestinian Authorities, in particular in areas A (areas under the civil and internal security control of the Palestinian Authority). Areas A represent 2% of the total territory of the occupied West Bank. The Palestinian Authority also controlled civil affairs in Areas B (26% of the West Bank). However, Israel retained security control in Areas B and C, amounting to 98% of the occupied territory, and continues to maintain effective military control over the entire occupied Palestinian territory, especially since the re-invasion of Palestinian towns and villages in 2002.

Israel decolonized the occupied Gaza Strip and redeployed its army in September 2005.<sup>95</sup> Israel, however, retains effective control over the air space, territorial water and land borders, and has the ability to exercise effective military control anywhere in the territory of the Gaza Strip.

### 1.6.1 Deportation

Israel has deported more than 6,500 Palestinians from the OPT since 1967. Some 4,000 Palestinians were deported to Egypt in 1967.<sup>96</sup> Deportees included Palestinians who had fought against the Israeli occupation and had served time in Israeli prisons, political activists, school principals and supervisors who protested against censorship of textbooks, teachers and students who initiated school boycotts, and attorneys who organized lawyers' strikes. Since 2002, Israel has also forcibly transferred a limited number of Palestinians from the occupied West Bank to the Gaza Strip.<sup>97</sup>

### 1.6.2 Revocation of residency rights

Between 1967 and 1999, Israel has revoked the residency status of more than 100,000 Palestinians in the OPT.<sup>98</sup> Only those Palestinians (and their offspring) registered in Israel's September 1967 census are considered legal residents of the OPT.<sup>99</sup> Between 1967 and 1995, the status of resident alien did not provide a guarantee of residence. Under the Oslo agreements in the mid-1990s, Palestinian inhabitants of the OPT were granted protected residence status, but inhabitants of occupied eastern Jerusalem were excluded from these agreements. Israel retained the authority to make the final determination on requests for permanent residency through family reunification by those Palestinians not registered in the 1967 Israeli census. More than 56,000 Palestinians were forced to change residence for reasons of security, access to employment, and education and health during the first year (2000) of the second *intifada*.<sup>100</sup> Between 2002 and 2006, 561 families (approximately 2,800 persons) lost their residency rights in eastern Jerusalem.<sup>101</sup>

### 1.6.3 Home demolition

More than 12,000 Palestinian homes in the occupied West Bank (including eastern Jerusalem) and the Gaza Strip have been demolished on administrative pretexts such as a lack of building permits, and as a result of military operations and



Child playing in rubbles of a home demolished by the Israeli army, 'Anata village, occupied West Bank, January 2007. © Anne Paq/Activestills.

punitive actions since 1967.<sup>102</sup> This does not include the estimated 10,000 refugee shelters destroyed in the 1970s and 1980s in several refugee camps in the Gaza Strip, affecting more than 62,000 refugees.<sup>103</sup> The demolition campaigns, carried out under the guise of security operations, aimed to “thin out” the large refugee camps and facilitate forced resettlement of the refugees. Some of these refugees were transferred to the occupied West Bank. Also not included are the 400 families displaced after the April 2002 assault on and siege of the Jenin refugee camp, and the 24,151 persons rendered homeless and displaced as a result of the demolition of 2,521 refugee shelters in the occupied Gaza Strip between 2000 and 2005.<sup>104</sup> Demolition of refugee homes continued in 2006, particularly

in the Gaza Strip, where over 294 families have had their homes destroyed as of November 2006 and over 5,100 persons were displaced during Israel’s military operation in June and July 2006.<sup>105</sup>

Since the Oslo Accords, home demolitions in the occupied West Bank have concentrated in area C and in eastern Jerusalem. In eastern Jerusalem alone, close to 700 homes were demolished between 1994 and 2006 as part of Israel’s “policy of judaization of the eastern part of the city.”<sup>106</sup>

#### 1.6.4 Land confiscation

Israel has continued to expropriate Palestinian land as “abandoned” land, “state property” and for military use and public purpose.<sup>107</sup> Expropriated property held by Israel in the OPT under military orders for Jewish colonization (also termed “settlement”) suggests *de facto* permanent confiscation and possibly annexation. Property confiscated by the Jewish National Fund (JNF) in the 1967-OPT is considered the inalienable property of the Jewish people. Israel has retained overall control of immovable property under the Oslo process.

Israel occupies the entire surface of the West Bank (some 5,860 km<sup>2</sup>) and has confiscated or *de facto* annexed more than 3,350 km<sup>2</sup> for the exclusive benefit of its Jewish population.<sup>108</sup>

#### 1.6.5 Colonization and apartheid

Israel has planned and established Jewish colonies in the occupied West Bank since 1967. In 2006, there were over 120 official colonies and 100 outposts, with a population of over 440,000 Jewish settlers in the occupied West Bank.<sup>109</sup> During 2006, new colonies have been established, while others have expanded.<sup>110</sup> Israel is also building a highway network throughout the occupied West Bank, linking almost all of its colonies to one other.<sup>111</sup> During the 1990s, the growth rate of the Jewish settler population reached an annual rate of 7–9%. More recently (2001–2005), the population growth of Jewish settlers in the occupied West Bank has decreased to an annual average of approximately 5.5%. This is nevertheless a very high rate compared to the annual growth rate in Israel, which stands at approximately 1.8%.<sup>112</sup>

A discriminatory legal regime applies in the occupied West Bank, with two separate legal systems for Jewish settlers and Palestinian residents respectively. For instance, any Jewish person is able to immigrate and live in the occupied West



Bank based on the *Law of Return* and is subject to Israel's *Basic Law*, while Palestinians are subject to the *Entry into Israel Law* and Israeli military orders, as well as the remnants of Jordanian, British and Ottoman law.<sup>113</sup>

### 1.6.6 Harassment from Jewish settlers

Harassment and attacks by Jewish settlers prevent Palestinians from accessing their land, lead to the destruction of Palestinian property, and forcibly displace Palestinian communities. In 2006, over 275 incidents of settler violence were recorded, ranging from uprooting trees to seizing land and shooting children.<sup>114</sup> In the southern Hebron hills in the occupied West Bank, for instance, close to 1,000 Palestinians live in caves in an area called Masafer Yatta. The residents of these caves have been subject to Israeli expulsion orders since 1999. Jewish settlers residing in nearby colonies and outposts attack and abuse the residents, including children on their way to school. Already in 1985 the Committee on the Exercise of the Inalienable Rights of the Palestinian People had sent a letter informing the General Assembly and Security Council of the demolition of homes and displacement of 200 families in the village of Yatta, stating that “houses have been demolished, grain storage and water wells destroyed, and villagers have been forced off their lands.”<sup>115</sup> A recent survey has found that settler violence has affected 88% of the residents of the caves since 2003.<sup>116</sup> It can be concluded that the intention is to expel these residents in order to annex the area and expand colonies.<sup>117</sup>



*From the roof of their school, children of Shu'fat refugee camp looking at the Wall and the Jewish colony of Pisgat Ze'ev, occupied West Bank, August 2006. © Badil.*

The Israeli authorities have failed to protect Palestinian residents and enforce the law against the settlers. The Attorney General of Israel admitted that the failure to prevent attacks on Palestinians is an “element of a broader phenomenon of lack of appropriate law enforcement against Israelis” in the occupied West Bank.<sup>118</sup> According to the World Bank, “lacking legal remedy and physical protection, Palestinians last recourse is often to leave the land, further shrinking the agricultural sector and disrupting the economic and social fabric of Palestinian towns and villages.”<sup>119</sup>

### 1.6.7 Israel's Wall and its Associated Regime in the Occupied West Bank

The Wall under construction by Israel in the OPT since 2002 gravely infringes upon the fundamental rights of the Palestinian people and violates international law.<sup>120</sup> (See also Chapter Four).

**Map 1.5: Israel's Wall in the Occupied Palestinian West Bank, 2006**



The latest route was approved by the Israeli Cabinet in April 2006 and is 703km long (more than twice the length of the 1949 armistice line, the “Green Line”). While the Wall follows the Green Line on some 20% of its route, most of it is being built inside the occupied Palestinian West Bank, thereby isolating some 10.1% of Palestinian land outside the Wall (west of the Wall). This land is likely to be annexed by Israel.<sup>121</sup> The total amount of land in the occupied West Bank *de facto* confiscated by the Wall and Jewish colonies is 45%.<sup>122</sup> Close to 50,000 dunums (50km<sup>2</sup>) have been confiscated, and about 300,000 dunums (300km<sup>2</sup>) are isolated by the Wall.<sup>123</sup>

Over 650,000 persons in 150 villages in the occupied West Bank are affected by the Wall.<sup>124</sup> Particularly affected are approximately 260,000 Palestinians (10.6% of the population) in the occupied West Bank, including parts of eastern Jerusalem, who will be trapped between the Wall and the Green Line and cut off from the occupied West Bank.<sup>125</sup>

Construction of the Wall and its associated regime is creating a new category of IDPs. John Dugard, UN Special Rapporteur, speaks of “the emergence of a new wave of internally displaced persons.”<sup>126</sup> By 2005, an estimated 15,000 persons had been forcibly displaced from 145 localities as a result of the Wall and its regime.<sup>127</sup> Both refugees and non-refugees are affected by the Wall, indicating both repeated and first-time displacement.

Approximately 50,000 Palestinians living in the “Closed Areas” between the Wall and the Green Line (also known as “Seam Zones”) require special permits to live in their own houses.<sup>128</sup> Palestinians wanting access to their farmland in the “Closed Areas” also require a permit, and these are difficult to obtain.<sup>129</sup> Farmers are increasingly denied access to their land on the West side of the Wall.<sup>130</sup> Palestinian communities living in the “Closed Areas” are particularly vulnerable to forced displacement.<sup>131</sup> Twenty per cent of the residents of the “Closed Areas” reported that household members had been forced to move to other places within the occupied West Bank.<sup>132</sup>

Other vulnerable communities may be displaced as a result of the construction of the Wall; these include the approximately 2,700 members of the Jahalin Bedouin refugee community living near the Jewish colony of Ma’ale Adumim in the occupied West Bank.

It is clear that the Wall and its regime are generating forced displacement in occupied eastern Jerusalem: 17.3% of all Palestinians in Jerusalem who have changed their previous place of residence since 2002 have done so as a direct result of the construction of the Wall. The number of those currently considering changing their place of residence is also increasing (63.8% compared to 52.2% in the past).

As noted by John Dugard, UN Special Rapporteur, “the wall in the Jerusalem area is being constructed to transfer many Palestinians with Jerusalem identity documents to the West Bank.”<sup>133</sup> Among those who are likely to lose their Jerusalem IDs and become displaced by the Wall are approximately 11,000 refugees from the Shu’fat refugee camp.<sup>134</sup> Violations of the right to an adequate standard of living, as a result of restrictions on movement and access to services and basic goods, are the major factors leading to forced displacement as a result of the Wall and its regime in eastern Jerusalem.

### 1.6.8 The Closure and Permit Regime in the Jordan Valley

Jewish colonies control the majority of the Jordan Valley where a number of measures such as land confiscation, “closed military zones”, and a strict permit regime have imposed a “virtual wall” that isolates Palestinian residents of the Valley from the rest of the West Bank.<sup>135</sup> These measures are also causing the forced displacement of Palestinian communities.<sup>136</sup> Palestinian communities in the Jordan Valley, in particular the 17 semi-nomadic Bedouin communities, depend on agriculture and animal grazing for subsistence, and are particularly affected by lack of access to water, grazing lands, local markets, and essential services. The number of Palestinians in the Jordan Valley who have officially changed their places of residence has increased dramatically in recent years, from 945 persons in 2004, to 1,935 in 2005 and over 3,000 in the first months of 2006.<sup>137</sup>



## 1.7 Ongoing Forced Displacement in Israel

Until 1948, most Palestinian Arabs lived in Palestine. As of 2006, half of the Palestinian people, comprising around 5 million Palestinians, were living in areas outside the borders of former (Mandate) Palestine. This transformation in demography has occurred largely through population transfer.<sup>138</sup>

Arbitrary displacement has continued in Israel since the 1967 war. The policy of judaization – the establishment of clear Jewish majorities – in every area of Israel has led to the dispossession and displacement of Palestinian citizens of Israel.<sup>139</sup>

### 1.7.1 Land confiscation and distribution

Until 1948, Palestinian Arabs owned most of the land in Palestine. The subsequent transformation in control and ownership of land occurred largely through mass expropriation of Palestinian-owned property. As of 2006, 93% of the territory in Israel had been nationalized. Under the *1960 Basic Law: Israel Lands*, expropriated land is held by the state of Israel and the JNF as the inalienable property of the Jewish people. So-called state land is managed by the Israel Land Administration (ILA) and is generally not accessible to Palestinians.<sup>140</sup> Around 25% of Palestinians in Israel were recently exposed to at least one kind of property confiscation.<sup>141</sup>

The *1965 Planning and Building Law* established 123 Arab communities with little or no space for expansion. No new Palestinian community has been approved since then. All other inhabited Palestinian areas, even if established prior to the creation of the state of Israel, were classified as illegally occupied (“unrecognized villages”). There are more than 900 Jewish communities, and the state of Israel is approving new ones every year.<sup>142</sup> Unrecognized villages cannot apply for building licenses and homes can be demolished. “Nearly 100,000 Palestinian citizens of Israel – one in 10 – live in unrecognized villages.”<sup>143</sup>

### 1.7.2 Arbitrary displacement in the Naqab and Galilee

Arbitrary displacement is ongoing in the Galilee and the Naqab (Negev) as a result of Israel’s plan to “judaize” these regions. The Galilee includes a majority of Palestinians, while a quarter of the inhabitants of the Naqab (Negev) are Palestinian Bedouin.

In 2004, Prime Minister Ariel Sharon created an emergency plan to “save the outlying areas” in the Naqab (Negev) and Galilee. This plan intends to increase land held by the Jewish population and ensure a Jewish majority in the Naqab (Negev) and Galilee.<sup>144</sup> In 2005, Israel presented its national planning plan for the next 20 years, “Tama 35”, which aims



Home demolition in 'Atteer Village, Naqab, June 2007. © (source: arab48.com).

to “reach the goal of a Jewish state that absorbs its new immigrants.” In his speech to the Galilee Conference 2005, “Developing Galilee as National Target,” Sharon said, “the Disengagement Plan is not only about withdrawal from Gaza but also aims to increase Jewish settlement in the Galilee, the Negev [Naqab], and Greater Jerusalem.”<sup>145</sup> To encourage Jewish settlers to move to these areas, the state of Israel provides heavily subsidized housing developments, improved transportation networks, and tax breaks.<sup>146</sup>

Palestinians living in the Galilee and Palestinian Bedouin communities in the Naqab (Negev) have been subject to house and property demolition, land confiscation, and the spraying of their crops with toxic chemicals to induce their displacement. Palestinian Bedouins who refuse to move to Israeli-built townships, around 70,000 persons, live in unrecognized villages deprived of all services, including water and electricity. Palestinians in the Galilee and the Naqab also face difficulties in obtaining building permits; approximately 60,000 Palestinian homes in the Naqab (Negev) and 40,000 homes in Galilee were declared unlicensed and are threatened with demolition.<sup>147</sup> Since 1976, the state of Israel has confiscated over 230,000 dunams in the Naqab (Negev), where Jewish settlements are built to prevent Bedouins from making use of their lands.<sup>148</sup>

### 1.7.3 Home demolition

Between 2002 and 2004, nearly 400 homes were demolished in the Naqab (Negev).<sup>149</sup> In 2005, at least 1,200 home demolition orders were issued to Palestinian Bedouins in the Naqab.<sup>150</sup> In February 2005, for instance, 10 homes in the unrecognized Naqab village belonging to the Azazmi Bedouin were destroyed. The Israeli Land Administration issued a press release stating “in line with the Supreme Court decision and after 19 years of legal struggle, we finally succeeded in expelling the Bedouin who have occupied state land.”<sup>151</sup> Home demolition also occurred in other regions, such as Lid (Lydda), where 10 homes were demolished between January and March 2006.<sup>152</sup>

## 1. 8 Forced Displacement in Host Countries

Palestinians who have sought refuge outside their homeland have experienced further forced displacement. In the 1950s, Arab Gulf oil-producing states expelled striking Palestinian workers. When the Palestine Liberation Organization (PLO) challenged the power of the Hashemite Kingdom in 1970, vast numbers of Palestinians were expelled (between 18,000 to 20,000) and their camps were brutally demolished. This war, known as “Black September”, also resulted in the expulsion of the PLO from Jordan and its relocation to Lebanon.

In south Lebanon, Israeli warplanes bombed and destroyed the al-Nabatiya refugee camp near the city of al-Nabatiya in 1974. Refugees were displaced to Ein al-Hilwe refugee camp and other camps in Beirut. Two years later, Christian Phalangist forces razed Tal az-Za’ater and Jisr al-Basha refugee camps in eastern Beirut. Refugees were displaced yet again to Ein al-Hilwe and other Beirut camps. The 1982 Israeli invasion of Lebanon led to the massacre of several thousand Palestinian refugees in the Beirut refugee camps of Sabra and Shatila by Israeli-allied Christian Phalangists



Overview of the destroyed refugee camp of Ein el-Hilweh, Lebanon, 1982. © UNRWA Archives.

in September 1982. Palestinian refugees were also displaced as a result of the “war of the camps” (1985–87) between the Lebanese army and PLO forces who remained after the departure of the PLO.<sup>153</sup>

According to UNRWA estimates, during the 1980s and following Israel’s military invasion of Lebanon, 57% of homes in the eight refugee camps in the Beirut, Saida and Tyre areas were destroyed, with another 36% damaged in aerial bombardment, ground fighting, and subsequent bulldozing. The vast scale of the damage affected some 73,500 refugees – 90% of the camp population in those areas.

Close to 200,000 Palestinian refugees were displaced and some 30,000 killed between 1982 and the late 1980s, as a result of Israel's invasion, the departure of the PLO forces (14,000) to Tunisia, Libya, Sudan, Yemen and Syria, and subsequent civil war.<sup>154</sup> Since the 1980s, it is estimated that about 100,000 Palestinians have emigrated from Lebanon or sought protection from persecution in the Gulf countries and Northern Europe, mainly in Germany, Sweden and Denmark.<sup>155</sup>

**Table 1.2 Refugee Camps Destroyed in Lebanon**

Camp	Land Area	Population	Year of Destruction
Official Camps			
al-Nabatiya (South)	103,455	6,500	1974
Dhbaia (Beirut)	83,576	5,500	1975
Jisr al-Basha (Beirut)	22,000	3,000	1976
Al-Dekwana (Beirut)	56,646	15,100	1976
Meih Meih (Sida)	54,040	4,500	1982
Unofficial Camps			
al-Maslakh (Eastern Beirut)		1,250	1975
Burj Hammod (Eastern Beirut)		4,500	1976
Al-Naba'a (Eastern Beirut)		1,450	1976
Hursh Shatila (Western Beirut)		3,600	1985
Al-Hai al-Gharbi Shatila (Western Beirut)		1,450	1985
Al-Daouq (Western Beirut)		3,250	1985
Marginal Camps			
Al-Shawakir (Sur)		82	1986
Ras al-Ein (Sur)		75	1986

Source: Ali Sha'aban, Hussein, *Palestinian Refugees in Lebanon: From Hosting to Discrimination*. Jerusalem: PASSIA, 2002. Some of the displaced refugees from Dhbaia camp who remained in Lebanon later returned to the camp during the mid-1990s, but most of the camp housing is occupied by other refugees, including displaced Lebanese and Palestinians. After 1982, some Palestinian refugees, especially from other areas, found shelter in Meih Meih camp.

In Kuwait, during the 1991 Gulf War, most of the Palestinian population (350–400,000) was forced to leave the country as collective punishment for PLO support for Iraq. Most Palestinians in Kuwait were UNRWA-registered 1948 refugees with Jordanian passports or Egyptian travel documents. Palestinians were mainly displaced to Jordan (250,000–280,000) and Iraq (2,000); those with residency status in the OPT (30,000–40,000) were able to return there. The PLO estimated that only some 27,000 Palestinians remained in Kuwait.<sup>156</sup>

In 1994, Libya announced its intention to expel Palestinians (35,000) as an expression of its dissatisfaction with the Oslo peace process. Measures taken by the Libyan government included non-renewal of Palestinian residency permits and cancellation of valid ones. In September 1995, President Gaddafi reiterated his intention to expel all Palestinians. Soon after, thousands of Palestinians were put on ships and trucks and expelled from Libyan territory. Some were allowed entry into Jordan, the OPT, Syria and Lebanon, but many who had no valid travel documents were left stranded in extremely harsh conditions in the Saloum refugee camp on the border between Egypt and Libya. In January 1997, the Libyan parliament announced that Palestinians who had been stranded for 16 months at the Egyptian border could return to Libya.<sup>157</sup>

In Iraq, the situation of Palestinian refugees has deteriorated dramatically since 2003 as a result of the US-led war and occupation. Palestinian refugees are not only victims of the general violence, but are also persecuted on grounds of nationality. Persecution has taken the form of eviction from their homes, arbitrary detention, kidnapping, torture, rape, and extra-judicial killings. The US/UK forces and the Iraqi authorities are unable or unwilling to protect Palestinian refugees in Iraq. Of a population estimated at between 34,000 and 90,000 persons in 2003, over 15,000 have left Iraq. The whereabouts and legal status of those who have fled remain largely unknown to UN



*Al-Tanaf refugee camp at the Syrian-Iraqi borders, 2006. (© source: UNHCR).*

agencies because of the difficulties of working in Iraq, as well as financial constraints. Some Palestinian refugees have been reported by UNHCR offices in locations as far afield as India and Thailand. It is estimated that over 15,000 Palestinian refugees are still in Iraq, mainly the most vulnerable, who are unable to flee.

Jordan has refused to allow Palestinian refugees from Iraq to enter its territory, except for a limited number (approximately 400) married to Jordanian nationals. By the end of 2006, only 97 Palestinian refugees remained in the Ruweished camp located in Jordan, 50 kilometres from the Iraqi border. The government of Syria has also allowed entry only to a small number of Palestinian refugees. It has denied entry to the majority of refugees on the grounds that they do not have proper travel documents, and that the Arab League has not yet taken a decision regarding their future. The small number of Palestinian refugees officially hosted in Syria are in the Al Hol refugee camp (around 300 persons), a UNHCR camp serviced by UNRWA. Other groups of Palestinian refugees are stranded in miserable conditions on the Syrian-Iraqi border at the al-Tanf border crossing point (around 320 persons). Palestinian refugees in the Ruweished camp, Al Hol camp, and al-Tanf fall under the mandate of UNHCR, although they are located in UNRWA area of operations.<sup>158</sup> Another 356 persons are stranded in the “no-man’s-land” area between Syria and Iraq, and at least 520 others are stuck in El Waleed area on the Iraqi side of the border. Their number is increasing as more refugees flee Iraq. An unknown and probably greater number of Palestinian refugees are also believed to have entered Syria with forged documents.

Israel’s war with Lebanon in the summer of 2006 (12 July to 14 August) led to inflows and outflows of displaced persons from Palestinian refugee camps. Although the camps were not generally directly targeted, on many occasions bombing and shelling took place in the immediate vicinity of the camps. On three occasions however, the refugee camp of Ein el-Hilweh was hit by Israeli bombardments and one member of UNRWA staff, as well as two civilians were killed.<sup>159</sup> Moreover, as many as 25,000 Palestinian refugees residing outside the camps in the southern villages near the Israeli border faced the same conditions as the Lebanese population.<sup>160</sup> Around 16,000 Palestinian refugees were displaced both within Lebanon and to neighbouring countries.<sup>161</sup> The Palestinian refugee camps of Rashidieh, al-Buss, Burj al-Shamali, Mieh Mieh, and Ein el-Hilweh hosted internally displaced Lebanese and Palestinians.<sup>162</sup> The majority of these IDPs returned to their homes after the end of hostilities. The war exacerbated the vulnerability of Palestinian refugees.<sup>163</sup>



## Appendix 1.1: Notes for Figure 1.1

The estimate for the number of Palestinians displaced between 1922 and 1947 is based on British archival data and academic studies on deportation, denationalization, forced evictions, and punitive house demolitions. The estimates for the total number of Palestinians displaced in 1948 and in 1967 are derived largely from United Nations estimates, as well as several academic studies. The estimate for the total number of Palestinians displaced between 1949 and 1966 is based on academic studies, which rely primarily on Israeli archival documents. The estimate of the total number of Palestinians displaced since 1967 is based on estimates of the average annual rate of forced displacement from the occupied Palestinian territory (OPT) and studies on residency rights, land confiscation, and house demolition.

### The British Mandate (1922–1947)

More than 40,000 Palestinians fled the country as a result of British measures to quell the “Great Revolt” during the 1930s. See Gabbay, Rony, *A Political Study of the Arab-Jewish Conflict: The Arab Refugee Problem [A Case Study]*. Geneva and Paris: Librairie E. Droz and Librairie Minard, 1959.

In addition, the British administration destroyed some 5,000 Palestinian homes during the “Great Revolt”. The total number of persons affected (30,000) is based on an average of six persons per dwelling. See al-Ruday’i, Yusef Rajab, *Thawrat 1936 fi Filastin: Diras a ‘Askariyya. [The 1936 Arab Revolt in Palestine: A Military Study]* [Arabic]. Beirut: Institute for Palestine Studies, 1983.

Between 1939 and 1945, 1,062 Palestinian tenant households in 48 localities were evicted from lands bought by Jews. See Kamen, Charles, *Little Common Groun: Arab Agriculture and Jewish Settlement in Palestine 1920–1948*. Pittsburgh: University of Pittsburgh Press, 1999.

### The Partition Plan to Armistice Agreement (1947–1949)

An estimated 30,000 Palestinians fled Palestine immediately after the UN recommended partitioning the country in November 1947. See Childers, Erksine B, “The Wordless Wish: From Citizens to Refugees,” *The Transformation of Palestine*. Abu Lughod, Ibrahim (ed.), Evanston, Illinois: Northwestern University Press, 1971.

Had no displacement taken place, between 494,000 to 508,000 Palestinian Arabs would have been living inside the armistice lines in Arab-held territory, with 890,000 to 904,000 living in territory held by Israel. According to the Israeli census of November 1948, there were between 120,000 and 130,000 non-Jews in Israel, including 66,000 Bedouins, leaving a population of displaced persons of about 770,000 to 780,000. See Abu-Lughod, Janet, “The Demographic Transformation of Palestine,” *The Transformation of Palestine*. Abu-Lughod, Ibrahim (ed.), Evanston, Illinois: Northwestern University Press, 1971.

The number of displaced/expelled Palestinians is calculated based on the population of 531 depopulated Palestinian localities in *Village Statistics 1944*, prepared by the British Mandate and updated to 1948 based on an average annual population increase of 3.8%, compared to the number of Palestinian Arabs remaining in Israel (according to various Israeli and other sources). The population of the Bir Saba’ District was estimated from Arif al-Arif, *Bedouin Law* [Arabic], Jerusalem Press, 1933; and S.W. Dajani, “The Enumeration of the Beer Sheba Bedouins in May 1946,” *Population Studies* 3, 1947, and correlated with other sources. The total number of Palestinian refugees at this point was 804,767. However, if the extra villages registered with UNRWA at the time are included, the total number of refugees then rises to 935,573. These additional villages include whose land was taken over by Israel in 1948, while the village houses themselves remained in the West Bank and Gaza Strip; Jewish villages or lands in which refugees used to live and work; Palestinian Arab villages which remained in Israel, while some of their inhabitants became refugees; and villages or sites which were satellites of or extensions to listed villages. See Abu Sitta, Salman, *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine*. London: The Palestinian Return Centre, 1998.

The British Foreign Office estimated the total number of refugees to be 810,000 in February 1949, subsequently issuing revised estimates in September 1949 of 600,000 (Foreign Office Research Department) and 760,000 (UNCCP Technical Office). The Foreign Office considered the Israeli estimate low due to the fact that it did not account for natural increase in the population since 31 December 1947; neither did it include displaced Bedouins who had become refugees. Moreover, the Foreign Office did not agree with Israel’s assertion that Mandate population figures for Palestinian Arabs were exaggerated and should therefore be reduced by 6% (see below). See PRO FO371-75436 E10083/1821/31, Foreign Office to UK Delegation to the United Nations (New York), 2 September 1949. Israel estimated the total number of Palestinian refugees to be 530,000 as of 1949. This estimate was based on the difference between the total number of non-Jewish inhabitants in the area of Palestine that became the state of Israel as of the end of 1947 (with a deduction of 6%, based on the assumption that Mandate population statistics for Palestinian Arabs were exaggerated) and the number of Palestinians that remained inside Israel after the 1948 war. This estimate did not include the estimated 30–40,000 refugees who “infiltrated” the state (i.e., returned spontaneously) – even though they might have remained internally displaced – since November 1948. See ISA FM2444/19, Dr H. Meyuzam, to Asher Goren, the



Political Department of the Foreign Ministry, 2 June 1949. In a private letter, however, then Director General of the Israeli Foreign Ministry, Walter Eytan, noted that UNRWA registration numbers, which were substantially higher than the Israeli estimate, were “meticulous” and that the “real number was close to 800,000.” See CZA A340/24, Eytan to Daniel Sirkis (*Hatzofe*), 10 November 1950. According to Israeli officials, “if people ... became accustomed to the large figure and we are actually obliged to accept the return of the refugees, we may find it difficult, when faced with hordes of claimants, to convince the world that not all of these formerly lived in Israeli territory.... It would, in any event, seem desirable to minimize the numbers....” See ISA FM 2564/22, Arthur Lourie to Eytan, cited in Morris, Benny, *The Birth of the Palestinian Refugee Problem 1947–1949*. Cambridge: Cambridge University Press, 1987.

## Military rule in Israel (1950–1966)

In the summer of 1950, the remaining 2,500 Palestinian residents of the city of Majdal (Ashqelon) were expelled into the Gaza Strip. See Morris, Benny, *1948 and After: Israel and the Palestinians*. Oxford: Clarendon Press, 1990.

On 17 November 1951, residents of Khirbat al-Buwayshat in the Little Triangle were expelled and their houses dynamited by the army. See Jiryas, Sabri, *The Arabs in Israel*. New York: Monthly Review Press, 1976.

In February 1951, residents of 13 small Palestinian villages in Wadi ‘Ara were expelled over the border into Jordan. See Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber, 1997.

According to UN observers, some 7,000 Palestinians residing west of the southern armistice line near the Palestinian village of Dura were expelled from Israeli-held territory in March 1949. The Israel Foreign Ministry reported that some 17,000 Bedouin from the Naqab (Negev) were expelled between 1949 and 1953. On 31 May 1950, Israeli army transported 120 Palestinians in two crowded trucks to the edge of Wadi Araba on the Israeli-Jordanian frontier, and forced them across the border by firing shots over their heads. In November 1949, some 500 Bedouin families (2,000 persons) from the Beersheba area were forced across the border into the West Bank. In May 1950, 700–1,000 persons of the ‘Azazmeh or Jahalin tribes were expelled to Jordan. On 2 September 1950, the Israeli army rounded up hundreds of ‘Azazmeh tribesmen (4,000 according to UNTSO reports) from the Naqab (Negev) and drove them into Egyptian territory. In September 1952, the Israeli army expelled some 850 members of the Al-Sani’ tribe from the northern Naqab (Negev) to the West Bank, with several thousand more ‘Azazmeh expelled to the Sinai in subsequent weeks. See Morris, Benny, *Israel’s Border Wars, 1949–56*. Oxford: Clarendon Press, 1993.

In 1949, some 1,000 residents of Baqa al-Gharbiyyah in the Little Triangle were expelled by Israel across the border into the West Bank. Around 700 persons were displaced from Kufr Yassif in early 1949. In mid-April 1949, the US Consulate in Jerusalem reported that “several hundred” Galilee Arabs – “all Israeli citizens” – had been expelled by the Israeli army across the border. Up to 5,000 Bedouin were expelled into Syria in October 1956. See Segev, Tom, *1949: The First Israelis*. New York: The Free Press, 1986.

The United States estimated the total refugee population at 875,000 as of 1953. See “The Problem of Arab Refugees from Palestine,” *US Government Report of the Subcommittee on the Near East and Africa*, 24 July 1953.

On 30 October 1956, a day after the massacre of 43 Palestinian citizens of Kafr Qassim, General Yitzhak Rabin expelled 2,000–5,000 residents of the villages of Krad al-Ghannamah and Krad al-Baqqarah to the south of Lake Hulah in Syria. See Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber, 1997.

## The 1967 War

Approximately 193,500 Palestinian refugees were displaced for a second time, while 240,000 persons were displaced for the first time, bringing the total to over 430,000 displaced persons. According to Lex Takkenberg, “[t]he six-day war in 1967 brought another upheaval. In Syria more than 115,000 people were displaced when Israeli forces occupied the Golan Heights and the Quneitra area. Among them were some 16,000 Palestinian refugees who were uprooted for the second time. Many moved towards Damascus and some to Dera’a further south. About 162,500 refugees from the West Bank and some 15,000 refugees from the Gaza Strip fled to east Jordan, where they were joined by another 240,000 former residents of the West Bank and the Gaza Strip, fleeing for the first time.” *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press Oxford, 1998, p. 17.

The number of persons who had fled from the areas under Israeli occupation during and after the June hostilities is estimated at about 550,000. This figure includes: about 200,000 persons (of whom 95,000 were refugees registered with UNRWA) who had moved from the West Bank to the East Bank in Jordan; about 110,000 persons, according to Syrian sources, and not more than 85,000, according to Israeli sources (of whom about 17,000 were UNRWA-registered refugees), who had moved from the south-western corner of Syria, mainly to the areas of Damascus and Dera’a; and about 55,000 persons (of whom 5,000 were UNRWA-registered refugees in the Gaza Strip) who had

moved across the Suez Canal from the Gaza Strip or Sinai. See United Nations, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Official Records of the General Assembly, Twenty-second Session, Supplement No. 13, 1 July 1966 – 30 June 1967 (A/6713)*. New York: United Nations, 1967.

As of June 1967 there were an estimated 1,400,000 Palestinians living in the West Bank (including eastern Jerusalem) and the Gaza Strip. According to unofficial Israeli estimates, by August–September 1967, the Palestinian population in these areas was around 950,000. The total estimated refugee population was 400,000 from the West Bank and 50,000 from the Gaza Strip. See Abu-Lughod, Janet, “The Demographic Transformation of Palestine,” *The Transformation of Palestine*. Ibrahim Abu-Lughod (ed.). Evanston, Illinois: Northwestern University Press, 1971.

The total number of refugees displaced for the first time in 1967 was 140,000. See Efrat, Moshe, *The Palestinian Displaced Population from the West Bank and the Gaza Strip to the East Bank of Jordan*. Tel Aviv: Israeli International Institute for Applied Economic Policy Review, 1996.

Out of a pre-war population of around 1.4 million, approximately 430,000 left their homes between June and December 1967. See Harris, William Wilson, *Taking Root, Israeli Settlements in the West Bank, the Golan and the Gaza-Sinai, 1967–1980*. New York: John Wiley & Sons, 1980.

Jordan estimated the total number of displaced refugees from the West Bank and Gaza Strip in Jordan to be 188,500, and the total number of persons displaced for the first time from the West Bank and Gaza Strip to be 200,000. See Jaber, Abdel Tayseer, *The Situation of Palestinian Refugees in Jordan*. Amman: Jordan, 1996.

There were approximately 235,000 Palestinians refugees in 1967, comprising 148,000 refugees from the West Bank and 87,000 refugees from the Gaza Strip. Estimates of forced displacement between 1967 and 1986 indicate that some 20,000 Palestinians were displaced per year. See Kossai, George F., *The Palestinian Refugees and the Right of Return*, Information Paper Number 7. Washington, DC: The Center for Policy Analysis on Palestine, 1996.

In 1967, the villages of Bayt Marsam, Bayt ‘Awa, Habla and Jifliq were cleared and razed to the ground. See Hirst, David, *The Gun and the Olive Branch*. London: Faber & Faber, 1984.

In June 1967, some 10,000 residents of the villages of Bayt Nuba, Imwas, and Yalu near the “Green Line” in the Latrun salient were expelled and their villages demolished. In June 1967, some 200,000 Palestinians transferred across the border in a plan organized by Haim Herzog, the first Israeli military governor of the West Bank. In June 1967, some 135 Palestinian families were expelled from the Moroccan quarter of the Old City, and their homes were demolished. See Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber, 1997.

## Occupation of the West Bank and Gaza Strip (1967–2005)

Between 1969 and 1972, some 6,000 – 20,000 Bedouin farmers were evicted from the Rafah salient southwest of the occupied Gaza Strip. During the same period, several hundred refugees were forcibly relocated from the occupied Gaza Strip to the north Sinai. In the early days after the 1967 war, thousands of Palestinian men between the ages of 20 and 70 were deported forcibly from the occupied West Bank and Gaza Strip to across the Jordan River. Between 1968 and 1972, over 1,095 Palestinians were deported from the occupied West Bank and Gaza. Between August 1985 and January 1988, some 46 Palestinians were expelled. From the beginning of the first *intifada* in December 1987 until the end of 1989, 64 Palestinians were deported, with eight more deported in 1991. On 16 December 1992, 413 Palestinians were deported. Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber, 1997.

According to the Jordanian government, approximately 7,000 Palestinians from the occupied West Bank were displaced to Jordan every year between 1968 and 1988. See UN Doc. CERD/C/318/Add.1, 14 April 1998, *Reports Submitted by States Parties under Article 9 of the Convention*, Twelfth Periodic Report of States Parties due in 1997, Jordan, at para. 25, cited in George F. Kossai, *The Palestinian Refugees and the Right of Return*. Washington, DC: The Center for Policy Analysis on Palestine, 1996, p. 8.

Israel revoked the residency rights of approximately 100,000 Palestinians from the OPT between 1967 and 1991. See also Quigley, John, “Family Reunion and the Right to Return to Occupied Territory,” *Georgetown Immigration Law Journal* 6, 1992.

The rate of “out-migration” is as high as 2% of the total population per annum. See also Pederson, Jon and Sara Randall and Marwan Khawaja (eds.), *Growing Fast, the Palestinian Population in the West Bank and Gaza Strip*. Norway: FAFO Institute for Applied Social Science, 2001.

## Appendix 1.2 – Notes for Table 1.1

The estimate for land expropriated immediately after the 1948 war is based on total private and public land owned or used by Palestinians on the eve of the 1948 war. This includes land held in customary ownership by Palestinian Bedouin tribes in the Naqab (Negev) for grazing and rain-fed agriculture. A similar estimate can be derived by examining total Jewish ownership and land classified as state land by the British Mandate Administration. The estimate for land expropriated between 1948 and 1967 is derived by subtracting estimated land losses during this period from the total area of land owned by Palestinians who remained in those territory that became the state of Israel in 1948. The estimate for land expropriated immediately after the 1967 war is derived from land expropriated as absentee and state property. The estimate for land expropriated between 1967 and 2006 includes land expropriated and land controlled by Israel by virtue of Israel's military occupation of the 1967-occupied Palestinian territory. The estimate also includes land expropriated by Israel from Palestinians inside Israel between 1967 and 2006.

### The British Mandate (1922–1947)

As of the end of 1945, it is estimated that Jews owned 1,588,365 dunums of land in Palestine. As of the end of 1946, the estimated land owned by Jews amounted to 1,624,000 dunums. The total area of land classified as state domain under the British Mandate was 1,560,000 dunums. This included 660,000 dunums of which title to was settled under the Land (Settlement of Title) Ordinance, and 900,000 dunums where records indicated that the land was probably state land. As of the end of 1946 the total estimated state domain amounted to 1,700,000 dunums. It was noted that upon completion of the settlement of rights to land, the total amount of state domain would probably increase as it would include land for communal use and development of so-called hill villages. *A Survey of Palestine*, prepared in December 1945 and January 1946 for the information of the Anglo-American Committee of Inquiry, Volume 1 and Supplement. Reprinted in full with permission from Her Majesty's Stationery Office. Washington, DC: Institute for Palestine Studies.

According to *Village Statistics*, Palestinians owned some 12,766,524 dunums of land in Palestine in 1945, excluding land held in the Naqab (Negev). *Village Statistics* identified some 1,936,380 dunums in the Naqab as Palestinian-owned, 65,231 dunums as Jewish-owned, 2,279 dunums as public land, and 10,573,110 as "uncultivable land". *Village Statistics 1945, A Classification of Land and Area Ownership in Palestine*. Figures are based on British Mandate statistics.

*In a survey of 38 villages, it is estimated that 632,000 dunums of land were expropriated between 1945 and 1972. See Abu Kishk, Bakir, "Arab Land and Israeli Policy," Journal of Palestine Studies 1, Autumn 1981.*

### The Partition Plan to Armistice Agreement (1947–1949)

In total Israel expropriated 17,178,000 dunums of Palestinian refugee land. This includes land as calculated in Village Statistics and vast areas in the southern Bir Saba' District, which were held under traditional or customary ownership by nomadic Bedouin. Customary ownership of these areas is identified by reference to maps and other documents delineating Bedouin tribal areas. The entire District comprised some 12,000,000 dunums or approximately 60% of the land incorporated into the state of Israel in 1948. Total ownership of Palestinians that remained inside the territory that became the state of Israel as of 1948 (i.e., before expropriation) is estimated at 1,465,000 dunums. Between 1948 and 2001, Israel expropriated approximately 76% of the land of Palestinian citizens or 1,113,000 dunums. Abu Sitta, Salman, *The End of the Palestinian-Israeli Conflict: From Refugees to Citizens at Home*. London: The Palestine Land Society and the Palestinian Return Centre, 2001.

It is estimated that Palestinians privately owned some 867,000 dunums of land inside Israel immediately after the establishment of the state in May 1948. By the 1950s, total Palestinian land ownership inside Israel had been reduced to 529,428 dunums due to expropriation. Cano, Jack, *The Question of Land in the National Conflict between Jews and Arabs 1917–1990* [Hebrew]. Poalim Library, 1992.

At the end of 1947 Jews owned a total of 1,734,000 dunums of land. This included 435,000 dunums held by the Palestine Land Development Company (PICA), 933,000 dunums held by the Jewish National Fund (JNF), and 366,000 dunums held by private purchasers. Granott notes that a large part of the land held by PICA was eventually registered as private property of Jewish farmers. Granott, Avraham, *Agrarian Reform and the Record of Israel*. London: Eyre & Spottiswoode, 1956.

Palestinian land expropriated in 1948 included land in 77 border villages where the built-up area of the village remained in Arab-held territory (i.e., West Bank and Gaza Strip) but had 1,255,000 of inaccessible land located in Israeli-held territory and three villages located in 'no mans' land of which 18 km<sup>2</sup> was located in Israeli-held territory. The UN Special Committee on Palestine (UNSCOP)

estimated that Palestinian ownership of land in 1947 amounted to 22,374,547 dunums. See Hadawi, Sami, *Palestinian Rights and Losses in 1948*. London: Saqi Books, 1988.

According to the global identification process completed by the UNCCP in 1951, 16,324,000 dunums of land were determined to be private property owned by Palestinians. An individual evaluation, which was criticized by several experts, identified some 7,069,091 dunums as Palestinian-owned land. The UNCCP archives include 453,000 records, amounting to some 1,500,000 holdings. See *Progress Report of the United Nations Conciliation Commission for Palestine (UNCCP)*. UN Doc. A/1985, 20 November 1951.

## **Military rule in Israel (1950–1966)**

Approximately 40% of land owned by Palestinians inside Israel was expropriated as absentee property under the 1950 Absentees' Property Law. Peretz, Don, *Israel and the Palestinian Arabs*. Washington, DC: The Middle East Institute, 1958.

As of 1963 Palestinians in villages inside Israel owned 385,993 dunums of private land and 472,798 dunums of public land. Calculated from Survey of Arab Agriculture and Development Plan A. Nazareth: Ministry of Agriculture, Unit for Survey and Planning for the Minority Villages, The Joint Development Centre, July 1963.

It is estimated that as of 1962, Israel had expropriated 704,298 dunums of Palestinian-owned land inside Israel. The figure is based on a survey of 79 selected Palestinian villages for the period 1945–1962. See Jiryis, Sabri, *The Arabs in Israel*. London: Monthly Review Press, 1976.

This includes, for example, 1,200 dunums expropriated in 1957 from Palestinian landowners of Nazareth and surrounding villages to establish the Jewish colony of Upper Nazareth; land expropriated from Palestinian villagers of Tashiha and Ma'iliya in 1957 for the establishment of the Jewish colony of Ma'a lot; and 5,100 dunums expropriated from the Palestinian villages of Nahaf, Deir al-Asad, Bi'neh, and Majd al-Krum in 1964 to establish the Jewish colony of Karmiel. See Abu Hussein, Hussein and Fiona McKay, *Access Denied: Palestinian Access to Land in Israel*. London: Zed Books, 2003.

## **The 1967 War**

It is estimated that Israel expropriated 730,000 dunums of West Bank land and 119,000 dunums of Gaza land as absentee and state land immediately after the 1967 war. Citing *Land Expropriation, Human Rights Update* (PHRIC, Washington, DC), April 1991 and "Jewish Settlements in the West Bank and Gaza Strip," *Survey of Jewish Affairs* (1990) in Bisharat, George E., "Land, Law and Legitimacy in Israel and the Occupied Territory," *The American Law Review* 43, 1994.

## **Occupation of the West Bank and Gaza Strip (1967–2005)**

Israel expropriated some 20,103 dunums from Palestinians inside Israel in 1975 to establish 20 new Jewish colonies (settlements) and expand existing Jewish cities. Hussein and McKay also cite a report in Ha'aretz (13 June 1989) stating that some 60,000 dunums of land in Galilee were classified as 'state land' between 1978 and 1987 due to settlement of title operations, acquisitions, and expropriations. Citing A. Shmueli, "Village Population in the Hilly Upper Galilee 1967–77," Artzot Hagalil, Tel Aviv: Ministry of Defence, 1983; and E. Rekhes, *The Arabs in Israel and Land Expropriations in the Galilee*, Tel Aviv Surveys, University of Tel Aviv, Shiloah Institute, 1977 in Abu Hussein, Hussein and Fiona McKay, *Access Denied: Palestinian Access to Land in Israel*. London: Zed Books, 2003.

Since 1967 Israel has acquired control of 70% of the West Bank, 40% of the Gaza Strip and 86.5% of East Jerusalem. Abusway, Khader, Rose-Marie Barbeau and Muhammad al-Hasan, *Signed, Sealed and Delivered: Israeli Settlement and the Peace Process*. Jerusalem: JMCC, Jerusalem Media and Communication Center, 1997.

By the mid-1980s, Israel had expropriated some 60% of the West Bank. This included: 430,000 dunums as absentee property; 750,000 dunums as 'state land'; 35,000 dunums requisitioned for military purposes; and, 1.15 million dunums of land closed for military training. Benvenisti, Meron, *The West Bank Data Project: A Survey of Israel's Policies*. Washington, DC: American Enterprise Institute, 1984.

A 1987 Israeli State Comptroller, *Annual Report* 37, lists a total of 430 km<sup>2</sup> of Palestinian land in the West Bank expropriated by Israel as absentee and state property immediately after the 1967 war. *Land Grab, Israel's Settlement Policy in the West Bank*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territory, 2002.

Palestinians inside Israel had lost approximately 70% of their land by 1980 due to expropriation (based on a survey of 18 Palestinian villages whose land base decreased from 620,350 dunums in 1947 to 188,930 dunums by 1980). Under the land acquisition law of 1953, 1,250,000 dunums of land were expropriated. Lustick, Ian, *Arabs in the Jewish State*. University of Texas Press, 1980.

“Palestinians that remained [in Israel] lost about 40–60% of the land they possessed.” Citing Kark and Golan in *Israel: The First Decade of Independence*, I. S. Troen and N. Lucas (eds.), Syracuse, NY: State University of New York Press, 1995, in Kedar, Alexander, “On the Legal Geography of Ethnocratic Settler States: Notes Towards a Research Agenda,” *Current Legal Issues* 5, 2002, pp. 401–441.

Close to 50,000 dunums have been confiscated and about 300,000 dunums are isolated by the Wall. PCBS, “Special Report on the 59<sup>th</sup> Anniversary of the *Nakba*,” Palestinian Central Bureau of Statistics, 10 May 2006, p. 6.



## Endnotes

- <sup>1</sup> Methods of population transfer may include financial subsidies, planning, public information, military action, recruitment of settlers, legislation or other judicial action, and the administration of justice. *The Human Rights Dimensions of Population Transfer, including the Implantation of Settlers*, Preliminary Report prepared by A. S. al-Khawasneh and R. Hatano. Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-fifth Session 2–27 August 1993, Item 8 of the provisional agenda, E/CN.4/Sub.2/1993/17, 6 July 1993, at paras. 15 and 17.
- <sup>2</sup> *Rome Statute of the International Criminal Court*, entered into force on 1 July 2002, Article 7.2(d).
- <sup>3</sup> *Rome Statute of the International Criminal Court*, entered into force on 1 July 2002, Article 8.2(b)(viii).
- <sup>4</sup> For more details on Zionist population transfer plans, see Masalha, Nur, *Expulsion of the Palestinians: The Concept of "Transfer" in Zionist Political Thought, 1882–1948*, Washington, DC: Institute for Palestine Studies, 1992. Also see Simons, Chaim, *International Proposals to Transfer Arabs from Palestine 1895–1947, A Historical Survey*, Hoboken, New Jersey: Ktav Publishing, 1988.
- <sup>5</sup> The Basle Program, 31 August 1897, excerpts reprinted in *Documents on Palestine, From the Pre-Ottoman/Ottoman Period to the Prelude to the Madrid Middle East Peace Conference*, Abdul Hadi, Madhi F. (ed.). Jerusalem: PASSIA, 1997, p. 14.
- <sup>6</sup> *The Complete Diaries of Theodor Herzl*, Vol. I. Patai, Raphael (ed.). New York: Herzl Press and T. Yoseloff, 1960, pp. 8–9.
- <sup>7</sup> Sultany, Nimer, *Citizens Without Citizenship*. Mada's First Annual Political Monitoring Report: Israel and the Palestinian Minority 2000–2002, Haifa: Mada, 2003, pp. 42–43.
- <sup>8</sup> *Israel and the Palestinian Minority 2004*, Sultany, Nimer (ed.), Mada's Third Annual Political Monitoring Report. Haifa: Mada, July 2005, p. 33.
- <sup>9</sup> The slogan was eventually barred by the Central Committee managing the Israeli elections, although the party continued to advocate for the transfer of Palestinians. See *Weekly Review of Human Rights Violations against the Palestinian Arab Minority in Israel*, No. 264/3–10 March 2006, Nazareth: Arab Association for Human Rights, p. 3.
- <sup>10</sup> The Balfour Declaration is reprinted in *Survey of Palestine*, Vol. I, prepared in December 1945 and January 1946 for the information of the Anglo-American Committee of Inquiry. Reprinted in full with permission from Her Majesty's Stationery Office. Washington, DC: Institute for Palestine Studies, 1991, p. 1. Prior to issuing the final Declaration, the British obtained the assent of the United States. The US Congress subsequently adopted a resolution on 30 June 1922, "[f]avoring the establishment in Palestine of a national home for the Jewish people." McCarthy, Justin, *The Population of Palestine: Population Statistics of the Late Ottoman Period*. New York: Columbia University Press, 1990, p. 21.
- <sup>11</sup> Table 2.2, Population of Palestine in 1918, Projected Back from 1922 Census Figures, as corrected, McCarthy, Justin, *The Population of Palestine: Population Statistics of the Late Ottoman Period*. New York: Columbia University Press, 1990, p. 26.
- <sup>12</sup> Table III, Jewish Land Ownership in Palestine, Lehn, Walter, *The Jewish National Fund*. London: Kegan Paul International, 1988, p. 74.
- <sup>13</sup> Gibbons, Herbert Adams, "Zionism and the World Peace," *Century* 97, 1919, p. 371, reprinted in Stevens, Richard P., *Zionism and Palestine Before the Mandate: A Phase of Western Imperialism: An Essay with a Selection of Readings*. Beirut: Institute for Palestine Studies, 1972, pp. 56–57.
- <sup>14</sup> Quigley, John, *Palestine and Israel: A Challenge to Justice*. Durham: Duke University Press, 1990, p. 8.
- <sup>15</sup> Anglo-French Declaration, 7 November 1918.
- <sup>16</sup> Article 22 of the Covenant of the League of Nations stipulates that "[c]ertain communities formerly belonging to the Turkish Empire [including Palestine] have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone." Covenant of the League of Nations, 28 June 1919, reprinted in *Survey of Palestine*, Vol. I. Washington, DC: Institute for Palestine Studies, 1991, pp. 2–3.
- <sup>17</sup> The Treaty of Peace between the Allied and Associated Powers and Turkey, signed at Sèvres, 10 August 1920, Part II, Section VII, Art. 94.
- <sup>18</sup> The Mandate did not come into force until 29 September 1923. The Mandate for Palestine, 24 July 1922, is reprinted in *Survey of Palestine*, Vol. I. Washington, DC: Institute for Palestine Studies, 1991, pp. 4–11.
- <sup>19</sup> Statement by Arthur Balfour, British Secretary of State for Foreign Affairs, *Foreign Office No. 371/4183* (1919), quoted in *The Origins and Evolution of the Palestine Problem 1917–1988*, Part I. New York: United Nations, 1990.
- <sup>20</sup> Out of 9,000 citizenship applications from Palestinians outside the country, British officials approved only 100. Based on an average family size of six persons, more than 50,000 Palestinians may have been affected. *Palestine Royal Commission Report*, Cmd. 5479. London: HMSO, 1937, p. 331. For a description of the problem facing Bethlehem families, see Musallam, Adnan A., *Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948*. Bethlehem: WIAM – Palestinian Conflict Resolution Center, 2002.
- <sup>21</sup> *Toward the De-Arabization of Palestine/Israel 1945–1977*. Nijim, Basheer K. (ed.). Dubuque, Iowa: Kendall/Hunt Publishing Company, 1984, p. 10. Because of the reliance on agriculture, the impact of the loss of land went far beyond the amount of land lost to Zionist colonization during this period. Palestinian ownership of land declined approximately 4% as a result of the sale of

- land, primarily by large absentee landlords. Khalidi, Rashid, *Palestinian Identity: The Construction of Modern National Consciousness*, New York: Columbia University Press, 1997, pp. 113–114. A smaller number of Palestinian Arab farmers lost their lands due to financial insolvency.
- <sup>22</sup> The emergency laws included: the 1936 Emergency Regulations, *The Palestine Gazette* 584, No. 2 (19 April 1936), p. 259; the 1937 Palestine (Defense) Order, *The Palestine Gazette* 675, No. 2 (24 March 1937), p. 267; the 1937 Defense (Military Courts) Regulations, *The Palestine Gazette* 737, No. 2 (11 November 1937), p. 1138; the 1939 Defense Regulations, *The Palestine Gazette* 914, No. 2 (26 August 1939), p. 659; and the 1945 Defense (Emergency) Regulations, *The Palestine Gazette* 1442, No. 2 (27 September 1945), p. 1058. Sabri, Jiryis, *The Arabs in Israel*, London: Monthly Review Press, 1976, p. 10.
- <sup>23</sup> During 1936–39, the British administration demolished some 5,000 Palestinian homes. Based on an average family size of six persons, an estimated 30,000 Palestinians were affected. Rajab al-Ruday'i Yusef, *The 1936 Arab Revolt in Palestine: A Military Study* [Arabic], cited in Sayigh, Yezid, *Armed Struggle and the Search for State, The Palestinian National Movement 1949-1993*, Washington, DC: Institute for Palestine Studies and Oxford University Press, 1999, p. 2.
- <sup>24</sup> Gabbay, Rony, *A Political Study of the Arab-Jewish Conflict: The Arab Refugee Problem (A Case Study)*. Geneva: Librairie E. Droz, and Paris, Librairie Minard, 1959, p. 66.
- <sup>25</sup> *Survey of Palestine*, Vol. I. Washington, DC: Institute for Palestine Studies, 1991, p. 82.
- <sup>26</sup> For the proposed texts of the questions to be submitted to the ICJ, see Iraq (UN Doc. A/AC.14/21); Syria (UN Doc. A/AC.14/25); and Egypt (UN Doc. A/AC.14/14).
- <sup>27</sup> Committee members unanimously approved 11 general recommendations, including a UN-supervised transition period, protection of religious and minority rights, and citizenship and property rights. They were unable to reach a consensus concerning the future status of the country. Report of the UN Special Committee on Palestine, *The Question of Palestine*. UN Doc. A/364, 31 August 1947.
- <sup>28</sup> GA Resolution 181(II), 11 November 1947, UN GAOR, 1<sup>st</sup> Sess., UN Doc. A/64 (1947).
- <sup>29</sup> GA Resolution 181(II), 11 November 1947, UN GAOR, 1<sup>st</sup> Sess., UN Doc. A/64 (1947), para. 10(d).
- <sup>30</sup> For the population of Palestine, see Table 2.18, “The Population of Palestine by Religion, 1870 to 1946”, McCarthy, Justin, *The Population of Palestine: Population Statistics of the Late Ottoman Period*, New York: Columbia University Press, 1990, p. 37. For Jewish landownership, see Lehn, Walter, *The Jewish National Fund*, London: Kegan Paul International, 1988, p. 74.
- <sup>31</sup> The proposed Jewish state had a population of 498,000 Jews and 497,000 Palestinian Arabs, 90,000 of whom were Bedouins. The proposed Arab state had a population of 725,000 Palestinian Arabs and 10,000 Jews. The city of Jerusalem, which was to have international status, had a population of 105,000 Palestinian Arabs and 100,000 Jews. Report of the UN Special Committee on Palestine, *The Question of Palestine*. UN Doc. A/364, 31 August 1947. State land comprised less than 3% of the proposed Jewish state.
- <sup>32</sup> This includes some 40,000 Palestinians who fled during the “Great Revolt”, an estimated 54,000 Palestinians who were denationalized under the 1925 *Palestine Citizenship Order*, thousands of tenant farmers who were evicted from their villages and became internally displaced, and an estimated 30,000 Palestinians internally displaced due to punitive house demolition. Gabbay, Rony, *A Political Study of the Arab-Jewish Conflict: The Arab Refugee Problem (A Case Study)*, Geneva: Librairie E. Droz, and Paris, Librairie Minard, 1959; *Palestine Royal Commission Report*, Cmd. 5479. London: HMSO, 1937; Kamen, Charles, *Little Common Ground: Arab Agriculture and Jewish Settlement in Palestine 1920–1948*, Pittsburgh: University of Pittsburgh Press, 1991, p. 191; and Childers, Erskine B., “The Wordless Wish: From Citizens to Refugees,” in *The Transformation of Palestine: Essays on the Origin and Development of the Arab-Israeli Conflict* in Abu Lughod, Ibrahim (ed.). Evanston, Illinois: Northwestern University Press, 1971, p. 181. As many as 70 Palestinian rural villages disappeared. Kanaana, Sharif, *Still on Vacation*, Jerusalem International Center for Palestinian Studies, 1992, p. 96. This also included some 30,000 Palestinians who fled Palestine in the immediate months after the passage of UN Resolution 181 in November 1947. Childers, Erskine B., “The Wordless Wish: From Citizens to Refugees,” in *The Transformation of Palestine*, ed. Abu Lughod, Ibrahim, p. 181.
- <sup>33</sup> Table III, Jewish Land Ownership in Palestine, Lehn, Walter, *The Jewish National Fund*. London: Kegan Paul International, 1988, p. 74.
- <sup>34</sup> By 1946, the estimated population of Palestine was 1,952,920, including 583,327 Jews. See Abu-Sitta, Salman, *Atlas of Palestine 1948*, London: Palestine Land Society, p. 11.
- <sup>35</sup> Khalidi, Walid, “Plan Dalet: Master Plan for the Conquest of Palestine,” 28 *Journal of Palestine Studies* 1 (Autumn 1988), p. 8.
- <sup>36</sup> Leaders of Zionist militia organizations at the time reported that 245 people had been killed in the village. These reports were broadcast by Arab and foreign media. For a study of the massacre, see Khalidi, Walid, *Dayr Yassin: Friday, 9 April 1948* [Arabic], Beirut: Institute for Palestine Studies, 1999.
- <sup>37</sup> For descriptions of specific incidents during this period, see, e.g., Morris, Benny, *The Birth of the Palestinian Refugee Problem, 1947–1949*, Cambridge: Cambridge University Press, 1987, pp. 41, 102, 107, 117–118, 121, 200, 213–14 and 220.
- <sup>38</sup> This included massacres in Mansurat al-Khayt (18 January 1948), Dayr Yassin (9 April 1948), Khirbat Nasir ad-Din (12 April 1948), Hawsha (15 April 1948), Khirbeh Wa'ra al-Sawda (18 April 1948), Husayniyya (21 April 1948), Balad ash-Sheikh (25 April 1948), Ayn az-Zaytun (2 May 1948), Burayr (12 May 1948), Khubbayza (12 May 1948), Abu Shusha (14 May 1948), Tantoura (21 May 1948), al-Khisas (25 May 1948), Lydda (10 July 1948), al-Tira (16 July 1948), Ijzim (24 July 1948), Beer

- Sheeba (21 October 1948), Safsaf (29 October 1948), al-Dawayima (29 October 1948), Khirbeh as-Samniyya (30 October 1948), Saliha (30 October 1948), Sa'sa (30 October 1948), Eilaboun (29 October 1948), Jish (29 October 1948), and Majd al-Kroum (29 October 1948). For accounts of these massacres, see Morris, Benny, *The Birth of the Palestinian Refugee Problem*, pp. 72–3, 113–15, 120, 156, 206–7, 213–14, 222–23, 228–30 and 350.
- <sup>39</sup> According to the government investigating committee, “[Prime Minister] Ben-Gurion and [Foreign Minister] Shertok appeared not to have been shocked by what had happened.” Kibbutz Meuhad Archives – Aharon Zisling Papers 9/9/1, “Decisions of the Provisional Government,” 7 November 1948; Hashomer Haztair Archives (Mapam, Kibbutz Artzi Papers), 66.90 (I), protocol of the meeting of the Political Committee of Mapam, 11 November 1948; and David Ben-Gurion’s *Yoman Hamilhama, 1948–49* (The War Diary), p. 809, entry for 10 November 1948, cited in Morris, Benny, *The Birth of the Palestinian Refugee Problem*, pp. 232–233.
- <sup>40</sup> Morris, Benny, *The Birth of the Palestinian Refugee Problem*, pp. 222–23.
- <sup>41</sup> For accounts of such expulsions, see Morris, Benny, *The Birth of the Palestinian Refugee Problem*, pp. 54–56, 64, 105, 107, 115, 118–19, 121, 127, 201, 209–210, 212, 215, 227, 239 and 242.
- <sup>42</sup> Kibbutz Meuhad Archives – Palmah Papers 141–143, Operation Dani headquarters to Yiftah Brigade headquarters, 8<sup>th</sup> Brigade headquarters, 13:30 hours, 12 July 1948. A coded (and undated) version of this order is in Kibbutz Meuhad Archives – Palmah Papers 142–18, cited in Morris, Benny, *The Birth of the Palestinian Refugee Problem*, p. 207.
- <sup>43</sup> Cited in a book review by Gideon Levy in *Ha’aretz*, 3 November 2000; see also Morris, Benny, *Correcting a Mistake – Jews and Arabs in Palestine/Israel, 1936–1956*. Am Oved Publishers, 2000.
- <sup>44</sup> “Retroactive Transfer, A Scheme for the Solution of the Arab Question in the State of Israel,” three-page memorandum signed by Yosef Weitz, Ezra Danin and Elias Sasson, cited in Morris, Benny, *The Birth of the Palestinian Refugee Problem*, p. 136.
- <sup>45</sup> For descriptions of incidents of looting and destruction of property, see, e.g., Morris, Benny, *The Birth of the Palestinian Refugee Problem*, pp. 32, 50, 52, 54, 62–3, 88, 101–2, 106, 112–13, 116, 119, 125, 128, 215, 221 and 230.
- <sup>46</sup> Segev, Tom, *1949: The First Israelis*, New York: The Free Press, 1986, p. 73.
- <sup>47</sup> According to demographic projections by Janet Abu Lughod, between 890,000 and 904,000 Palestinians would have been living in the territory that became the state of Israel if no displacement had taken place. “The Demographic Transformation of Palestine,” in *The Transformation of Palestine*, ed. Abu-Lughod, Ibrahim, p. 159. This was roughly equal to the size of the Jewish population at the end of 1948. Israel Central Bureau of Statistics, *Statistical Abstract of Israel*, No. 52 (2001), Table 2.1, “The Population by Religion and Population Group,” pp. 2–9.
- <sup>48</sup> *Final Report of the United Nations Survey Mission for the Middle East (Part I)*. UN Doc. A/AC.25/6, which cites a figure of 750,000 refugees. The total number of refugees rises to around 900,000 if the number of persons who lost their livelihood but not their homes is added. This includes approximately 100 “border” villages where the 1949 armistice lines separated villagers from their lands. For a register of villages depopulated during this period, see Abu Sitta, Salman, *The Palestinian Nakba 1948, Register, The Register of Depopulated Localities in Palestine*. London: Palestinian Return Centre, 2001.
- <sup>49</sup> This included vast areas in the southern Naqab (Negev) region held according to traditional or customary ownership by nomadic Bedouin. Abu Sitta, Salman, *The Palestinian Nakba 1948, Register, The Register of Depopulated Localities in Palestine*. London: Palestinian Return Centre, 2001.
- <sup>50</sup> Rempel, Terry, “Housing and Property Restitution: The Palestinian Refugee Case,” *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons*. Leckie, Scott (ed.). New York: Transnational Publishers, 2003, p. 296.
- <sup>51</sup> Christison, Kathleen, *Perceptions of Palestine: Their Influence on U.S. Middle East Policy*. Berkley: University of California Press, 1999, p. 47. According to Nichols, “[t]he US government spoke eloquently of the plight of European Jews, [but] its actions indicated a desire to distance itself from politically unpopular efforts to liberalize immigration law or otherwise to expand the number of Jews reaching America.” Nichols, Bruce, “Religion, Refugees, and the US Government,” *Refugees in the Age of Total War* in Bramwell, Anna C. (ed.). London: Unwin Hyman, 1988, p. 91.
- <sup>52</sup> Anti-semitism, Nazi atrocities in Europe and Zionist information campaigns targeted at displaced European Jews resulted in a massive increase in the number of Jewish asylum-seekers in Palestine, particularly during the 1930s. Between 1933 and 1936, for example, 30–60,000 Jews immigrated to Palestine every year. The total number of Jewish immigrants in these years accounted for nearly 50% of the total number of official Jewish immigrants from the beginning of the British mandate until 1946 (the date of the last British estimate of the population in Palestine). See Table 1, Number of Immigrants Annually by Race. Total Number of Persons Registered as Immigrants, *Survey of Palestine*, Vol. 1, Washington, DC: Institute for Palestine Studies, 1991, p. 185. Jewish immigrants arrived in Palestine primarily from Poland, Russia and Germany.
- <sup>53</sup> “Latest aliyah Figures!”, Jewish Agency for Israel, 24 May 2007.
- <sup>54</sup> There were approximately 1,013,000 Jews in Israel in 1949 and 5,313,000 in 2006. See *Statistical Abstract of Israel 2006*, Israel Central Bureau of Statistics, p. 93. “The large waves of immigration were between 1948 and 1951 (about 688,000 immigrants), and in the 1990s (about one million immigrants).” *Israel in Figures in 2006*, The Israeli Central Bureau of Statistics, p. 10.
- <sup>55</sup> The Jewish National Fund (JNF) (Hebrew: *Karen Kayemet L’Yisrael*) was established by a decision of the Fifth Zionist Congress in December 1901 and incorporated in England in April 1907. For more details, see Lehn, Walter, *The Jewish National Fund*, London: Kegan Paul International, 1988.



- <sup>56</sup> See Lehn, Walter, *The Jewish National Fund*, 1988.
- <sup>57</sup> Reudy, John, "Dynamics of Land Alienation" in *The Transformation of Palestine* ed. Abu Lughod, Ibrahim, p. 134.
- <sup>58</sup> *Toward the De-Arabization of Palestine/Israel 1945–1977*. Nijim, Basheer K. (ed.). Dubuque, Iowa: Kendall/Hunt Publishing Company, 1984.
- <sup>59</sup> "Once [the Wall is completed], the indigenous Palestinian population will be restricted to ghettos constituting less than 12% of historic Palestine while Israeli settlers will be able to freely travel throughout the occupied Palestinian territory." *Israel's Wall*, Ramallah: Department of Negotiations Affairs, Palestine Liberation Organization, 9 July 2005, p. 6.
- <sup>60</sup> Morris, Benny, *The Birth of the Palestinian Refugee Problem*, p. 243.
- <sup>61</sup> "Investigation Report," Simon and Vermeersch, UNA DAG-13/3.3.1–18, cited in Morris, Benny, *Israel's Border Wars, 1949–56*, Oxford: Clarendon Press, 1993, p. 152.
- <sup>62</sup> Cohen, Hillel, *HaNifkadim HaNokhabim, HaPlitim HaFalestinim BeIsrael me'az 1948* [*The Present Absentees: Palestinian Refugees in Israel Since 1948*] [Hebrew]. Jerusalem: Institute for Arab-Israeli Studies, 2000, p. 58. Also see Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*, London: Faber & Faber, 1997, p. 12. The Little Triangle included the villages of Umm al-Fahm, at-Tire, at-Taybia, Kafr Qasem and Baqa al-Gharbiya bordering Jenin, Tulkarem, and Qalqiliya. See Abu-Sitta, Salman, *Atlas of Palestine, 1948*, London: Palestine Land Society, 2004, p. 66.
- <sup>63</sup> Morris, Benny, *1948 and After: Israel and the Palestinians*. Oxford: Clarendon Press, 1990, pp. 257–69.
- <sup>64</sup> Israeli Foreign Ministry reports indicate that some 17,000 Bedouin were expelled from the Naqab (Negev) between 1949 and 1953. "Investigation Report," Simon and Vermeersch, UNA DAG-13/3.3.1–18, cited in Morris, Benny, *Israel's Border Wars*, p. 170.
- <sup>65</sup> The original version was in French and stated: "d'obtenir d'eux un travail extrêmement utile à l'économie de l'Etat." International Red Cross report, 6 February 1949 (No. G59/I/GC), cited in Salman Abu Sitta in response to Eitan Bronstein's question about the existence of labour camps in Palestine during and after the *Nakba*, 19 May, 2002. Available on Zochrot Website: <http://www.zochrot.org/>
- <sup>66</sup> Salman Abu Sitta in response to Eitan Bronstein's question about the existence of labour camps in Palestine during and after the *Nakba*, 19 May, 2002. Available on Zochrot Website: <http://www.zochrot.org/>
- <sup>67</sup> Reviewing official Israeli government documents, Morris estimates that 30–90,000 Palestinian refugees attempted to return to their homes and villages between the middle of 1948 and 1953. Most were expelled. Morris, Benny, *Israel's Border Wars*, p. 152, p. 39.
- <sup>68</sup> State Archives, Foreign Ministry, Arab Refugees 2444/19, cited in Segev, Tom, *1949: The First Israelis*. New York: The Free Press, 1986, p. 19.
- <sup>69</sup> Morris, Benny, *Israel's Border Wars*, p. 147.
- <sup>70</sup> Morris, Benny, *The Birth of the Palestinian Refugee Problem*, p. 242.
- <sup>71</sup> These included Qibya, Nahalin, Bethlehem, Beit Jala, Sharafat, Qalqilya, Khan Yunis, and Rafah. For descriptions of these events, see Masalha, *supra*, note 62; Khalidi, Walid, "Plan Dalet: Master Plan for the Conquest of Palestine," 28 *Journal of Palestine Studies* 1 (Autumn 1988); and Tubi, Tawfiq, *Kufi Qassem, the Massacre and the Lesson* [Arabic]. Haifa: Emile Touma Institute for Social and Political Studies, 2001.
- <sup>72</sup> For a detailed description, see Morris, Benny, *Israel's Border Wars*, pp. 257–69.
- <sup>73</sup> For a detailed description, see Morris, Benny, *Israel's Border Wars*, p. 433.
- <sup>74</sup> These included the villages of Iqrit, Bir'am, al-Faluja, Iraq al-Manshiya, Farraddiya, Inan, Saffurriya, al-Khisa, Qeitiya, Khirbet Muntar, Ghabsiyya and al-Hamma. The terms were used by Israel's first Prime Minister, David Ben Gurion, during a Cabinet meeting on 26 September 1948. Morris, Benny, *1948 and After: Israel and the Palestinians*, p. 218.
- <sup>75</sup> *Ma'ariv*, 5 August 1965; *Ha'aretz*, 6 September 1966. See also the reply of the Prime Minister, Levi Eshkol, to a parliamentary question in *The Knesset Debates*, 6 February 1967, p. 1148. Jiryis, Sabri, "The Legal Structure for the Expropriation and Absorption of Arab Lands in Israel," *Journal of Palestine Studies* 4 (Summer 1973), p. 85; Jiryis, Sabri, *The Arabs in Israel*, London: Monthly Review Press, 1976. Also see Segev, Tom, "Where Are All the Villages? Where are They?" *Ha'aretz*, 6 September 2002. Translated and reprinted in *Between the Lines*, October 2002.
- <sup>76</sup> For a more detailed discussion, see Benvenisti, Meron, *Sacred Landscape: The Buried History of the Holy Land*, Berkeley: The University of California Press, 2000.
- <sup>77</sup> For a detailed description, see Jiryis, Sabri, *The Arabs in Israel*, London: Monthly Review Press, 1976.
- <sup>78</sup> Jiryis, Sabri, *The Arabs in Israel*, p. 16.
- <sup>79</sup> Jiryis, Sabri, *The Arabs in Israel*, p. 10.
- <sup>80</sup> For a legal analysis of the status of Palestinians under the law of nationality as applied upon state succession, see Boling, Gail J., *The 1948 Palestinian Refugees and the Individual Right of Return, An International Law Analysis*. Bethlehem: BADIL Resource Center, 2001. Also see Lawand, Kathleen, "The Right to Return of Palestinians in International Law," 8 *International Journal of Refugee Law* 532 (1996).
- <sup>81</sup> For a detailed study of these laws, see, e.g., Boling, Gail J., "Absentees' Property Laws to Israel's Confiscation of Palestinian Property: A Violation of UN General Assembly Resolution 194 and International Law," 11 *Palestine Yearbook of International Law* 73

- (2000–2001). These regulations include the 1948 Abandoned Areas Ordinance; the 1948 Emergency Regulations Concerning Absentee Property; the 1945 Defense (Emergency) Regulations; the 1949 Emergency Regulations (Security Zones); the 1949 Emergency Regulations (Cultivation of Waste [Uncultivated] Lands); the Emergency Law Requisition (Regulations) Law; the 1950 Absentees' Property Law; the 1950 Development Authority (Transfer of Property) Law; the 1953 Land Acquisition (Validation of Acts and Compensation) Law; the 1965 Absentees' Property (Amendment No. 3) (Release and Use of Endowment Property) Law; the 1970 Legal and Administrative Matters (Regulation) Law (Consolidated Version); the 1976 Absentees' Property (Compensation) (Amendment) Law; the 1943 land (Acquisition for Public Purposes) Ordinance; the 1951 State Property Law; the 1958 Prescription Law (No. 38); and the Negev Land Acquisition (Peace Treaty with Egypt) Law 1980.
- <sup>82</sup> At least 30,000 Palestinians were expelled from Israel between 1949 and 1956. By 1955, there were about 195,000 Palestinians living inside Israel. Israel Central Bureau of Statistics, *Statistical Abstract of Israel*, No. 52 (2001), Table 2.1, "The Population by Religion and Population Group".
- <sup>83</sup> This figure is based on a survey of 79 selected Palestinian villages. Table 5, "Land Lost by Some Arab Villages in Israel, 1945–1962 (in dunums)" in Jiryis, *The Arabs in Israel*, pp. 292–296. Also see Abu Kishk, B., "Arab Land and Israeli Policy," 11 *Journal of Palestine Studies* 1 (Autumn 1981); Cano, Jack, *The Question of Land in the National Conflict between Jews and Arabs 1917–1990* [Hebrew], Poalim Library, 1992, p. 79; Peretz, D., *Israel and the Palestinian Arabs*, Washington, DC: The Middle East Institute, 1958, p. 142; and Lustick, I., *Arabs in the Jewish State*, University of Texas Press, 1980, p. 179. Total Palestinian land ownership inside Israel after 1948 is estimated at 1.4 million km<sup>2</sup>. Abu Sitta, Salman, *Palestinian Right to Return, Sacred, Legal and Possible*, second revised edition. London: Palestinian Return Centre, 1999, p. 17.
- <sup>84</sup> For a description of specific incidents, see, e.g., Masalha, Nur, "The 1967 Palestinian Exodus," in *The Palestinian Exodus 1948–67*, Karmi, Ghada and Cotran, Eugene (eds.), London: Ithaca Press, 2000, p. 94; Neff, Donald, *Warriors for Jerusalem: Six Days that Changed the Middle East*, New York: Linden Press/Simon and Schuster, 1984, pp. 228–29; and Dodd, Peter and Barakat, Halim, *River without Bridges: A Study of the Exodus of the 1967 Palestinian Arab Refugees*, Beirut: Institute for Palestine Studies, 1969, pp. 40–42.
- <sup>85</sup> Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber, 1997.
- <sup>86</sup> "According to UNRWA, the population of Aqbat Jaber refugee camp decreased from 28,008 in June 1967 to 4,991 in September 1967. Likewise, the population of 'Ein as Sultan refugee camp decreased from 19,042 to 2,310 between June and September 1967." *Under the Pretext of Security: Colonization and Displacement in the Occupied Jordan Valley*, Ramallah, Negotiations Affairs Department, Palestinian Monitoring Group, July 2006, p. 3.
- <sup>87</sup> For descriptions of specific incidents, see, e.g., Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber, 1997, pp. 81, 85, 87 and 91–94.
- <sup>88</sup> Dodd, Peter and Barakat, Halim, *River without Bridges: A Study of the Exodus of the 1967 Palestinian Arab Refugees*, p. 40; and Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*, p. 92.
- <sup>89</sup> Masalha, Nur, *The Politics of Denial, Israel and the Palestinian Refugee Problem*. London: Pluto Books, 2003, p. 203.
- <sup>90</sup> For accounts of these actions, see, e.g., Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*, pp. 81, 87, and 89–90.
- <sup>91</sup> "The six-day war in 1967 brought another upheaval. In Syria, more than 115,000 people were displaced when Israeli forces occupied the Golan Heights and the Quneitra area. Among them were some 16,000 Palestinian refugees who were uprooted for the second time. Many moved towards Damascus and some to Dera'a further south. About 162,500 refugees from the West Bank and some 15,000 refugees from the Gaza Strip fled to east Jordan, where they were joined by another 240,000 non-refugee former residents of the West Bank and the Gaza Strip, fleeing for the first time." Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press Oxford, 1998, p. 17. See also *Report of the Secretary General under General Assembly Resolution 2252 (ES-V) and Security Council Resolution 237 (1967)*. UN Doc. A/6797, 15 September 1967; and *The Transformation of Palestine*, ed. Abu Lughod, Ibrahim, 1971, p. 162.
- <sup>92</sup> A 1987 Israeli State Comptroller, *Annual Report 37*, lists a total of 430 km<sup>2</sup> of Palestinian refugee land in the West Bank expropriated by Israel. *Land Grab: Israel's Settlement Policy in the West Bank*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territory, 2002, p. 45. Also see *Financial Times*, 29 October 1979, cited in Lehn, Walter, *The Jewish National Fund*. London: Kegan Paul International, 1988, p. 183. If state land registered in the name of the Jordanian government (which administered the West Bank between 1949 and 1967) is included, it is estimated that Israel took immediate possession of 730 km<sup>2</sup> of Palestinian-owned land in the West Bank. It also took possession of an additional 119 km<sup>2</sup> of Palestinian-owned land in the Gaza Strip. Cohen, Ester, *Human Rights in the Israeli-Occupied Territory, 1967–1982*, pp. 152–153 (1985), cited in Bisharat, George E., "Land, Law and Legitimacy in Israel and the Occupied Territory," *The American Law Review* 43, 1992, p. 525, note 334.
- <sup>93</sup> The figure is based on the estimated forced migration rate of Palestinians from the occupied West Bank and Gaza Strip, updated to 2001. It includes those whose residency rights were revoked, but does not account for Palestinians inside Israel or for the number of Palestinians in exile who were able to return to the 1967-OPT following the establishment of the Palestinian Authority in 1994. See Table 6, "Estimated Forced Migration from the West Bank and Gaza Strip, 1967–1986", Kossaifi, George F., *The Palestinian Refugees and the Right of Return*. Information Paper No. 7. Washington, DC: Center for Policy Analysis on Palestine, 1996, p. 8.

- <sup>94</sup> Following the war in 1967, Israel annexed some 70<sup>2</sup> kilometres adjacent to the municipal boundaries of West Jerusalem. These annexed territory include 28 West Bank villages. In this annexed area, the Israeli government established 15 Jewish colonies. Despite the fact that no state recognizes Israel's annexation of the East side of the city, Israel has focused much of its colonial activities in and around East Jerusalem for demographic purposes, culminating in the Wall. "Access to Jerusalem – New Military Order Limits West Bank Palestinian Access", *Humanitarian Update*, Office for the Co-ordination of Humanitarian Affairs (OCHA), Jerusalem: February 2006, p. 2. See also Security Council Resolutions 252, 21 May 1968, Security Council Res. 298, 25 September 1971, Security Council Resolution 478, 20 August 1980. For an overview, see Shehadeh, Raja, *Occupier's Law: Israel and the West Bank*. Washington, DC: Institute for Palestine Studies, 1985, pp. 63–75. "The illegal annexation of Jerusalem was first brought about by an amendment to the Law and Administrative Ordinance 1948, passed on 27 June 1967, which held, 'the law, jurisdiction and administration of the state shall extend to any area of Eretz [Land] Israel designated by the government by order.'" "East Jerusalem Remains Occupied Territory Under International Law," Press Release, Ramallah: Al-Haq, 30 June 2005. For the response by the United Nations, see Resolution 252 which "[c]onsiders that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status." UNSC, Resolution 252, 21 May 1968. Read also Resolution 478 affirming that "the enactment of the 'basic law' by Israel constitutes a violation of international law and does not affect the continued application of the Fourth Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War in the Palestinian and other Arab territory occupied since June 1967, including Jerusalem" and "[d]etermines 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." UNSC, Resolution 478, 20 August 1980. See also Security Council Resolutions 267 (1969); 298 (1971); 446 (1979); 465 (1980); 476 (1980); 605 (1987).
- <sup>95</sup> Around 8,000 settlers were removed from the occupied Gaza Strip and 500 from the occupied West Bank, representing less than 2% of the entire settler population in the OPT.
- <sup>96</sup> Table 5, "Palestinian Estimate of Displaced Persons and Refugees During the 1967 War," Amro, Tayseer, "Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee], 14 Article 74 (December 1995). Jerusalem: BADIL/Alternative Information Center for Palestinian Residency and Refugee Rights. The figure roughly coincides with Israeli figures if Palestinians deported to Egypt during the 1967 war are not included. *Deportation of Palestinians from the Occupied Territory and the Mass Deportation of December 1992*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territory, 1993.
- <sup>97</sup> According to the Palestinian Centre for Human Rights, since the beginning of the *intifada* until 2004, Israel has deported approximately 50 Palestinians from the occupied West Bank to the Gaza Strip to "assign residence". *The Annual Report for 2004, Gaza Strip*: Palestinian Center for Human Rights, May 2005, p. 40. "Under a secret agreement brokered with international assistance, 39 of the Palestinians were deported or transferred on 10 May 2002, 26 of them to the Gaza Strip and 13 others abroad, mainly to Europe." Coakley, Kate and Marko Divac Oberg, "Israel's Deportations and Forcible Transfers of Palestinians out of the West Bank During the Second *Intifada*" Occasional Paper 15, Ramallah: Al Haq, April 2006, p. 3.
- <sup>98</sup> Quigley, John, "Family Reunion and the Right to Return to Occupied Territory," *Georgetown Immigration Law Journal*, 6 (1992). Between 1967 and 1999, Israel revoked the residency rights of 6,185 Palestinians living in Jerusalem, affecting some 25,000 people. Table III, "Confiscation of Jerusalem ID Cards, 1967–1998," *Eviction from Jerusalem, Restitution and the Protection of Palestinian Rights*. Bethlehem: BADIL Resource Center, 1999, p. 19. The table is updated to the end of 1999 with available statistics from the Israeli Interior Ministry.
- <sup>99</sup> *Families Torn Apart, Separation of Palestinian Families in the Occupied Territory*. Jerusalem: B'tselem, Israeli Information Center for Human Rights in the Occupied Territory, 1999, p. 17. For eastern Jerusalem, see Krystall, Nathan, *Urgent Issues of Palestinian Residency in Jerusalem*, second revised edition, Jerusalem: Alternative Information Center, 1994; and *The Quiet Deportation: Revocation of Residency of East Jerusalem Palestinians*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territory; and Hamoked, Center for the Defence of the Individual, 1997.
- <sup>100</sup> *Impact of the Israeli Measures. Survey on the Well-being of the Palestinian Children, Women, and the Palestinian Households*. Ramallah: Palestinian Central Bureau of Statistics, June 2001.
- <sup>101</sup> Shahar, Ilan, "You win some residents, you lose some residents", *Ha'aretz*, 4 April 2007. Jerusalem and West Bank IDs were introduced by Israel in 1967 to differentiate between Palestinians living in 1967 Israeli-occupied and annexed Jerusalem and those living other areas of the occupied West Bank. West Bank ID holders have not been able to enter Jerusalem without a permit since 1993.
- <sup>102</sup> *Campaign Against House Demolitions*, Jerusalem: Israeli Committee Against House Demolition.
- <sup>103</sup> UNRWA Accommodation Office.
- <sup>104</sup> *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 214, p. 51.
- <sup>105</sup> *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005, para. 214, p. 51. *Humanitarian Update*,

- Jerusalem: Office for the Co-ordination of Humanitarian Affairs (OCHA), June/July 2006, p. 2. See also "Israel's Assault on the Gaza Strip, 08:00 27 June – 8:00 22 November 2006," Special Report, Ramallah: Negotiations Affairs Department, Palestinian Monitoring Group, 23 November 2006, p. 1. See also UNRWA Emergency Appeal 2007, p. 12.
- <sup>106</sup> "The ideological motive is rooted in a policy decision establishing that a demographic balance must be maintained in the city at a ratio of 70% Jews to 30% Palestinians.... A municipal paper prepared by the Planning Policy Division in 1977 states, "One of the cornerstones of Jerusalem's planning process is... the preservation of the demographic balance between the ethnic groups." Magalit, Meir, *No Place Like Home, House Demolitions in East Jerusalem*, Jerusalem: The Israeli Committee Against House Demolitions, March 2007, pp. 5, 28.
- <sup>107</sup> These laws and military orders include: the 1943 Land (Acquisition for Public Purposes) Law; 1967 Military Order No. 59 (Government Properties); 1969 Military Order No. 364 (Government Properties) Amendment No. 4; 1953 Jordanian Land Law (Acquisition for Public Needs) as amended by 1969 Military Order No. 321 (Concerning the Lands Law – Acquisition for Public Needs); 1981 Military Order No. 949 (Concerning the Lands Law – Acquisition for Public Needs); 1967 Military Order No. 25 (Transactions in Real Property); 1974 Military Order 569 (Registration of Special Transactions in Land); and 1983 Military Order 1060 (Law on Registration of Unregistered Immovable Property) Amendment No. 2.
- <sup>108</sup> It is estimated that as of the beginning of 2001, Israel had acquired control of 79% of the land in the 1967-OPT. *Passia Diary 2001*, Jerusalem: Palestinian Academic Society for the Study of International Affairs (PASSIA), 2001, p. 257. "Estimates place the proportion of Palestinian land confiscated by Israel at more than 70% of the West Bank and 33% of Palestinian land in East Jerusalem has been confiscated, and all but 7–8% of the area has been closed to Palestinian construction." Economic, Social and Cultural Rights, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, Miloon Kothari, Addendum, Report of visit to the OPT, 5–10 January 2002, UN Doc. E/CN.4/2003/5/Add.1, 10 June 2002, at paras. 10–15. This number also includes the 349km<sup>2</sup> confiscated as a result of the construction of the Wall. Data compiled from the 2003, 2004 and 2004 *Survey on the Impact of the Expansion and Annexation Wall on the Socio-Economic Conditions of Palestinian Localities which the Wall Passes Through*. Ramallah: Palestinian Central Bureau of Statistics. Also see *Land Grab: Israel's Settlement Policy in the West Bank*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territory, 2002.
- <sup>109</sup> Outposts are colonies that have not yet been recognized by the Israeli government. They are usually the work of settlers who take upon themselves to establish a new colony. See "Special Report on the 59<sup>th</sup> Anniversary of the *Nakba*", Ramallah: Palestinian Central Bureau of Statistics (PCBS), 10 May 2006, p. 6. See also "The West Bank – Facts and Figures", *Peace Now*, June 2006.
- <sup>110</sup> In 2006, Israel began the construction of 3,500 new units in Nof Adumim. A police station has been built on the location of the new E1 colony. The Defense Minister has also approved the expansion of the colonies of Givat Ze'ev, Oranit and Betar Illit. PLO. "Barrier to Peace: Assessment of Israel's Revised Wall Route," Ramallah: PLO Negotiations Affairs Department, updated February 2007, p. 1.
- <sup>111</sup> "Barrier to Peace: Assessment of Israel's Revised Wall Route," p. 5.
- <sup>112</sup> "The West Bank – Facts and Figures," *Peace Now*, June 2006.
- <sup>113</sup> "Barrier to Peace: Assessment of Israel's Revised Wall Route", pp. 5–6.
- <sup>114</sup> Compiled data from "Monthly Summary of Israeli Violations," Ramallah: Negotiations Affairs Department, Palestinian Monitoring Group, from January to December 2006.
- <sup>115</sup> Letter dated 12 July 1985 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, by the Secretary-General, General Assembly and Security Council A/40/480 S/17340, 12 July 1985.
- <sup>116</sup> Settlers have also poisoned the grazing land of their animals on repeated occasions, killing sheep and goats and contaminating water wells and aquifers. *Means of Expulsion: Violence, Harassment and Lawlessness against Palestinians in the the Southern Hebron Hills*, Jerusalem: B'tselem, July 2005, p. 23.
- <sup>117</sup> *Means of Expulsion: Violence, Harassment and Lawlessness against Palestinians in the Southern Hebron Hills*, p. 39.
- <sup>118</sup> "In more than 90% of cases monitored by Yesh Din, where investigations of settler violence were conducted, the case was closed without any indictment. The failure rose to 100% in cases involving property offenses." World Bank Technical Team, "Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy", Executive Summary, 6 May 2007, para. 18.
- <sup>119</sup> World Bank Technical Team, "Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy", Executive Summary, 6 May 2007, para. 18.
- <sup>120</sup> In some regions, the Wall is a concrete wall of approximately 8–9 metres high (more than twice the height of the Berlin Wall) with watchtowers and sniper positions every 300 metres, while in other regions it is an electric fence approximately 3–5 metres high with a buffer zone, trenches, barbed wires, sensors and cameras. A military order issued in September 2004 widened the buffer zone to 150–200 metres on the occupied West Bank side of the Wall and prohibited construction there. Humanitarian and Emergency Policy Group (HEPG), "The Impact of Israel's Separation Barrier on Affected West Bank Communities," compiled by the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) and the UN Relief and Work Agency (UNRWA), Update No. 5, 2005, p. 5, para. 17.
- <sup>121</sup> "The Impact of Israel's Separation Barrier on Affected West Bank Communities," p. 3, para. 1.



- <sup>122</sup> “Barrier to Peace: Assessment of Israel’s Revised Wall Route,” p. 1.
- <sup>123</sup> Four dunums = 1,000 m<sup>2</sup> or 1000 dunums = 1 km<sup>2</sup>. “Special Report on the 59<sup>th</sup> Anniversary of the *Nakba*,” PCBS, p. 6.
- <sup>124</sup> “Special Report on the 59<sup>th</sup> Anniversary of the *Nakba*,” PCBS, p. 6.
- <sup>125</sup> “Barrier to Peace: Assessment of Israel’s Revised Wall Route,” p. 5.
- <sup>126</sup> “Question of the Violation of Human Rights in the Occupied Arab Territory, Including Palestine,” Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, on the Situation of Human Rights in the Palestinian Territory Occupied since 1967, Commission on Human Rights, Sixty-second session, E/CN.4/2006/29, 17 January 2006, p. 5, para. 2.
- <sup>127</sup> Compilation of data from the Survey on the “Impact of the Annexation and Expansion Wall on the Socio-economic Conditions of Palestinian Localities which the Wall Passes Through”, Ramallah: Palestinian Central Bureau of Statistics, 2003–2005.
- <sup>128</sup> The permits for the closed zone are green (and are referred to as “green permits”), and residents usually have to renew them every six months. Green permits are also necessary for another 12 categories of visitor, including students, health workers, teachers, merchants and international workers. More specifically, each gate generally requires a specific permit, and some gates are open to Palestinians, while others are not. Travel is also subject to respective gate hours; gates usually open three times a day for approximately one hour at a time, and at the will of soldiers, who can refuse passage to permit-holders. Some gates open only at arbitrary times and in some cases not at all.
- <sup>129</sup> Israel Defense Force, “Declaration Concerning Closing an Area no. S/2/03 (Seam Zone),” Order Regarding Security Regulations (Judea and Samaria), No. 378, 5730–1970, 2 October 2003. The permits are usually granted based on security considerations, but recently, proof of land ownership has been required, and permits have been rejected on the grounds that applicants lack clear title to the land. “Report of the Special Rapporteur of the Commission on Human Rights,” John Dugard, p. 9, para. 17. “UNRWA monitoring indicates that permit eligibility has become increasingly dependent on proof of ownership of land as opposed to security considerations.” See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005, para. 241, p. 56.
- <sup>130</sup> A survey undertaken by UNRWA and OCHA of 57 communities located close to the Wall revealed that 60% of farming families no longer had access to their land west of the Wall. “Barrier Stops Palestinian Accessing Land,” Special Focus, Jerusalem: OCHA, November 2006, p. 1.
- <sup>131</sup> “Palestinians residing in IDF[Israeli Defense Force]-declared ‘Closed Areas’ face an uncertain future in terms of their personal and land status,” *Preliminary Analysis of the Humanitarian Implications of the April 2006 Barrier Projections*, Update 5, Jerusalem: OCHA, April 2006, p. 3.
- <sup>132</sup> Abu El Haj, Tarek, “The Impact of the Barrier”, Geneva: Graduate Institute of Development Studies, 2006, p. 4.
- <sup>133</sup> “Report of the Special Rapporteur of the Commission on Human Rights,” John Dugard, p. 12, para. 32.
- <sup>134</sup> “Once the Wall is complete, some 20,000 Jerusalem ID holders living in Shu’fat refugee camp and the neighbourhoods of Ras Khamis, Ras Shehadeh and Dahiyat as Salaam will be forced to pass through a Wall gate in order to access the city. This will likely minimize the already meagre Jerusalem municipal services provided to a significant number of residents.... Access to vital services, such as health and education, will be increasingly difficult. These residents fear that following these new developments, including the treatment of their neighbourhoods as non-Jerusalem areas, the likelihood of their being able to maintain their status as Jerusalem ID holders – and thus their ability to access the city – will be jeopardized.” “Creating a Semi-enclave: Focus on Anata, Jerusalem Governorate,” Special Report, Ramallah: Negotiations Affairs Department, Palestinian Monitoring Group, 15 June 2006, p. 3.
- <sup>135</sup> “Under the Pretext of Security: Colonization and Displacement in the Occupied Jordan Valley,” Ramallah, Negotiations Affairs Department, Palestinian Monitoring Group, July 2006, p. 10.
- <sup>136</sup> Only Palestinians registered as residents of the northern Jordan Valley, those with a work permit for the colonies, and Jericho ID holders with a “West Bank checkpoint permit” are allowed unrestricted access to the Valley. All other Palestinians require a special access permit, including landowners residing outside the Jordan Valley. Permits are issued for daytime stay only, while travel on parts of Road 90 (the main road in the Jordan Valley) is also prohibited to Palestinians. “Humanitarian Update on the Jordan Valley,” Special Focus: The Jordan Valley, Jerusalem: OCHA, October 2005, p. 1.
- <sup>137</sup> Ministry of Civil Affairs, Jericho (District Co-ordinating Liaison – DCL), which obtained the figures from the Palestinian Ministry of Interior, Jericho; cited in “Under the Pretext of Security: Colonization and Displacement in the Occupied Jordan Valley,” p. 10.
- <sup>138</sup> “The causes of population transfer can be dramatic, or subtle and insidious. Transfer can be carried out *en masse*, or as ‘low-intensity transfers’ affecting a population gradually or incrementally.” See *The Human Rights Dimensions of Population Transfer, including the Implantation of Settlers*, Preliminary Report prepared by A.S. al-Khawasneh and R. Hatano. Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-fifth Session 2–27 August 1993, Item 8 of the provisional agenda, E/CN.4/Sub.2/1993/17, 6 July 1993, at paras. 15, 17 and 32.
- <sup>139</sup> See Jonathan Cook, *On the Margins: Annual Review of Human Rights Violations of the Arab Palestinian Minority in Israel in 2005*, Nazareth: Arab Association for Human Rights, June 2006, p. 7.
- <sup>140</sup> Two institutions work together to manage land in Israel: the Israeli Land Administration (ILA) and the Jewish National Fund (JNF). The JNF owns about 17% of land in Israel, while another 76% of the land has been nationalized and is held as “state land”. The ILA manages both state land and land owned by the JNF. See Jonathan Cook, *On the Margins*, p. 17.



- <sup>141</sup> “Special Report on the 58<sup>th</sup> Anniversary of the *Nakba*”, PCBS, p. 3.
- <sup>142</sup> See Jonathan Cook, *On the Margins*, p. 17.
- <sup>143</sup> See Jonathan Cook, *On the Margins*, p. 18.
- <sup>144</sup> The idea is to achieve a Jewish population of 1.5 million in the Galilee and 1 million in the Naqab by 2010. See Mada al-Carmel, The Arab Center for Applied Social Research, *Israel and the Palestinian Minority 2004*, Sultany, Nimer, (ed.), Mada’s Third Annual Political Monitoring Report, pp. 41–42.
- <sup>145</sup> Arab Association for Human Rights (HRA), *Weekly Review of the Arabic Press in Israel*, No. 226, June 10–17, 2005, Nazareth.
- <sup>146</sup> See Jonathan Cook, *On the Margins*, pp. 9–11.
- <sup>147</sup> Arab Association for Human Rights (HRA), *Weekly Review of the Arabic Press in Israel*, No. 243, 7–14 December 2005, Nazareth.
- <sup>148</sup> Land Day (Yom al-Ard) has been observed by the Arab community every year since six Arab citizens were killed in clashes with security forces following a government decision to expropriate land in Galilee in 1976. HRA, *Weekly Review of the Arabic Press in Israel*, No. 215, March 25–April 1st, 2005, Nazareth.
- <sup>149</sup> *Al-Ittihad*, 28 January 2005 [Arabic] in Mada al-Carmel, The Arab Center for Applied Social Research, *Israel and the Palestinian Minority 2004*, ed. Sultany, Nimer, p. 53. See also Jonathan Cook, *On the Margins*, p. 21.
- <sup>150</sup> See Jonathan Cook, *On the Margins*, p. 20.
- <sup>151</sup> Jonathan Cook, *On the Margins*, p. 21.
- <sup>152</sup> HRA, *Weekly Review of the Arabic Press in Israel*, No. 267/March 24–31, 2006, Nazareth, p. 3.
- <sup>153</sup> A 1988 survey of 4,470 displaced Palestinian families found that the majority were displaced because of the 1985–1987 “war of the camps”, and that 75% of them have been forced from their house three or more times. See Jaber Suleiman, “Marginalised Community: The case of Palestinian Refugees in Lebanon”, United Kingdom: Development Research Centre on Migration Globalisation and Poverty, April 2006, p. 6.
- <sup>154</sup> Suheil al-Natour, *Awda’ al-Sha’ab al-Falastini fi Lubnan* [Arabic], Beirut: Dar al-Takadum al-Arabi, 1993; and *Al-Mohajjarun al-Falastinyoun fi Lubnan* [Arabic], Beirut: Ajial, 2003.
- <sup>155</sup> Jaber Suleiman, “Marginalised Community: The case of Palestinian Refugees in Lebanon”, p. 6, cited in Mohamed Dorai, “Palestinian Emigration from Lebanon to Northern Europe: Refugees, Networks, and Transitional Practices,” *Refugee*, 21:2, February 2003.
- <sup>156</sup> UNRWA announced that between August 1990 and March 1991, approximately 250,000 persons holding Jordanian passports arrived in Jordan, of whom the majority were registered refugees or of Palestinian origin. See *Report of the Commissioner-General of the United Nations for Relief and Works Agency for Palestine Refugees in the Near East*, A/46/13, 20 June 1991. The Jordanian government estimates that 280,000 persons holding Jordanian passports had entered Jordan by the end of the Gulf War. Shaml Palestinian Disapora and Refugee Centre estimates that between 30–40,000 Palestinians were able to enter the OPT. Research Report No. 6, Ramallah: Shaml.
- <sup>157</sup> Shaml Newsletter No. 6, Ramallah: Shaml, February 1997. See also Shaml Newsletter No. 1, Ramallah: Shaml, December 1995.
- <sup>158</sup> UNHCR, “Aide-Memoire, Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country,” Geneva: UNHCR, December 2006, p. 4.
- <sup>159</sup> UNRWA Strongly Condemns the Killing of its Staff Member, UNRWA Lebanon Field Office, Beirut, 15 August 2006.
- <sup>160</sup> UNRWA, “The Situation of Palestine Refugees in South Lebanon,” 15 August 2006.
- <sup>161</sup> UNRWA, *Situation Report*, 9 August 2006.
- <sup>162</sup> See Zeidan, Mahmoud, “30 Days in Paradise! The role of Palestinian Refugees in Assisting Lebanese Displaced Persons during the Last Israeli War on Lebanon,” *al Majdal*, Issue 30–31 (Summer–Fall 2006), p. 16.
- <sup>163</sup> “War exacerbates Palestine refugee conditions – Report,” *IRIN News*, 17 September 2006.



'Aida refugee camp, occupied West Bank, May 2006. © Anne Paq/Activestills.

# Population Numbers, Distribution and Characteristics

## Preface

*Palestinian refugees and internally displaced persons are one of the largest displaced populations in the world today. Approximately half of all refugees worldwide are Palestinian.*

*Palestinian refugees fall into three general categories. The largest group is composed of Palestinians displaced or expelled from their places of origin as a result of the 1948 war (the Nakba). The second major group is made up of those displaced for the first time from their places of origin as a result of the 1967 war. The third category includes Palestinians who are neither 1948 nor 1967 refugees, but outside the area of former Palestine and unable (due to revocation of residency, denial of family reunification, deportation, etc.) or unwilling to return owing to a well-founded fear of persecution.*

*There are also two main categories of internally displaced Palestinians (IDPs). The first includes those who remained in the area that became the state of Israel in 1948, but were displaced from their lands or homes. The second group includes IDPs in the 1967-occupied Palestinian territory, who were and continue to be displaced as a result of land confiscation, house demolition, the construction of the Wall and its associated regime, and revocation of residency rights in eastern Jerusalem.*

*The majority of the Palestinian refugee population is distributed throughout the Middle East, primarily in Arab states that border Israel and the occupied Palestinian territory (OPT). More than a quarter of the total Palestinian refugee and IDP population reside in areas of former Palestine. Approximately 20% of all Palestinian refugees live in refugee camps.*

*The Palestinian refugee and IDP population is young, and with a high but declining fertility rate and low mortality, it is growing fast. Differences between the demographic profiles of refugee and non-refugee Palestinians are negligible at present.*



## 2.1 Background

By mid-2007,<sup>1</sup> there were approximately 7 million Palestinian refugees and about 450,000 internally displaced Palestinians, representing more than 70% of the entire Palestinian population worldwide (10.1 million as at the end of 2006).<sup>2</sup> This figure includes Palestinians and their descendants whose “country of origin”<sup>3</sup> is the former Palestine (now divided into Israel and the occupied Palestinian territory), who have been displaced within or outside the borders of this area, and who do not have access to voluntary durable solutions, including the right to return to their homes of origin or to repossess their properties.

In other words, more than 7.4 million of all Palestinians are refugees or internally displaced persons, while the legal status of 400,000 additional Palestinians is unclear. The majority of the latter have likely been forcibly displaced from the occupied West Bank and Gaza Strip since 1967, and are now residing outside the occupied Palestinian territory (OPT) as a result of measures taken by the occupying power, mainly revocation of residency, denial of family reunification and deportation; or they are unwilling to return to the occupied territory owing to a well-founded fear of persecution.<sup>4</sup> Hence, most of the 400,000 displaced Palestinians whose legal status is unclear are likely to qualify as refugees.

Available data on the Palestinian refugee and IDP population is uneven and shifting, primarily due to the absence of a comprehensive registration system, frequent forced displacement, and the lack of any uniform definition of a Palestine refugee.<sup>5</sup>

The Palestinian refugee and IDP population described here comprises the total estimated number of Palestinians who have been displaced and denied the right to return to their homes of origin and the right to repossess their properties. Unlike most refugees and displaced persons elsewhere in the world, who usually seek protection against *refoulement*, the primary problem facing Palestinian refugees is Israel’s denial of their right to return to their homes of origin.

The largest group of Palestinian refugees is made up of those who were displaced or expelled from their places of origin as a result of the 1948 war (the *Nakba*) in 1948. These number 6 million, a figure that includes 4.5 million Palestinian refugees who are eligible for assistance from the UN Relief and Works Agency for Palestine Refugees (UNRWA) (often referred to as “registered refugees” or “Palestine refugees”), and a further 1.5 million refugees who were also displaced in 1948, but are not eligible or did not register for assistance with UNRWA.

The second major group of Palestinian refugees (950,000) is comprised of those displaced for the first time from their places of origin as a result of the 1967 war.

Not included in these statistics is a third category of Palestinians whose legal status is unclear, but who are likely to be refugees. Neither 1948 nor 1967 refugees, they are outside former Palestine and unable (due to revocation of residency, denial of family reunification, deportation, etc.) or unwilling to return to their places of origin (owing to a well-founded fear of persecution). Most of those in this group (which numbers about 400,000) originate from the 1967-occupied Palestinian territory.

Internally displaced Palestinians fall into two groups. The first is made up of IDPs who remained in the area that became the state of Israel in 1948 (338,000). This number includes those who were displaced by the 1948 war, as well as those displaced as a result of population transfer, land expropriation and house demolition after 1948. The second group includes Palestinians internally displaced in the 1967-occupied Palestinian territory during and after the 1967 war (115,000). Internal displacement is difficult to track in the context of the Palestinian/Arab-Israeli conflict, as ceasefire lines have changed frequently and there is no internationally recognized border between Israel and the 1967-occupied Palestinian territory.

**Table 2.1: Palestinian Refugees and Internally Displaced Palestinians (IDPs)**

Year	UNRWA registered 1948 Refugees	Estimated non-registered 1948 Refugees	Estimated 1967 Refugees	Estimated 1948 Internally Displaced Persons (IDPs)	Estimated 1967 Internally Displaced Persons (IDPs)
1950	*914,221	304,740	—	47,610	—
1955	905,986	301,995	—	56,546	—
1960	1,120,889	373,630	—	67,159	—
1965	1,280,823	426,941	—	79,763	—
1970	1,425,219	475,073	266,092	94,734	15,235
1975	1,632,707	544,236	316,034	112,514	22,501
1980	1,844,318	614,773	375,349	133,631	30,158
1985	2,093,545	697,848	445,797	158,712	38,278
1990	2,422,514	840,838	529,467	188,500	46,949
1995	3,172,641	1,057,547	628,841	223,879	56,275
2000	3,737,494	1,245,831	746,866	265,898	66,377
2001	3,874,738	1,291,579	773,006	275,205	68,504
2002	3,973,360	1,324,453	800,062	284,837	70,668
2003	4,082,300	1,360,767	828,064	294,806	72,872
2004	4,186,711	1,395,570	857,046	305,124	101,700
2005	4,283,892	1,427,964	887,043	315,804	107,918
2006	4,396,209	1,465,403	918,089	326,857	115,349
2007	4,510,510	1,503,503	950,222	338,297	

\* Excluding the 45,800 persons receiving relief in Israel, who were the responsibility of UNRWA until June 1952.

There is no single authoritative source for the global Palestinian refugee and IDP population. The figures above reflect estimates according to the best available sources and population growth projections. Figures are therefore indicative rather than conclusive. For more details about these estimates, see Annex 2.1 at the end of this chapter. This Table does not include the 400,000 Palestinians whose legal status is unclear.

UNRWA administers registration of Palestinian refugees as part of its relief and social services programme.<sup>6</sup> The eligibility and registration programme keeps the historical refugee records, maintained to determine eligibility and registration for UNRWA services.<sup>7</sup> UNRWA has registered 1948 refugees since 1950. The department continually updates registration cards, mainly with information regarding births, marriages and deaths.

UNRWA records cover about 75% of the 1948 Palestinian refugee population and possibly covers up to 55% of the total population of Palestinian refugees and IDPs. Until 1993, UNRWA registration extended only to those Palestinians displaced in 1948 (and their descendants) and in need of assistance. By mid-2006, approximately 42% (1,840,044) of the UNRWA-registered refugees were registered in Jordan, 23% (1,001,352) in the occupied Gaza Strip, 16% (710,681) in the occupied West Bank, 10% (437,790) in Syria, and 9% (406,342) in Lebanon.<sup>8</sup> UNRWA registration data is not statistically valid, as reporting is voluntary. UNRWA has never carried out a comprehensive census of all Palestinian refugees under its mandate.<sup>9</sup>

UNRWA's registration system is currently being updated within the framework of the Palestine Refugee Records Project, which involves redesigning the computerized registration system for over 4.5 million refugees, as well as the scanning and preservation of historical refugee documents. By the end of 2005, two and a half million of the more than 13 million historical documents in the Agency's registration and family files had been scanned and preserved.<sup>10</sup>

Until 1993, refugees wishing to register with UNRWA had to meet requirements of need and initial flight in 1948 into a country in which UNRWA operated. Revision of UNRWA's eligibility and registration criteria in 1993 eliminated these two requirements, which led to the registration of some previously-undocumented Palestinian refugees.<sup>2</sup> In recent years, many Palestinian refugees have updated their registration records as a result of the ongoing political and humanitarian crisis in the OPT.

In 1982, the UN General Assembly instructed the Secretary-General, in co-operation with the Commissioner General of the UNRWA, to issue identification cards to all 1948 Palestine refugees and their descendants, irrespective of whether or not they received rations and services from the Agency, as well as to all 1967 refugees and their descendants.<sup>12</sup> The initiative failed, however, due to lack of co-operation among host states concerning information on previously non-registered refugees. UNRWA



registration files for those Palestinians displaced inside Israel became inactive in June 1952, when the Agency transferred the task of assisting IDPs to the government of Israel.<sup>13</sup>

In 2006, UNRWA issued new consolidated eligibility and registration instructions. These extend services to the children of registered refugee women married to non-refugees.<sup>14</sup> In 2006, 90,446 such children were enrolled in this new category, mainly in response to the humanitarian crisis in the OPT. They are, however, not registered as refugees in UNRWA's registration records.

In general, UNRWA registration records do not include:

1. Refugees displaced in 1948
  - a. who failed to meet the definition of "Palestine Refugee";
  - b. who were outside the areas of UNRWA operation (and have not filed for registration under UNRWA's 1993 revised eligibility criteria);
  - c. who were dropped from the records owing to financial constraints limiting the number of relief recipients;
  - d. who are descendants of refugee mothers and non-refugee fathers;
  - e. who had an independent income or property (and have not filed for registration under UNRWA's 1993 revised eligibility criteria);
  - f. whose status improved to the extent that they no longer met eligibility criteria (prior to the 1993 revision of eligibility criteria);
  - g. who refused to register for reasons of pride.
2. Palestinians displaced for the first time in 1967.
3. Palestinians who are not 1948 or 1967 refugees, and are unable (due to revocation of residency, deportation, and so on) or unwilling (owing to a well-founded fear of persecution) to return to the OPT.
4. Internally displaced Palestinians in Israel and the OPT.

The Office of the UN High Commissioner for Refugees (UNHCR) maintains records of and statistics on Palestinian refugees who fall within the mandate of the Office, are outside UNRWA's area of operations, and are eligible for protection (see Chapter Four). Registration with UNRWA and the UNHCR are not mutually exclusive; i.e., Palestinian refugees outside UNRWA's area of operations may be registered with both. Data reported by UNHCR country offices generally reflects the view of the host country, and their statistics are provisional and subject to change.

In general, the UNHCR has registered only a very minor portion of the Palestinian refugee population – which is almost equal in size to the total number of UNHCR-registered Convention refugees. At the end of 2006, approximately 341,000 Palestinian refugees were registered with the UNHCR as a population of concern. The majority resided in Saudi Arabia (240,000), Egypt (70,300), Iraq (22,700), and Libya (8,900).<sup>15</sup> In 2006, UNHCR assisted 198 refugees in Egypt, 15,000 in Iraq and 16 in Saudi Arabi in 2006.<sup>16</sup>



Pre-1948 certificates of land ownership, post-1948 UNRWA registration card, post-1967 Israeli-issued ID card. Palestinian refugee woman in West Bank, 2001. © Tineke D'haese, Oxfam Solidarity.

Table 2.2: Number of Convention Refugees, People of Concern to the UNHCR, and Internally Displaced Persons Worldwide, 2006

Year	Convention Refugees <sup>a</sup>	All Persons of Concern to the UNHCR <sup>b</sup>	Total Number of IDPs in the world <sup>c</sup>
1950	—	—	—
1955	1,643,600	—	—
1960	1,516,000	—	—
1965	4,368,900	—	—
1970	2,480,200	—	—
1975	2,991,200	—	—
1980	8,894,000	—	—
1985	11,817,200	—	—
1990	17,228,500	—	21,000,000
1995	14,573,600	26,103,000	22,000,000
2000	12,062,000	22,257,000	21,000,000
2003	9,671,800	17,000,000	24,600,000
2004	9,236,500	19,200,000	25,000,000
2005	8,700,000	21,000,000	23,700,000
2006	9,900,000	32,900,000	24,500,000

a. Convention refugees include all persons considered as refugees under the 1951 *Convention relating to the Status of Refugees*. Convention refugees include about 341,533 Palestinians classified as refugees in 2006, an unknown number of which are also included in Table 2.1 above, due to possible overlap of registration with UNRWA and the UNHCR. *UNHCR, 2006 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, Annexes, June 2007.

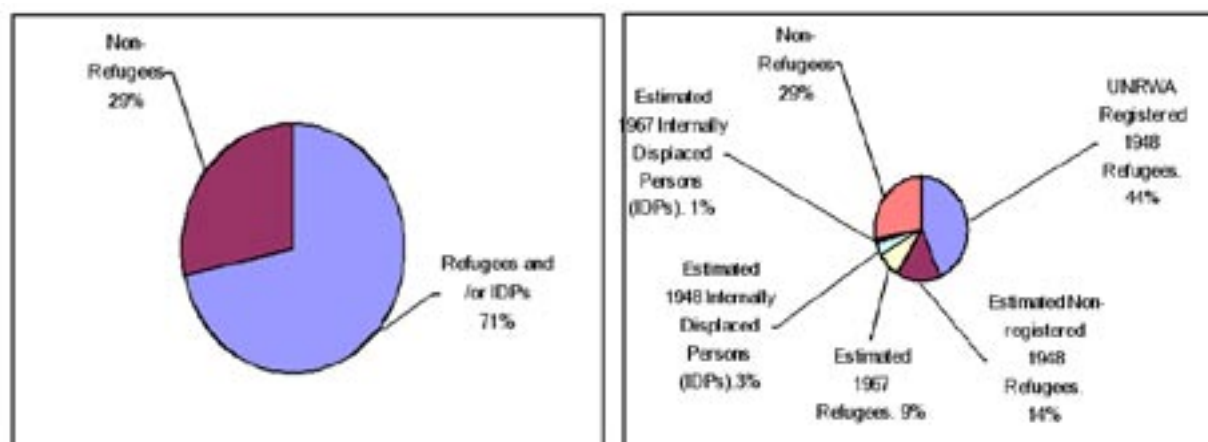
b. Persons of concern to the UNHCR include refugees (9.9 million), asylum-seekers (740,000), returned refugees (733,000), IDPs (12.8 million), stateless persons (5.8 million), returned internally displaced persons (1.8 million), and various other groups (1 million). See *2006 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, June 2007, Annexes.

c. Statistics on the total number of IDPs for 2003–2006 were taken from the annually published *Internal Displacement: A Global Overview of Trends and Developments in 2006*, Geneva: Internal Displacement Monitoring Centre, Norwegian Refugee Council, April 2007. No comprehensive statistics are available from the period prior to 2000.

Data regarding Palestinian refugees of concern to the UNHCR refers to their country of origin as the “occupied Palestinian territory.” This classification may not reflect the actual place of origin, and it is not possible to identify how many Palestinian refugees of concern to the UNHCR are 1948 refugees, 1967 refugees, or Palestinians displaced from former Palestine after 1967.

Estimates of the refugee population may also be derived from census data and population growth projections. Few host countries carry out a regular census of their resident refugee population; and some do not include Palestinian refugees as a category of refugees. Israel, for example, does not keep separate records of internally displaced Palestinians.<sup>17</sup> Some countries, such as Jordan, include Palestinians as a census category, but this data is not publicly available. In North America and Europe, Palestinian asylum-seekers are often included in a general category of “stateless” persons, or classified according to their place of birth, or the host country that issued their travel documents.

Figure 2.1: Distribution of the Palestinian population worldwide by refugee status, 2006



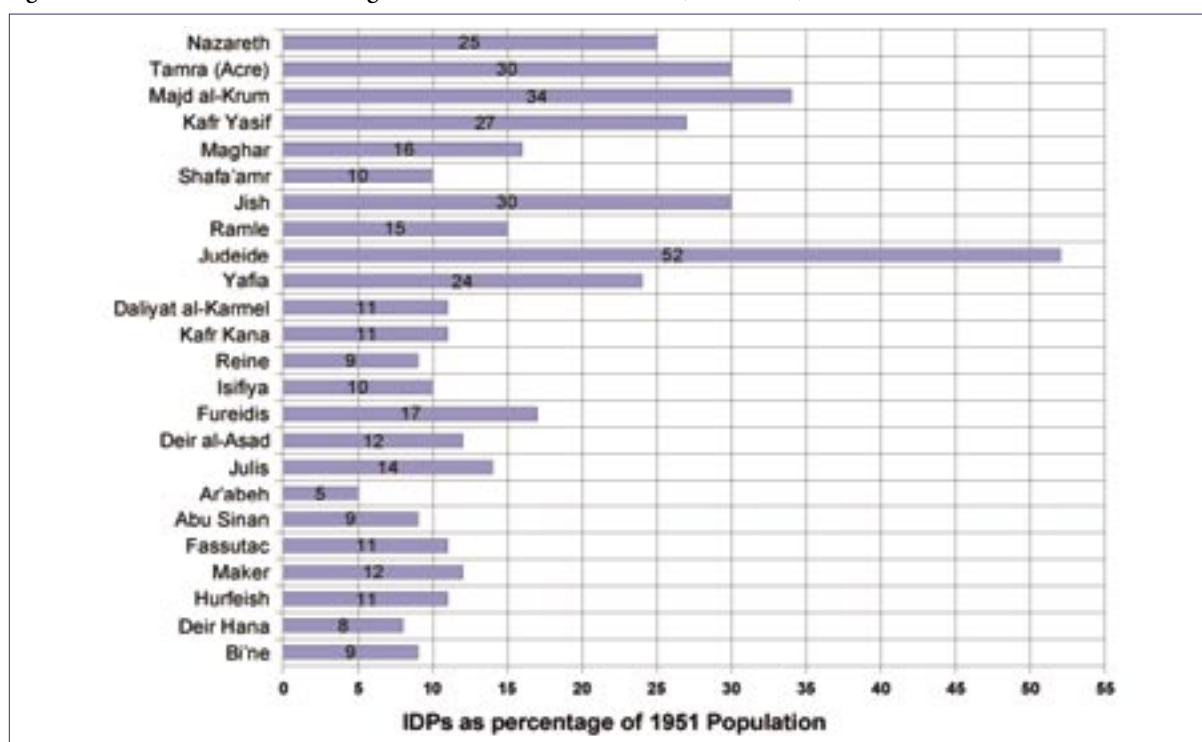
## 2.2 Distribution

During the major waves of displacement and expulsion in the 20<sup>th</sup> century, Palestinian refugees tended to remain as close as possible to their homes and villages of origin, based on the assumption that they would return once armed conflict ceased. In 1948, an estimated 65% of the Palestinian refugees remained in areas of Palestine not under Israeli control – i.e., the West Bank and the Gaza Strip, which comprised 22% of the territory of Mandate Palestine. In the West Bank, the Palestinian population swelled from 460,000 to 740,000 due to the mass influx of refugees at that time.

The impact of mass influx into the part of the former Gaza District that became known as the Gaza Strip was even more dramatic. The population nearly quadrupled. The remaining 35% of the Palestinian refugee population found refuge in neighbouring states, including Jordan, Lebanon, Syria and Egypt. An unknown number of Palestinian Arab citizens were abroad at the time of the 1948 conflict in Palestine, and were unable to return to their places of origin inside Israel following the cessation of hostilities; they became refugees *sur place*.

The majority of the internally displaced Palestinians in the north and the centre of Israel were displaced in 1948 (85.5% in the north and 75.1% in the centre); a smaller number were displaced between 1949 and 1967 (7.1% in the north and 18.1% in the centre), while Palestinians in the south were mainly displaced after 1967 (77.2%).<sup>18</sup> Internally displaced Palestinians found refuge in some 47 Palestinian Arab villages that remained within the state of Israel after the 1948 war.<sup>19</sup>

Figure 2.2: Localities in Israel Hosting 100 or more Palestinian IDPs (1948–1950)



Source: Kamen, Charles, "After the Catastrophe I: The Arabs in Israel, 1948–51", *Middle East Studies*.

The majority of Palestinians displaced during the 1967 war found refuge in neighbouring states. Most (95%) were displaced to Jordan, with smaller numbers displaced to Syria, Egypt and Lebanon.<sup>20</sup> The areas of the West Bank closest to Jordan suffered the highest population loss, while in the central highlands most Palestinians sought temporary refuge in nearby fields and villages, and were able to return to their homes after the war.<sup>21</sup> In addition, it is estimated that some 60,000 Palestinians were abroad at the time of the war and unable to return to the OPT.<sup>22</sup>



Yarmouk refugee camp, Syria. © UNRWA Archives.

The distribution of Palestinians displaced from and within the OPT since 1967, and who are neither 1948 nor 1967 refugees, is difficult to determine given the lack of a registration system and frequent displacement over four decades of military occupation. Estimates of forced displacement between 1967 and 1986 indicate that some 20,000 Palestinians were displaced per year.<sup>23</sup> More recent studies estimate the rate of out-migration/displacement to neighbouring Arab states and further abroad as being as much as two per cent of the total population per annum.<sup>24</sup>

Changes in the pattern of distribution of Palestinian refugees across host countries during six decades of forced exile are primarily the result of armed conflicts after 1948 and 1967, during which Palestinian refugees were again expelled or forced to flee host countries in search of safety. Changes in political regimes and discriminatory policies in host countries, the relationship between the PLO and host country authorities, and economic push-and-pull factors have also influenced patterns of forced displacement and distribution of the Palestinian refugee population since 1948 (see Chapter One).

The 1967 war and subsequent Israeli occupation led to a significant decrease in the number of refugees residing in the West Bank and Gaza Strip, and to a dramatic increase in the refugee population in Jordan after 1967. Over time, the number of Palestinian refugees in Lebanon has decreased due to internal conflict, conflict between the PLO and Israel in Lebanon, and legal and political obstacles that have militated against Palestinian refugees' temporary asylum in Lebanon. During the 1980s, many Palestinian refugees fled Lebanon to Germany, the Netherlands and Scandinavia.

Higher numbers of Palestinian refugees in the Gulf from the 1950s onward reflect patterns of economic migration, while a dramatic decrease in the number of refugees in Kuwait occurred as a result of the 1991 Gulf War. Many Palestinians migrated or were expelled from Gulf states, eventually finding shelter in Canada, Scandinavia, the United States, or other countries in the Arab world. Currently, many of the Palestinian refugees experiencing persecution in Iraq are fleeing to Syria, Jordan and other countries, while some have been reported as far as India and Thailand.

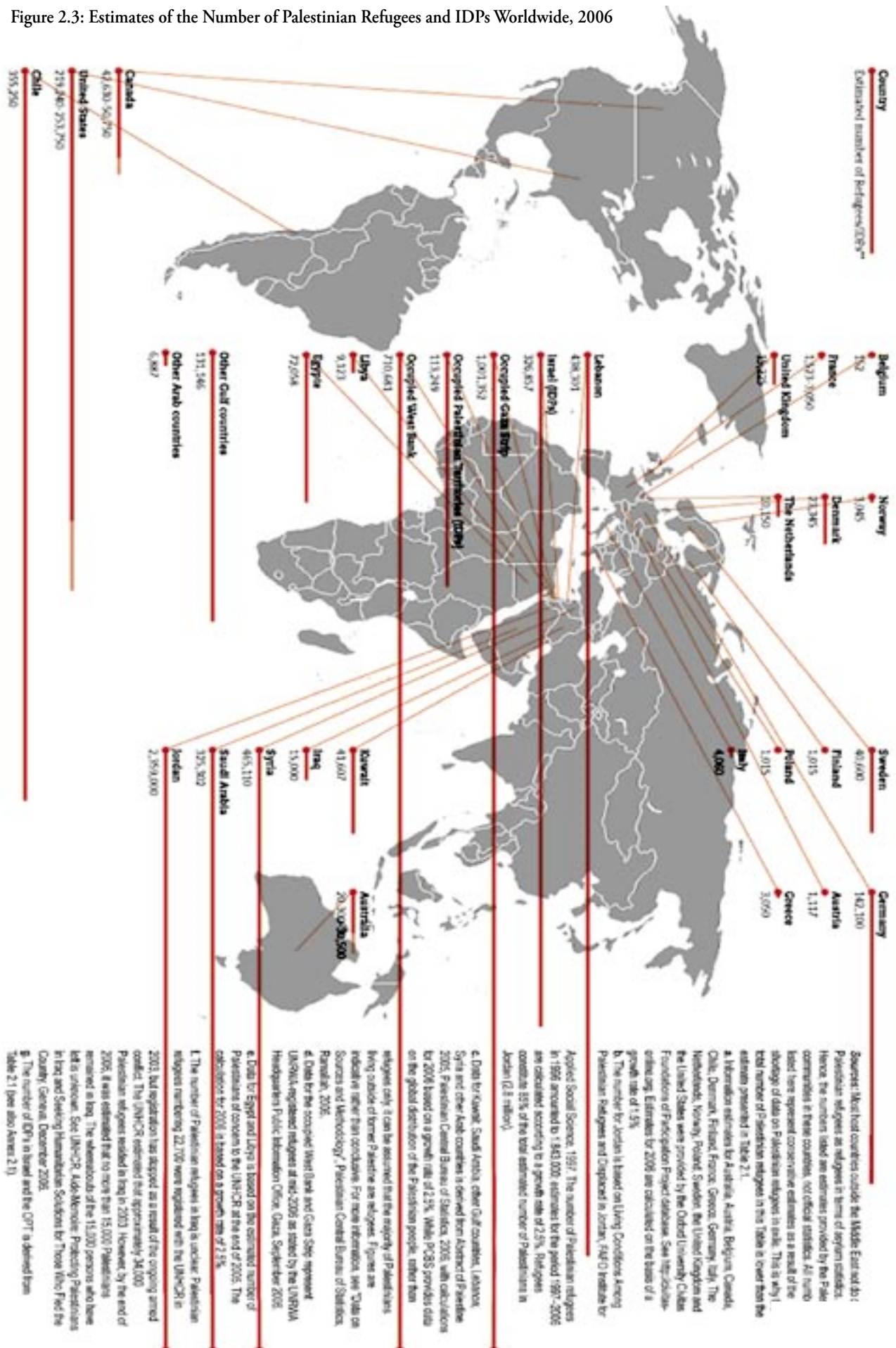


Palestinian refugee camp in Jericho. © B.E. Lindroos/ICRC.

Most IDPs in Israel are currently concentrated in the northern (i.e., Galilee) region of the country, including Palestinian cities such as Nazareth and Shafa'amr, and in cities with a mixed Jewish-Arab population, such as Haifa and Acre. IDPs are also located in the south (i.e., Naqab/Negev). The actual distribution of IDPs inside Israel is difficult to determine due to the lack of a registration system, frequent relocation (three to four times on average per family) and the government practice of population transfer. In the OPT, IDPs are frequently forced to relocate away from Israeli colonies, related infrastructure (such as bypass roads), and military zones. More recently, the Wall and its associated regime has forced fresh relocations.



Figure 2.3: Estimates of the Number of Palestinian Refugees and IDPs Worldwide, 2006





Today, Palestinian refugees are living in forced exile in many parts of the world. Despite the changes in the pattern of distribution of Palestinian refugees over the last 60 years, however, the majority of the refugees still live within 100 km of the borders of Israel and the 1967-occupied Palestinian territory, where their homes of origin are located. In Syria, for example, 70% of the registered 1948 refugees are from the Galilee. The number is slightly higher in Lebanon, where 72% of the registered 1948 refugees are from the Galilee.

Similarly, a large majority of the refugees in the occupied Gaza Strip originate from the adjacent areas of the former Gaza District. The majority of the refugees from the former Jerusalem District are at present either in the occupied West Bank or in Jordan. The proportion of Palestinian refugees (6%) within the total combined population of host states in the region has remained stable since the first wave of massive displacement in 1948.<sup>25</sup>

**Table 2.3: Distribution of 1948 Registered Refugees, by District of Origin and by Field**

District of Origin	Host Countries/Territory					
	Jordan	West Bank	Gaza Strip	Lebanon	Syria	Total (all fields)
Jerusalem	20.0	33.0	0.2	0.5	0.7	13.5
Gaza	17.0	7.0	66.0	0.1	0.4	22.5
Lydda	40.0	30.0	33.0	8.5	7.3	30.0
Samaria	4.0	12.0	0.2	0.1	0.1	3.5
Haifa	10.0	16.0	0.5	18.8	22.0	11.0
Galilee	9.0	2.0	0.1	72.0	69.5	18.5

Source: UNRWA, 2000. The six regions of the British Mandate period were Jerusalem (Jerusalem, Ramallah, Hebron, Bethlehem); Gaza (Gaza, Khan Younis, Majdal, Isdud, Beersheba); Lydda (Jaffa, Ramle, Lod, Rechovot); Samaria (Tulkarem, Nablus, Jenin, Natanya); Haifa (Haifa, Hadera, Shafa 'Amr); Galilee (Nazareth, Beisan, Tiberias, Acre, Safad).

Despite almost 60 years in exile, the village unit has tended to remain to some degree intact even after mass displacement. In other words, the majority of the residents of a particular village tended to be displaced to the same host country, and often to the same area within the host country. According to data for Palestinian refugees registered with UNRWA, 72% of all 1948 village refugee populations moved to one area, with only 20% moving to two areas. Only eight per cent are distributed between more than two areas.<sup>26</sup> Distribution according to village of origin is evident in the structure of Palestinian refugee camps, which are divided into quarters based on the village unit. In Syria, for example, al-Yarmouk camp is divided into quarters based on the refugee villages of origin of al-Tira, Luby, Balad ash-Sheik, and 'Ayn Ghazal.

The same phenomenon is also evident in those Palestinian villages inside Israel that provided refuge for internally displaced Palestinians in 1948. In many villages, neighbourhoods are named for the origin of the displaced persons who reside in them. The Palestinian village of 'Arrabeh, for example, includes the neighbourhood of the Mi'aris (i.e., displaced persons originating from the village of Mi'ar). Likewise, displaced persons from al-Birwa who took shelter in the village of al-Judeideh live in the neighbourhood of the Birwanis.

## 2.2.1 Refugees in Camps

According to records updated to 31 March 2007, 1,321,525 Palestinian refugees reside in UNRWA's 59 official refugee camps<sup>27</sup> throughout the 1967-occupied Palestinian territory, Jordan, Lebanon and Syria. The majority of Palestinian refugees residing in camps are 1948 refugees (and their descendants). They comprise one-third of the total UNRWA registered refugee population and about 20% of the total Palestinian refugee population. Approximately 189,000 Palestinian refugees reside in one of the at least 17 non-official camps in the 1967-occupied Palestinian territory, Jordan, Lebanon and Syria.

A smaller number of refugees displaced for the first time in 1967 also reside in refugee camps, primarily in Jordan and Syria. A small but growing number of poor non-refugees, including Palestinians and other Arabs, also reside in the refugee camps.

Table 2.4: Registered Refugees in Official Camps

Year	Total Registered Refugees	Registered Refugees in Camps	% Registered Refugees in Camps
1953	870,158	300,785	34.6
1955	912,425	351,532	38.5
1960	1,136,487	409,223	36.0
1965	1,300,117	508,042	39.1
1970	1,445,022	500,985	34.7
1975	1,652,436	551,643	33.4
1980	1,863,162	613,149	32.9
1985	2,119,862	805,482	38.0
1990	2,466,516	697,709	28.3
1995	3,246,044	1,007,375	31.0
2000	3,806,055	1,227,954	32.3
2003	4,082,300	1,301,689	32.0
2004	4,186,711	1,226,213	29.0
2005	4,283,892	1,265,987	30.0
2006	4,396,209	1,321,525	29.7

Source: UNRWA. Not all Palestine refugees registered as living in camps physically reside in an official refugee camp. (Figures as of 30 June each year; registered refugees in camps for 2006, figures as of 31 March 2007.)

Several factors explain why these Palestinian refugees have remained in camps after more than six decades of exile:

- family and village support structure in the camp;
- lack of resources to rent or buy alternative accommodation outside the camp;
- lack of living space outside the camp due to overcrowding;
- legal, political and social obstacles that force refugees to remain in the camp;
- issues concerning physical safety;
- the refugee camp as a symbol of the temporary nature of exile and the demand to exercise the right of return.

The largest camp population resides in the occupied Gaza Strip (479,574 as of 31 March 2007), comprising more than one-third of all registered refugees in camps. In the occupied West Bank, there are fewer refugees in camps (186,872 as of 31 March 2007). Approximately 39% of the total refugee population in the OPT lives in camps.



Children playing with a broken washing machine, Baqa'a refugee camp, located near Amman, Jordan, November 2006. © Anne Paq/Activestills.

The second-highest number of camp refugees is found in Jordan (329,150 as of 31 March 2007). However, Jordan is also the host country with lowest percentage of refugees in camps: only 17% of the registered Palestinian refugees in Jordan reside in camps. This reflects the status afforded to most Palestinian refugees in Jordan as Jordanian citizens.

Lebanon and Syria are the host countries with the largest portion of camp refugees. In Lebanon, approximately 50% (216,597 as of 31 March 2007) live in official camps and about 5% in unofficial camps. The high percentage of camp refugees in Lebanon is directly related to the restrictions placed on freedom of movement by the Lebanese government, the lack of resources for alternative housing outside of the camps, and concerns about physical safety. In Syria, where approximately 55% are camp refugees, more Palestinian refugees live in unofficial camps (142,560) than in official camps (119,570), because some unofficial camps, in particular Yarmouk, are located close to the capital Damascus and offer good services.

Table 2.5: Population of Palestinian Refugees in Camps (official and unofficial), 31 March 2007

Host Country	Camp (local name)	Population	Year established
<b>Gaza Strip<sup>a</sup></b>			
<i>Official camps</i>	Jabalia	107,146	1948
	Beach (Shati)	80,688	1948
	Nuseirat	58,789	1948
	Bureij	29,919	1948
	Deir al-Balah	20,296	1948
	Maghazi	23,264	1948
	Khan Younis	61,798	1948
	Rafah	97,674	1948
<b>Total</b>		<b>479,574</b>	
<b>West Bank<sup>b</sup></b>			
<i>Official camps</i>	Aqabat Jaber	6,293	1948
	Ein al-Sultan	1,859	1948
	Shu'fat <sup>c</sup>	10,765	1965/1966
	Am'ari	10,406	1949
	Kalandia	10,791	1949
	Deir Ammar	2,351	1949
	Jalazone	10,995	1949
	Fawwar	7,967	1949
	Arroub	10,229	1950
	Dheisheh	12,836	1949
	Aida	4,726	1950
	Beit Jibrin ('Azza)	2,058	1950
	Far'a	7,539	1949
	Camp No. 1	6,695	1950
	Askar	15,557	1950
	Balata	22,878	1950
	Tulkarem	18,034	1950
	Nur Shams	9,010	1952
	Jenin	15,883	1953
	M'ascar <sup>d</sup>	evacuated	1948-1955/1956
<b>Sub-total</b>		<b>186,872</b>	
<i>Unofficial camps<sup>e</sup></i>	Silwad	432	1971/72
	Abu Shekedem	481	1948
	Qaddoura	1,585	1948
	Birzeit (as-Saqaeif)	2,341	1948
<b>Sub-total</b>		<b>4,839</b>	
<b>Total</b>		<b>671,285</b>	

<b>Jordan</b>			
<i>Official camps</i>	Amman New Camp (Wihdat)	50,665	1955
	Talbieh	6,177	1968
	Irbid	24,833	1950–1951
	Husn ('Azmi al-Mufti)	21,526	1968
	Souf	19,540	1967
	Jerash (Gaza)	23,100	1968
	Jabal al-Husseini	29,529	1952
	Baqa'a <sup>f</sup>	90,953	1968
	Zarqa	18,410	1949
	Marka (Hittin) <sup>f</sup>	44,347	1968
<b>Sub-total</b>		<b>329,080</b>	
<i>Unofficial camps<sup>g</sup></i>	Ma'adaba	6,761	1956
	Sakhna	5,839	1969
	al-Hassan	11,063	1967
<b>Sub-total</b>		<b>23,663</b>	
<b>Total</b>		<b>352,743</b>	
<b>Lebanon</b>		<b>352,743</b>	
<i>Official camps</i>	Mar Elias	616	1952
	Burj al-Barajneh	15,746	1948
	Dikwaneh (no longer exists) <sup>h (9)</sup>	9,274	(destroyed)
	Dbayeh	4,035	1956
	Shatila	8,393	1949
	Ein al-Hilweh	46,149	1948–1949
	al-Nabatieh (no longer exists) <sup>h</sup>	7,288	(destroyed)
	Mieh Miech	4,580	1954
	al-Buss	9,546	1948
	Rashidieh	26,489	1948
	Burj al-Shamali	19,151	1948
	Nahr al-Bared	31,481	1950
	Bedawi	16,001	1955
	Wavell (al-Jalil)	7,680	1948
	Gouraud <sup>i</sup>		1948 evacuated 1975
<b>Sub-total</b>		<b>206,429</b>	
<i>Unofficial camps<sup>j</sup></i>	al-Ma'ashouq	4,094	–
	Shabiha	5,735	–
	al-Qasmia	3,128	–
	Kufr Bada (Abu al-U'sod)	966	–
	al-U'rash (Adlon)	1,720	–
	Shhim	2,349	–
<b>Sub-total</b>		<b>17,992</b>	
<b>Destroyed camps</b>	al-Nabatia	–	1956
	Dikwaneh	–	–
	Tal az-Zaatar	–	1949
	Jisr al-Basha	–	1952
<b>Total</b>		<b>224,421</b>	
<b>Syria</b>			
<i>Official camps</i>	Khan Eshieh	17,317	1949

	Khan Danoun	9,093	1949
	Sbeineh	19,349	1958
	Qabr Essit (as-Sayyida) Zeinab	20,664	1968–1967
	Jaramana	3,727	1949
	Dera'a	5,073	1950–1951
	Dera'a Emergency	4,453	1967
	Homs	13,685	1949
	Hama	7,859	1949–1950
	Neirab	18,350	
<b>Sub-total</b>		<b>119,570</b>	
<b>Unofficial camps<sup>sk</sup></b>	Ein el-Tal (Hindrat)	4,968	1962
	al-Yarmouk	129,154	1956–1957
	Ramadani	1,148	1956
	Lattakia	7,291	
<b>Sub-total</b>		<b>142,560</b>	
<b>Total</b>		<b>262,130</b>	
<b>Egypt</b>			
<b>Camps closed<sup>l</sup></b>	al-'Abbasiyyah	–	1948
	al-Qanatarah Sharq	–	1948
<b>Iraq<sup>m</sup></b>			
	No Man's Land (Syria/Iraq)	356	2006
	Ruweished camp (Jordan side of border)	100	2003
	Al-Tanf border crossing (Syria/Iraq)	320	2006
	Al Hol camp (Syria)	300	2006
	Al Waleed area (Iraqi side of border with Syria)	1,100	2006
<b>Total</b>		<b>2,176</b>	
<b>Grand Total</b>		<b>1,364,563</b>	

Sources: UNRWA. Not all Palestinian refugees registered as living in camps are physically resident in official refugee camps. Ali Sha'aban, Hussein, *Palestinian Refugees in Lebanon – From Hosting Through Discrimination*. [Arabic]. Jerusalem: PASSIA, 2002.

a. During the 1970s, the Israeli military administration destroyed thousands of refugee shelters in the occupied Gaza Strip under the guise of security. Large refugee camps were targeted in particular. Refugees were forcefully resettled in other areas of the occupied Gaza Strip, with a smaller number transferred to the occupied West Bank. In the occupied Gaza Strip, several housing projects were established for these refugees. Some of these projects today are referred to as camps. These include the Canada project (1972), the Shuqairi project (1973), the Brazil project (1973), the Sheikh Radwan project (1974), and the al-Amal project (1979).

b. There are more than 4,220 ex-Gaza refugees distributed throughout West Bank camps.

c. An additional 4,000 Palestinians are estimated by UNRWA to be living in the camp as a result of Israel's policy of residency revocation in Jerusalem.

d. The camp was closed because of unsanitary living conditions, and residents were relocated to Shu'fat refugee camp.

e. These statistics were taken from *Palestinian localities: population 1997–2010*, revised version, Palestinian Central Bureau of Statistics, 2005.

f. As of 31 December 2003, over 15,000 persons were 1967 refugees.

g. Population figures for unofficial camps in Jordan are for 2000, including annual population growth of 3.5% from 2000 to 2006. In 2000, the population of Ma'adaba was 5,500; Sakhna, 4,750; and al-Hassan, 9,000.

h. Dikwaneh and Nabatieh were completely destroyed in the 1970s, but refugees who were in these camps are maintaining their registration numbers with these centres until such time as UNRWA's new Refugee Registration Information System (RRIS) is developed.

i. The camp was evacuated and residents moved to Rashidieh camp.

j. Population figures for unofficial camps in Lebanon are for 2001, updated based on 3.5% annual growth until 2006. In 2001, the population of al-Ma'ashouq was 3,447; Shabiha, 4,829; al-Qasmia, 2,634; Kufr Bada (Abu al-U'sod), 813; al-U'rash (Adlon), 1,448; and Shhim, 1,978.

k. The statistics for the unofficial camps in Syria are for 2002, including annual population growth of 3.5% until 2006. The 2002 population of Ein el-Tal was 4,329; al-Yarmouk, 112,550; Ramadani, 1,000; and Lattakia 6,354.

l. The two camps in Egypt were closed in 1949.

m. Data provided by the UNHCR and subject to rapid change, as an increasing number of Palestinian refugees are fleeing Iraq and are stranded on the border area.



Map 2.1: Palestinian refugee communities: Official, Unofficial, Closed, Destroyed, Camps and Housing Projects - 2006



## 2.2.2 Refugees Outside of Camps

Most Palestinian refugees (approximately 80%) live outside UNRWA's 59 camps. These refugees reside in and around cities and towns in the host countries, often in areas adjacent to refugee camps.<sup>28</sup> Many West Bank villages and towns, for example, host a significant refugee population. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50% of the total population.

Between 1997 and 2006, the proportion of refugees living in West Bank communities showed a significant change. For instance, the percentage of refugees decreased in Salbit (-63%) and in Tulkarem (-5%), showing important internal displacement and/or migration. Meanwhile, the proportion of refugees has significantly increased in Jericho (+20%), Qalqilya (+20%) and Jenin (+4%). Colonization, the Wall and its associated regime, and closure may explain why refugees are displaced to or "stuck" in some West Bank communities. In the Gaza Strip, the proportion of refugees has increased in Rafah (+15%), Khan Younis (+7%) and Gaza (+5%). This may be the result of home demolitions and Israeli military operations in their previous place of residence.

Table 2.6: Percentage of Refugee Population in the 1967-occupied Palestinian Territory

Region	% of Refugees		Number of non-camp localities with a population of > 50% refugees <sup>a</sup>
	1997 <sup>a</sup>	2006 <sup>b</sup>	
Gaza	52.0	57.5	4
Deir al-Balah	85.5	88.6	7
North Gaza	70.9	71.0	6
Rafah	70.9	85.9	7
Khan Younis	56.9	63.3	8
Hebron	17.4	19.1	21
Tubas	15.8	23.0	1
Jericho	49.7	70.5	5
Jerusalem	40.8	42.0	12
Ramallah	28.1	30.1	13
Jenin	28.8	33.1	30
Tulkarem	31.5	26.2	5
Nablus	25.4	24.9	11
Bethlehem	28.0	28.6	10
Qalqilya	39.9	50.7	6
Salbit	65.4	2.1	1

Sources: a. *Population, Housing and Establishment Census of the Palestinian Territory*, Palestinian Central Bureau of Statistics, 1997.

b. *Survey of the impact of the Israeli unilateral measures on the social, economic and environmental conditions of the Palestinian households*, Palestinian Central Bureau of Statistics, 2007.

In Lebanon, approximately 40% of the Palestinian refugee population resides in gatherings, cities and villages, and other non-camp localities.<sup>29</sup> A gathering is defined as a community of 25 or more Palestinian households living together. In Syria, almost 40% of Palestinian refugees live in urban centres, with a small number living in rural areas.

In pre-war Iraq (2003), the majority (90%) of Palestinian refugees lived in the greater Baghdad area, with a smaller concentration in the north of the country.<sup>30</sup> Due to the war and occupation, many Palestinians may be among the approximately 1,300,000 IDPs in Iraq, while thousands more have left altogether.<sup>31</sup>

**Table 2.7: Distribution of Palestinian Refugees Outside Camps in Lebanon**

Location	Population
Marginal “Camps” <sup>a</sup>	
Jal al-Bahar	905
al-Burghlia	128
al-Wasta	708
al-Eitania	269
al-Sika	660
al-Baraksat	2,535
Bustan al-Yahodi	1,210
al-Hamshri	1,200
Mustashfa Gaza	600
al-Tariq al-Jadida	257
al-Aramel	867
al-Muhajariin	1,029
Refugee “Gatherings” <sup>b</sup>	
al-Ghazia	1,305
Wadi al-Ziny	8,825
al-Nae’mi	4,480
Bar Elias	2,949
Tha’alabia	4,140
Cities	
Sur	4,916
Sida	17,336
Beirut	13,817
Tripoli	3,726
<b>Total</b>	<b>71,862</b>

Source: Ali Sha’aban, Hussein, *Palestinian Refugees in Lebanon: From Hosting through Discrimination* [Arabic]. Jerusalem: PASSIA, 2002. (Figures as of June 2001.)

a. Marginal camps, considered “illegal settlements”, were established during different waves of displacement. They also provided shelter to refugees displaced as a result of the destruction of official camps and refugee housing during the civil war in Lebanon.

b. Refugee “gatherings” are located far from the cities and are largely inhabited by refugees who have moved out of camps due to improved socio-economic status. Unlike camps, refugees in gatherings own their homes.

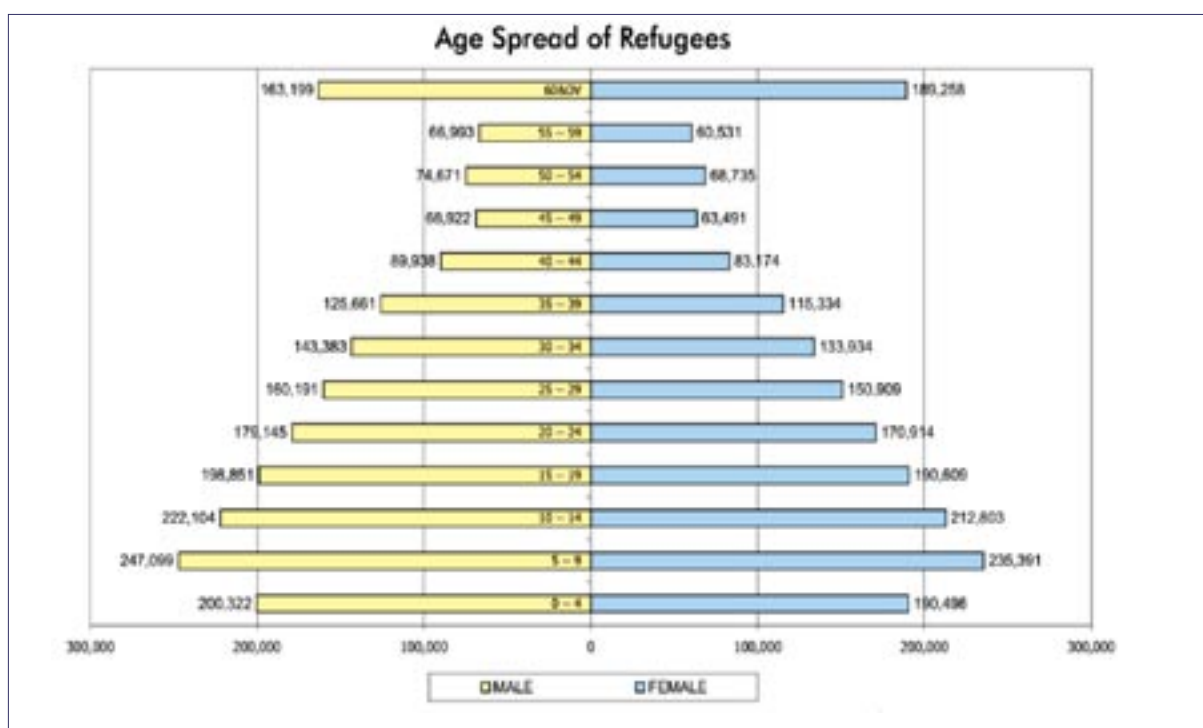
## 2.3 Demographic Indicators

The Palestinian refugee and IDP population is young. More than one-third of all registered refugees are below the age of fifteen. There are no statistics for internally displaced Palestinians. However, as differences between refugee and non-refugee populations in major Arab host states are negligible (except for Lebanon),<sup>32</sup> the age structure of IDPs is likely to follow that of Palestinians inside Israel and in the OPT.<sup>33</sup>

Refugees have a high fertility rate (calculated as the average number of children per woman), but there has been a consistent decline in the fertility rate among Palestinian refugees in Jordan, the occupied West Bank and in Lebanon, as a result of postponement of marriage and an increase in the percentage of women remaining single.

In 2006, UNRWA estimated that the overall fertility rate in its area of operations (Gaza Strip, West Bank, Jordan, Lebanon and Syria) was 3.2 (average number of children per woman). Throughout the major Arab host countries,

Figure 2.4: Age Structure of Palestinian Refugees



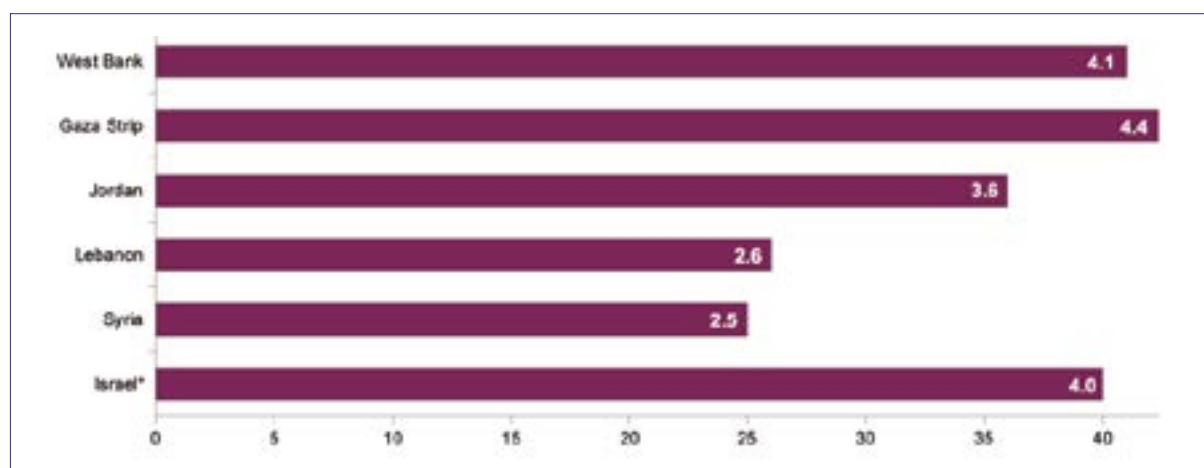
Source: *UNRWA Medium-term Plan (2005-2009)*, UNRWA Headquarters, Gaza, 2005, p. 5.



Jenin refugee camp, occupied West Bank. October 2006. © Anne Paq.

Palestinian refugees have a lower fertility rate than the non-refugee population.<sup>34</sup> The fertility rate among internally displaced Palestinians inside Israel and in the OPT is likely to be similar to the non-refugee Palestinian population.

Figure 2.5: Total Refugee Fertility Rates, 2005–2006



Source: Based on a 2000 UNRWA Survey, and the *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, Table 6, p. 73. The Palestinian Central Bureau of Statistics estimates the fertility rate of Palestinians in Israel at 3.7 births per women; in Jordan, 4.6 births; in Syria, 3.5; and, in Lebanon 3.0. See *Palestinians in Diaspora and in Historic Palestine End Year*, Palestinian Central Bureau of Statistics, Ramallah, 2005, pp. 2–3.

\* The fertility rate for the Palestinian-Arab population of Israel is probably lower than the figure listed, which refers to the Muslim population only. The 2006 fertility rate of Christians in Israel was 2.15. See “Fertility Rates, by Age and Religion,” *Statistical Abstract of Israel* 2006, Table 3.12.

The mortality rate of the Palestinian population in the OPT is relatively low; similar to that in Western countries in the early 1960s.<sup>35</sup> Infant and child mortality rates of the refugee population have declined over the past six decades. Infant mortality rates among refugees, for example, declined from around 200 per 1,000 births in 1950, to around 24 per 1,000 births in the 1967-occupied Palestinian territory in 2006, and eight per 1,000 births inside Israel in 2003.<sup>36</sup> However, there are indications that child mortality has actually been increasing in the Gaza Strip since 2000.<sup>37</sup> Trends for Jordan’s refugees and Lebanon’s camp refugees are similar, but the decline in child mortality rates is smaller.

Table 2.8: Infant and Child Mortality Rates for Palestinian Refugees (per 1,000 births)

Country	Infant Mortality	Child Mortality
Jordan	22.5	25.1
Lebanon	19.2	20.2
Gaza Strip	31.2	37.3
West Bank	20.1	22.5
Syria	28.1	30.5
Israel (Arabs)*	8.2	N/A

Sources: *Statistical Abstract of Palestine* 7, FAFO and Palestinian Central Bureau of Statistics, 2006.

\* Statistics based on “The Arab Population of Israel 2003”, *Statistilite* 50, Israel Central Bureau of Statistics.

The Palestinian refugee and IDP population also has a high growth rate. This is similar to the Palestinian population as a whole, which has roughly doubled every twenty years.<sup>38</sup> The rate of natural growth is highest (over 4%) among Bedouin refugees and refugees residing in Jordan. Survey data suggests that the growth rate in the OPT accelerated during the *intifada* years.<sup>39</sup> The growth rate of registered refugees reached a peak in the mid-1990s and appears to be returning to previous levels.



## 2.4 Labour Force Indicators

Labour force participation, employment and income are related to access to labour markets, education, health, the role of women in the workplace, and political stability. Sub-standard living conditions, especially in camps, lead to health problems, which in turn affect labour force participation. Across the region, economic indicators for women lag behind those for men. The civil war in Lebanon (1976–1991), the 1990–91 Gulf War, the US-led war and occupation of Iraq, Israel's war on Lebanon in 2006 and Israel's ongoing occupation and colonization of the West Bank and Gaza Strip have had particularly negative impacts on access to employment, labour force participation, and household income of Palestinian refugees.



Balata refugee camp, Nablus, occupied West Bank. October 2006. © Anne Paq.

### 2.4.1 Labour Force Participation

Less than half of the total refugee labour force is economically active. The labour force participation rate is calculated as the proportion of every employed and working person above the age of 15 to the total population above that age. Employed persons include everyone who has worked for at least one hour within a set reference period, for pay in cash or in kind, as well as those temporarily absent from a job they perform on a

regular basis. Labour force participation is highest in Syria, and lowest in the occupied Gaza Strip.

Table 2.9: Refugee and IDPs – Total Labour Force Participation

	Total Labour Force Participation %	Participation by women %
Jordan	41.9	12.9
Lebanon	42.2	16.8
Syria	49.3	18.0
Israel <sup>a</sup>	43.6	18.9
West Bank <sup>b</sup>	42.2	13.7
Gaza Strip	37.3	

Sources: The data for Jordan and Syria dates from 2000 and for Lebanon, 1999. See *Statistical Abstract of Palestine 7*, Palestinian Central Bureau of Statistics, Ramallah, November 2006.

a. This number reflects the labour force of the entire Palestinian population in Israel, including IDPs. The 2003 statistics from FAFO indicate a lower labour force for IDPs in Israel (41.1). See *Palestinians in Israel: Socio-Economic Survey 2004*, prepared by Ahmad El Sheikh Muhammad, Shefa-Amr: The Galilee Society, Rizak and Mada al-Carmel, July 2005, p. 139.

b. Data from the Palestinian Central Bureau of Statistics, 2007. Figures for the first quarter of 2007 and participation by women represent both the West Bank and the Gaza Strip together.

Participation among refugee women is very low compared to refugee men. Labour force participation rates for refugee men are approximately 70%, while they are 9–19% for refugee women.<sup>40</sup> Labour force participation generally increases with higher education, especially among women. Study is given as the most significant reason for economic inactivity among young men (15–24 years old) – this accounts for 62% to 72% of such cases. For men between 25 and 45 years old, discouragement is the most commonly cited reason (between 25% and 38% in Jordan and Lebanon) for non-participation in the labour force. Older men cite health reasons and retirement as the principal reasons for economic inactivity. Young refugee women aged 15 to 24 in Lebanon and Jordan identify family duties (44% and 43% respectively) and study (30% and 41% respectively) as the most important reasons

for economic inactivity; among older women, family duties are given as the single most important reason (varying between 66% and 86% among women over 25 years old).<sup>41</sup>

## 2.4.2 Unemployment

Unemployment rates range from 11% to 34%, with rates in the OPT substantially higher as a result of the Israeli occupation and military activity since the second *intifada*, and more recently, the international sanctions against the democratically elected Palestinian Authority. Unemployed persons include everyone who did not work at all in the set reference period, not even for one hour, although they were available for work and actively sought work during that period. The unemployment rate is the proportion of unemployed persons among the total labour force.

Table 2.10: Unemployment Rates in Jordan, Lebanon, and Syria (2003) (shown as %)

	Jordan		Lebanon		Syria
	Camp	Non-camp	Camp	Non-camp	All
M	11	16	16	16	13.2
F	13	30	18	22	15.5
Age					
15–24	18	30	25		33
25–44	11	15	14		22
45+	7	10	11		23

Sources: *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*, FAFO, Institute for Applied Social Science, 2003. In Lebanon, the “camp” category includes non-camp refugees in categories for age and education, due to insufficient data for separate breakdown. For Lebanon, the figure for ages 15–24 is the unweighted average of smaller age groups used by the PCBS; *Statistical Yearbook of Palestine 4*, Palestinian Central Bureau of Statistics, 2003. Non-camp figures for Lebanon only include refugee “gatherings” (defined as a community outside a camp with 25 or more households).

Unemployment is higher among refugee women than among men in Jordan, Syria, and Lebanon, and also among IDP communities in Israel. There is little difference between the rates for refugee women and men in the 1967-occupied Palestinian Territory.

In the OPT, the unemployment rate was 27.6% among refugees, compared to 21.1% for non-refugees. Unemployment rates for 2006 are higher in the occupied Gaza Strip (33.9%) than in the West Bank (20.7%).<sup>42</sup> In Israel, the unemployment rate is 14.8% and 10.2% for Palestinian women and men respectively.<sup>43</sup> Unemployment is also high among young refugees and Palestinians in Israel (19.9% for 15–24 year-old Palestinians).<sup>44</sup> The level of education has a mixed association with unemployment rates. In the OPT, Israel and Jordan, unemployment decreases with higher education; however, level of education has no impact on unemployment rates in Lebanon. In Israel, the unemployment rate for Palestinians decreases to 5.9% for those who have 13 or more years of education.<sup>45</sup>

The relationship between camp residence, education and unemployment is also mixed. In Jordan, there are no significant differences between the unemployment rates of refugees who have higher education within and outside camps. Unemployment among camp refugees in the occupied Gaza Strip decreases with higher education, while no significant relationship appears to exist between camp residence, education and unemployment in the occupied West Bank.

Unemployment rates among refugees in Lebanon are higher than for Lebanese nationals. There is little difference between refugees and non-refugees in Jordan. Unemployment rates outside camps in the 1967-occupied Palestinian territory tend to be similar to those of non-refugee Palestinians.

## 2.5 Poverty

Annual per capita income among Palestinian refugees in Lebanon, Syria, Jordan and the OPT ranges from US \$450 to US \$600. Household incomes are higher among refugees in the 1967-occupied Palestinian Territory than elsewhere, and lowest among refugees in Syria.<sup>46</sup> However, employed persons in the OPT have seen their salaries decrease from a monthly average of US \$500 before September 2000 to US \$349 by the first quarter of 2005.<sup>47</sup> Since 1999, per capita income has declined by 40% in the OPT.<sup>48</sup> The crisis engendered by sanctions has hit refugees in the OPT harder than the general population with respect to employment and poverty.<sup>49</sup>

Most refugee households rely on income from wages and self-employment. Those households that depend on financial transfers remain a vulnerable low-income group. The major source of income for special hardship cases (SHC), the most needy and vulnerable refugees in UNRWA's five fields of operation, is transfer.<sup>50</sup> Special hardship cases make up 5.7% of the total registered refugee population with UNRWA (250,000 persons). Around 47% of SHC families live in camps, 44% are female-headed households, and only 9% of the affected individuals work. In total, 47% of these individuals live on less than US\$ 1 per day, a percentage that rises to 70% in the Gaza Strip and 66% in Syria.<sup>51</sup> Average per capita income among SHC families is US\$ 449, with the lowest in Syria (US \$ 338) and the Gaza Strip (US\$ 344), and the highest in Lebanon (US \$664).<sup>52</sup> (See also Chapter Three.)

In the OPT, refugee camps suffer from the highest rates of poverty. Approximately 39% of the refugees are poor compared with 31% of the non-refugees, and 34% of the refugee households are poor compared with 26% of the non-refugee households. These figures probably reflect the high levels of poverty in the refugee camps. As many as 70% of the poor refugee households are based in Gaza Strip, with 30% in the West Bank.<sup>53</sup> A study undertaken by UNRWA in the OPT in 2005 found that there were 623,200 refugees officially recognized as poor (living on less than US \$2.4 per day) and 406,000 refugees in deep poverty (living on less than US \$2 daily).<sup>54</sup> While refugees accounted for 42% of the population of the OPT, they accounted for about half of those in deep poverty.<sup>55</sup> Moreover, 2.6% of the refugee households in Jordan are suffering from deep poverty compared with 7.4% in Syria and 10.8% in Lebanon.<sup>56</sup>

## 2.6 Housing

Sub-standard housing is an indicator of lack of development. It is also linked to poor health and has a disproportionately severe impact on women and other caregivers, children, handicapped people, and the elderly.<sup>57</sup> Overall, housing conditions are best in Syria and Jordan, followed by the OPT and Lebanon. However, within these geographical areas, housing conditions differ widely.

Housing problems tend to be more pronounced in camps. Nevertheless, as a result of international assistance, refugee camps often have better infrastructure than areas outside camps. While the area of refugee camps has generally remained the same over the last 50 years, their population has more than quadrupled. In areas where construction is permitted, this has led to vertical expansion of the camps. In some areas, including Lebanon, the government has prohibited construction in the camps.



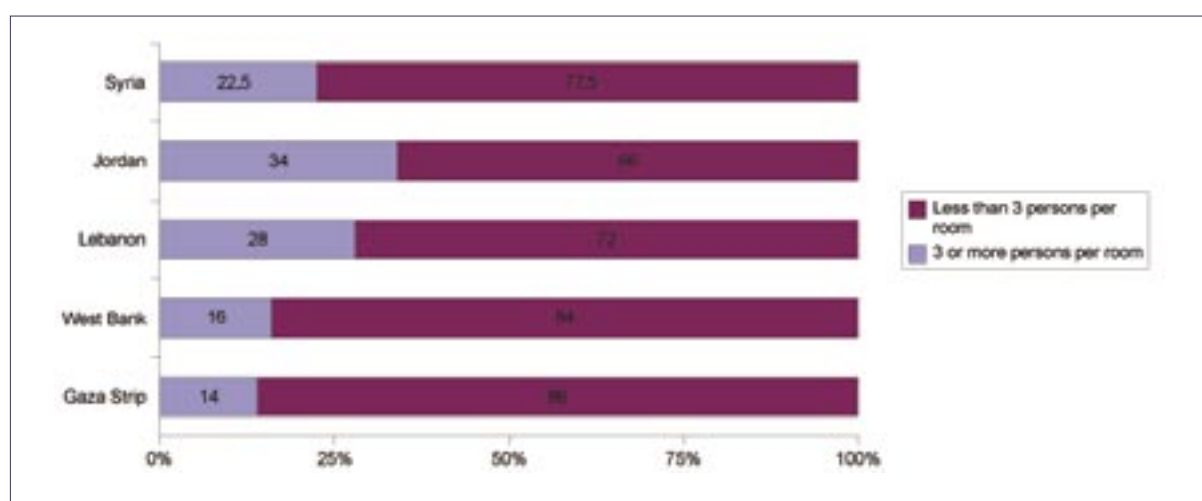
Burj el-Shemali refugee camp is located in Southern Lebanon on the outskirts of the city of Tyre. Over 20,000 refugees reside in Burj el-Shemali. Thousands of camp residents are essentially homeless, residing in make-shift shelters with zinc roofing, without basic plumbing, water supply and little income. Pictured in this photo is a street within the camp of zinc housing, built by residents who had their homes destroyed during the Lebanese civil-war. © Stefan Christoff.

The primary infrastructural problem facing all refugee households is access to safe and secure supplies of drinking water. Refugee households are most dissatisfied with water supply in Syria (43%), followed by Jordan (28%) and Lebanon (27%), while water quality is of concern to 35% of refugees in Lebanon, 31% in Syria, and 20% in Jordan.<sup>58</sup>

## 2.6.1 Overcrowding

The international standard for overcrowding is three or more persons per room. Overcrowding is related to lack of resources with which to expand existing shelters or build new ones, planning and building restrictions, and household size. Overcrowding is most severe in camps in Jordan, where one in three households experiences overcrowding. In the 1967-occupied Palestinian territory and Lebanon, overcrowding is slightly less of a problem; one in four refugee households is overcrowded. Camps in Syria are the least crowded, with one in five refugee households reporting overcrowding. Non-refugee households in Lebanon are less overcrowded than refugee households. There are fewer differences in crowding between non-refugee households and refugee households outside camps in Jordan and in the 1967-occupied Palestinian Territory.

Figure 2.6: Percentage of Overcrowded Households, 2004



Sources: Jacobsen, Laurie Blome, "Community Development of Palestinian refugee camps: Analytical support to Jordan's preparations for the June 2004 Geneva Conference on the humanitarian need of Palestinian refugees," *The Material and Social Infrastructure, and Environmental Conditions of Refugee Camps and Gatherings in Lebanon, Jordan and Syria*, FAFO Institute for Applied International Studies, Oslo, 2004, Table 1. Data for the West Bank and Gaza Strip represents the entire population for 2005. *Statistical Abstract of Palestine 7*, Palestinian Central Bureau of Statistics, Ramallah, 2007.

Refugee dwellings comprise an average of three rooms. Average housing capacity is lowest in Lebanon (2.5 rooms outside camps and 3 in camps) and Syria (2.9 rooms outside camps and 3.0 in camps); housing units in Jordan (3.2 rooms outside camps and 2.8 in camps) are slightly larger, and those in the OPT offer the most room (3.5 rooms in camps and 3.1 outside camps).<sup>59</sup> The average number of rooms in a Palestinian housing unit in Israel is 4, and housing density is 1.31 per room (1.73 in the south), compared to 0.87 persons per room among the Jewish population.<sup>60</sup> Housing units in camps in the 1967-occupied Palestinian territory and in Jordan are larger than in Lebanon.<sup>61</sup> However, housing densities in camps are the highest in the 1967-occupied Palestinian territory and Jordan, followed by Syria (excluding Yarmouk camp) and Lebanon.

Palestinian households in Israel, including IDP households, suffer from a shortage of land designated for development. Around 23% of Palestinians households have suffered from land confiscation between 1947 and 2004, while 8.7% of households have had their homes demolished or confiscated by the Israeli government during the same period.<sup>62</sup> Around 44% of Palestinian households have reported that their inability to build a needed housing unit is due to the scarcity of available building land. In the southern part of the country (i.e., Naqab), 24.1% of the Palestinians live in tents and shacks.<sup>63</sup>



## 2.7 Education

Education is highly valued in the face of the protracted nature of the Palestinian refugee crisis. It is seen both as offering an opportunity for a better life and as a means of reaffirming identity. A study commissioned by UNRWA on adolescents' knowledge of and attitudes towards family, reproductive health issues and lifestyle practices, showed that 76% of the respondents aspired to higher education.<sup>64</sup> Most refugees benefit from the elementary and preparatory education provided by UNRWA schools, while others study in host country public schools. Few study in private schools. Access to secondary and higher education is restricted in some host countries. Financial constraints prevent other refugees from continuing education. (See Chapter Three.)



Overview of Jenin refugee camp, occupied West Bank. October 2006. © Anne Paq.

Education-related problems for refugees differ among the host countries, and include a serious gender gap in the 1967-occupied Palestinian territory, inadequate education among young men in camps in Jordan, a significant number of young adults in Syria who lack basic education, and generally high levels of non-literacy.<sup>65</sup> During the civil war and the Israeli invasion of Lebanon, some refugee children lost more than a year of schooling. In the 1967-occupied Palestinian territory, refugee children lost between 35% and 50% of class time during the first *intifada*. The second *intifada* has negatively affected access to

education and the quality of education provided in the OPT.<sup>66</sup> Israeli military and Jewish settler activity in the OPT has had a negative effect on the capacity of students to concentrate, participate in class, and meet amongst themselves for study purposes.<sup>67</sup> During 2006, a decline was observed in test scores in schools and school attendance in the OPT.<sup>68</sup>

### 2.7.1 Enrolment

Enrolment rates among refugee children are high, but tend to drop off at the preparatory level owing to poverty, lack of motivation, and (among young women) marriage and social constraints. Nearly all refugee children are enrolled at the elementary stage. Enrolment patterns begin to differ between host countries at the preparatory level. Drop-out rates appear to be lower in UNRWA schools. Fewer refugees are enrolled in secondary and higher education in Lebanon than elsewhere. In all fields and at nearly all ages, more women than men are enrolled.

Table 2.11: Enrolment Levels (%) in Lebanon, Jordan, Syria, and West Bank & Gaza Strip

Age Group	Lebanon		Jordan		Syria		West Bank & Gaza Strip	
	M	F	M	F	M	F	M	F
7-9	97	98	100	100	98	98	79	83
10-14	87	91	93	94	91	91		
15-18	42	61	60	51	48	55		
19-24	11	11	12	14	14	17		

Sources: *On the Margins: Migration and Living Conditions Among Palestinian Refugees in Camps in Jordan*, FAFO: Institute for Applied Social Science, 2000; *Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon*, FAFO: Institute for Applied Social Science, 2003; *Statistical Yearbook of Palestine 4*, Palestinian Central Bureau of Statistics, 2003. Data for the West Bank and Gaza Strip reflects the age group 6-24 years in 2006; *Household Health Survey 2006*, Palestinian Central Bureau of Statistics, 2007.





*UNRWA elementary school for girls, Tulkarem refugee camp, occupied West Bank, October 2006. © Anne Paq.*

Among refugees in camps, dropping out generally increases at a higher rate among young refugee men; however, camp refugees in the OPT stay in school longer than in other Arab host countries. In the OPT, however, over three per cent of students in the localities affected by the Wall left school as a direct result of the Wall and its associated regime, while 26% of those who left school did so because of the worsening economic situation.<sup>69</sup> Non-camp refugees in Jordan have higher rates of preparatory and secondary enrolment than camp refugees; however, in Lebanon, secondary enrolment among refugees outside camps is also very low. In the 1967-occupied Palestinian territory, non-refugee Palestinians have a slightly lower enrolment rate than camp and non-camp refugees. In the OPT, the enrolment rate for persons 6–24 years amounted to 80.6% of the total number of refugees (78.7% for males and 82.6% for females).<sup>70</sup> Over 98% of Palestinians in Israel have enrolled in the education system at one point in their lives. The drop-out rate for Palestinians over the age of five from schools in Israel is over 24%.<sup>71</sup>

Among the special hardship cases, the majority attended UNRWA schools (64%), and one-third attended public schools. The drop-out rate was around 14%, lowest in the Gaza Strip (7%), and highest in Jordan (30%).<sup>72</sup>

## 2.7.2 Literacy

Persons are defined as literate if they can read or write. Refugee men and women in Syria have the highest literacy rates, followed by male refugees in the 1967-occupied Palestinian territory. In the OPT, female non-literacy is nearly three times that of males. Refugees in Lebanon have the highest non-literacy rates (34% on average). The fact that there is no gender gap in Lebanon reflects the high rate of non-literacy among refugee men.<sup>73</sup>

Camp refugees in Lebanon have a lower literacy rate than in any other host country, with the highest literacy rates among camp refugees found in Syria. In Jordan, literacy is higher among non-camp refugees, including in the older age ranges, while in the OPT, literacy is higher among camp refugees. There is no clear pattern of difference between camp refugees and those outside camps in other Arab host countries.

Table 2.12: Illiteracy (%) in Lebanon, Jordan and Syria

Age Group	Lebanon		Jordan		Syria	
	M	F	M	F	M	F
15–19	26	15	5	2	12	9
20–24	23	18	6	4	11	8
25–29	23	22	6	5	9	8
30–34	26	28	4	6	8	14
35–39	23	29	4	12	9	16
40–44	16	41	8	30	11	22
45–49	21	50	11	49	10	29
50–54	25	71	12	63	12	43
55–59	34	87	18	82	14	62
60–64	53	93	38	89	28	84
65–69	65	98	50	98	45	89
70–74	–	–	52	99	58	92
75+	–	–	67	100	60	96

Sources: *On the Margins: Migration and Living Conditions Among Palestinian Refugees in Camps in Jordan*, FAFO: Institute for Applied Social Science, 2000; *Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon*, FAFO: Institute for Applied Social Science, 2003; *Statistical Yearbook of Palestine 4*, Palestinian Central Bureau of Statistics, 2003. Figures for Lebanon and Syria include camps and “gatherings” (defined as a community outside a camp with 25 or more households).

In the former Palestinian territory, 93.6% of the refugees are literate (96.7% for males and 90.4% for females).<sup>74</sup> Literacy levels among Palestinian refugees are generally higher than for the Arab states as a group.<sup>75</sup> This is especially the case for refugee women. In Lebanon, however, there are high levels of non-literacy among refugees compared to the national population. There is little difference between refugee and non-refugee Palestinians in the 1967-occupied Palestinian territory. Palestinians in Israel have a literacy rate of 94.4%. However, this rate is lower in the south of the country (where it drops to 85.2%) and among females in general (91.3% compared to 97.3% for males).<sup>76</sup>

Among persons classified as special hardship cases, 16.6% are illiterate, with the highest rates being in the West Bank (25%) and Syria (22%), and the lowest in the Gaza Strip (12%) and Lebanon (15%).<sup>77</sup>

## 2.8 Health

The health status of Palestinian refugees is in transition from a developing to a developed stage. The health of women and children has improved dramatically over the course of the last five decades. The best reported health outcomes are in the 1967-occupied Palestinian territory, Jordan and Syria. Armed conflict, ineffective protection, and insufficient assistance leave refugees in Lebanon the most vulnerable to health problems. Between 30,000 to 40,000 Palestinians were killed during the civil war and the Israeli invasion in Lebanon in 1982. During the first *intifada* in the OPT, more than 73,000 Palestinians were killed or injured, while the number of casualties and injured in the current *intifada* stands at 35,000.<sup>78</sup>

Food insecurity and vulnerability are about 40% and 12% respectively among refugees in the OPT.<sup>79</sup> The refugee population living in camps has the least food security (45%), which also indicates that food insecurity is highest in the Gaza Strip. Food aid has become increasingly significant as a source of food as agricultural areas (Qalqilya, Tulkarem, and the Jordan Valley) are affected by closures and Israeli military and settler movement, as well as restrictions on access and trade.

Around 42% of households affected by the Wall in the occupied West Bank are separated from health services

(hospitals and medical centres). Impeded access to medical care is particularly acute in the closed zones between the Wall and the Green Line, where 79% of families are separated from health centres and hospitals.<sup>80</sup>

### 2.8.1 Women's Health

Palestinian refugee mothers demonstrate fairly good health indicators. Nearly all refugee women visit health centres during pregnancy, and most of them receive qualified birth assistance (see Chapter Three). Lebanon and Syria have lower levels of assisted births, especially among refugees outside camps in Syria. Maternal mortality rates are highest in Lebanon and lowest in Syria.

Refugee women in camps also have good health indicators. Camp women in Jordan have higher rates of pre-natal care, but lower rates than in the occupied West Bank. There is no difference between maternal health care available to women inside or outside camps in the occupied Gaza Strip and in Syria. There is also no difference regarding access to assisted births between camp and non-camp refugee women, except in Jordan, where there is less delivery assistance available to women in camps.



UNRWA Health Center, Khan Younis, Gaza Strip. © UNRWA Archives.

Table 2.13: Selected Health Indicators for Women

	Maternal Mortality Rate (per 100,000 live births)	% Receiving Prenatal Care	% Deliveries Assisted
West Bank Camp	112	90	98
West Bank Non-camp	–	95	97
Gaza Strip Camp	81	99	98
Gaza Strip Non-camp	–	99	99
Jordan Camp	n.a.	95	87
Jordan Non-camp	–	86	95
Lebanon Camp and Non-camp	239	95	83
Syria Camp and Non-camp	75	96	84

Source: *Finding Means: UNRWA's Financial Situation and the Living Conditions of Palestinian Refugees, Summary Report*, FAFO: Institute for Applied Social Science, 2000. Figures for Lebanon and Syria include camps and "gatherings" (defined as a community outside a camp with 25 or more households).

Prenatal care is generally higher among refugees than host country nationals, except in the case of camp refugees in the occupied West Bank. In Lebanon, nationals are more likely to have assistance with deliveries than refugees. The opposite is true for Syria. There are few differences in the rate of assisted births among refugees and non-refugees in the OPT. Maternal mortality rates are higher among refugee women in Lebanon, but lower in the OPT and Syria.

## 2.8.2 Children's Health

Low birth weight is not a significant problem among refugees; birth weights are more typical of developed countries than developing countries. (The international standard for low birth weight is less than 2,500 grams.) Standard vaccination programs are well implemented, although rates are lower among refugees in Syria and Lebanon than for host country nationals and refugees in Jordan and the OPT.<sup>81</sup> Infant mortality rates are also low, despite a stagnation of the infant mortality rate in the OPT.<sup>82</sup>

Childhood malnutrition has not been a significant problem, although increasing levels of child malnutrition in the OPT give grounds for concern: 10% of these children are malnourished, with children in the occupied Gaza Strip particularly affected.<sup>83</sup> There are also signs of a resurgence of anaemia, affecting 55% and 34% of children under the age of three in the occupied Gaza Strip and West Bank, as well as micronutrient deficiencies, with 22% of children under the age of five suffering from Vitamin A deficiency.<sup>84</sup> Acute malnutrition presents more of a problem in camps in Lebanon and Syria than in Jordan.

Palestinian refugees in Syria have particularly low infant mortality rates, while these rates are highest in Lebanon. Infant mortality rates are higher among host country nationals than refugees in Jordan and Syria, but lower in Lebanon. There are no significant differences in birth weights between camp and non-camp refugee children. In Jordan and Lebanon, low birth weight is more frequent among host country nationals than among refugees.

Table 2.14: Selected Child Health Indicators

	Infant Mortality Rate (per 1,000 live births)		% Low birth Weight (infants)	% 12–23 months Fully vaccinated
	Male	Female		
West Bank Camp	29.5	21.9	9	82
West Bank Non-camp				73
Gaza Strip Camp	32.9	23.4		
Gaza Strip Non-camp				
Jordan Camp	26.6	23.2	6	82
Jordan Non-camp			8	83
Lebanon Camp and Non-camp	26	23.3	7	75
Syria Camp and Non-camp	24	21.5	8	73

Source: *Finding Means: UNRWA's Financial Situation and the Living Conditions of Palestinian Refugees, Summary Report*, FAFO: Institute for Applied Social Science, 2000. Figures for Lebanon and Syria include camps and "gatherings" (defined as a community outside a camp with 25 or more households). Data for low birth weight for the OPT is for births in the last year prior to the survey; the Jordan data is for the most recent births, while data for Lebanon and Syria is for births during the five years preceding the survey. Infant mortality rates for Syria and Lebanon represent 2006; Palestinian Central Bureau of Statistics.

Rates of chronic illness in camps are higher among refugee boys than refugee girls, and higher than for refugee children outside camps. Refugee children in Lebanon have the highest rates of chronic illness and disability. In Israel, 8.6% of Palestinian children suffer from chronic diseases (9.1% girls and 8.1% boys), while 2.9% are disabled.<sup>85</sup>

Table 2.15: Percentage of Children (ages 5–14) Chronically Ill or Disabled

	Females	Males
Jordan Camp	3.6	5.2
Jordan Non-camp	2.5	2.5
Lebanon Camp	6.6	8.3
Lebanon Non-camp	8.2	10.8
Syria Camp	2.6	4.0
Syria Non-camp	2.9	2.9

Source: *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*, FAFO: Institute for Applied Social Science, 2003. Non-camp figures for Lebanon and Syria include refugee "gatherings" (defined as a community outside a camp with 25 or more households).

## 2.9 Violence against Women and Children

In Lebanon, 14% of refugee children living in camps reported battering at the hands of their mother and 17% at the hands of their father.<sup>86</sup> In Lebanon, 28% of refugee women in camps reported violence emanating from their family in the form of insults (6%), battering (6%), forced confinement (5%), threats (4%), forbidding of life choices regarding marriage, career, and so on (3%), psychological abuse (3%), and physical abuse (2%).<sup>87</sup> The level of reported violence decreases with educational attainment; women with education on the secondary level or above report three times less violence than those who are non-literate or semi-illiterate.<sup>88</sup>

Palestinian women in refugee camps in the OPT report high levels of spousal abuse, including psychological abuse (52%), sexual abuse (10%), and physical abuse on at least one occasion (24%).<sup>89</sup>

In 2006, physical disabilities and psychological problems among children in the OPT and Lebanon increased as a result of Israel's war against Lebanon and the occupation of the OPT. In the OPT, nearly all (97%) Palestinian students reported experiencing (73%) or witnessing (23%) varying levels of violence.<sup>90</sup> Instances of bedwetting, psychosomatic and sleeping disorders, and behavioural changes including aggression, anti-social behaviour, nervousness and anxiety have been reported in the OPT.<sup>91</sup> Most young Palestinians reported severe (32%) or moderate (58%) symptoms of hopelessness.<sup>92</sup>

Over 50% of students in UNRWA schools were subjected to beatings by schoolmates or teachers during the year preceding this report. Refugees in UNRWA schools may be at a greater risk of violence than students in other schools. Testimony from children recounting abuses at the hand of teachers include incidents such as putting a shoe inside a student's mouth, beatings, and pulling ears. Verbal abuse of students by teachers is also common.



## Appendix 2.1: Notes for Table 2.1

### 1948 registered refugees – UNRWA for Palestine Refugees (UNRWA)

UNRWA figures are based on data voluntarily supplied by registered refugees. Figures are as of 30 June each year. UNRWA registration statistics do not claim to be and should not be taken as statistically valid demographic data. This information is collected by UNRWA for its own internal management purposes, and to facilitate certification of refugees' eligibility to receive education, health, and relief and social services. New information on births, marriages, deaths, and change in place of residence is recorded only when a refugee requests the updating of the family registration card issued by the Agency. UNRWA does not carry out a census, house-to-house survey, or any other means of verifying place of residence; refugees will normally report births, deaths, and marriages when they seek a service from the Agency. Births, for instance, are reported if the family avails itself of the UNRWA maternal and child health services, or when the child reaches school age if admission is sought to an UNRWA school, or even later if neither of these services is needed. Deaths tend to remain under-reported. While families are encouraged to have a separate registration card for each nuclear family (parents and children), this is not obligatory. Family size information may therefore include a mix of nuclear and extended families, in some cases including as many as four generations.

In 2006, approximately 42% or 1,840,044 refugees in this category were registered in Jordan; 23% or 1,001,352 in the occupied Gaza Strip; 16% or 710,681 in the occupied West Bank; 10% or 437,790 in the Syrian Arab Republic; and 9% or 406,342 in Lebanon. These figures are provided by the Public Information Office, UNRWA Headquarters, Gaza, September 2006: <http://www.un.org/unrwa/publications/index.html>.

### 1948 non-registered refugees

The number of persons in this group is calculated as being one third of the total registered refugee population based on the assumption that "UNRWA registered refugees represent approximately three-quarters of Palestinian refugees worldwide." See *Annual Growth rate of registered Palestine refugees and female percentage, 1953–2000*: <http://www.un.org/unrwa/publications/index.html>. Based on these calculations, there is thus 5,861,612 registered and non-registered 1948 Palestinian refugees. This number has 59,000 persons less than what would be derived by calculating the total number of Palestinian refugees based on *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine*, London: The Palestinian Return Center, 1998; and the average annual growth rate of the Palestinian refugee population (3.5%). According to the *Register*, the total number of estimated 1948 refugees would 5,920,690 refugees.

### 1967 first-time displaced refugees

Figures derived from *The Report of the Secretary-General under General Assembly Resolution 2252 (EX-V) and Security Council Resolution 237 (1967)*, UN Doc. A/6797, 15 September 1967; and the average annual growth rate of the Palestinian population (3.5%).

This figure does not include 1948 refugees displaced for a second time in 1967. See also Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press Oxford, 1998, p. 17; approximately 193,500 Palestinian refugees were displaced for a second time, while 240,000 non-refugees were displaced for the first time, bringing the total to over 430,000 persons.

This figure also does not include an estimated 50,000 Palestinians internally displaced in the occupied West Bank, eastern Jerusalem and the occupied Gaza Strip after 1967. See *Internally Displaced Palestinians, International Protection, and Durable Solutions*, BADIL Information & Discussion Brief No. 9 (November 2002), p. 6. The figures for 1967 exclude those refugees who returned under a limited repatriation programme between August and September 1967. The figures do not account for Palestinians who were abroad at the time of the 1967 war and unable to return, refugees reunified with family inside the OPT, or those refugees who returned after 1994 under the Oslo political process.

### 1948 internally displaced persons

According to Hillel Cohen, the author of a study on displaced persons in Israel, and as stated by the National Committee for the Rights of the Internally Displaced in Israel: "[O]f the estimated 150,000 Palestinians who remained in Israel proper when the last armistice agreement was signed in 1949, some 46,000 were internally displaced, as per UNRWA's 1950 registry record." Data was calculated on the basis of an estimated average annual growth rate of the Palestinian population inside Israel of 3.5% for the period 1949–2006.

This figure does not include those Palestinians internally displaced after 1948, conservatively estimated at 75,000 persons. See *Internally Displaced Palestinians, International Protection, and Durable Solutions*, BADIL Information & Discussion Brief No. 9 (November 2002). The

annual average growth rate of the IDP population is increased by a quarter of a percentage point to reflect further internal displacement after 1948 due to internal transfer, land confiscation and house demolition.

### 1967 internally displaced persons

The estimate includes persons internally displaced from destroyed Palestinian villages in the OPT during the 1967 war (10,000 persons). This figure is increased by the average annual growth rate of the refugee population (3.5%). See *Internally Displaced Palestinians, International Protection, and Durable Solutions*, BADIL Information & Discussion Brief No. 9 (November 2002). The figure is also increased to include the average number of Palestinians displaced by house demolition (1,037) each year between 1967 and 2006. The number of Palestinians affected by house demolition is not increased according to the average annual population growth, as it is not known how many IDPs return to their home of origin.

The increase in the number of internally displaced persons in the 1967-occupied Palestinian territory for 2004 is due to Wall-induced forced displacement in the occupied West Bank, as well as the vast scope of demolitions undertaken in the occupied Gaza Strip, which left 2,224 families homeless (approximately 15,123 persons based on a household size of 6.8 persons). See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2003–30 June 2004, UN GAOR, Sixtieth Session, Supp. 13 (A/59/13), 10 October 2004, para. 149, p. 32; and *Statistical Abstract of Palestine 5*, Palestinian Central Bureau of Statistics, Ramallah, November 2004, p. 223. This number also includes 11,461 persons who were displaced by the Wall as of July 2004. See *Survey on the Impact of the Expansion and Annexation Wall on the Palestinian Localities that the Wall Passed Through*, Palestinian Central Bureau of Statistics, Ramallah, March 2004, p. 6. See also 5,100 persons displaced as a result of Israel's military action in the Gaza Strip in the summer of 2006. *Humanitarian Update*, Jerusalem: Office for the Co-ordination of Humanitarian Affairs (OCHA), June/July 2006, p. 2. See also "Israel's Assault on the Gaza Strip, 08:00 27 June – 8:00 22 November 2006," Special Report, Ramallah: Negotiations Affairs Department, Palestinian Monitoring Group, 23 November 2006, p. 1. See also UNRWA Emergency Appeal 2007, p. 12.

The number of IDPs for 2005 includes the difference between the approximately 14,364 persons displaced by June 2005, minus the 11,461 persons displaced by July 2004. Thus, 3,103 persons were displaced as a result of the construction of the Wall between July 2004 and June 2005. See *Survey on the Impact of the Expansion and Annexation Wall on the Socio-Economic Conditions of Palestinian Localities which the Wall Passes Through*, p. 10. This figure also includes the demolition of 198 houses in 2005, leaving approximately 1,208 persons homeless, based on an average rate of 6.1 persons per household in both the occupied West Bank and the Gaza Strip. Data compiled from *Monthly Summary of Israeli Violations*, March 2005, June 2005, September 2005 and December 2005, Palestinian Monitoring Group, Negotiations Affairs of the Palestinian Liberation Organization. For data on average household size, see *Statistical Abstract of Palestine 5*, Palestinian Central Bureau of Statistics, Ramallah, November 2004, p. 223. Finally, this number does not include those refugees in the Gaza Strip who remained homeless and displaced as of June 2005 as a result of the demolition of their shelters since the beginning of the *intifada*, a group that UNRWA estimates at 16,000. See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005 para. 214, p. 51.

The number of IDPs does not include those displaced as a result of ID confiscations in Jerusalem; the total number of IDs confiscated since 1967 amounts to 8,269, according to B'tselem – The Israeli Information Center for Human Rights in the Occupied Territory

([http://www.btselem.org/arabic/Jerusalem/Revocation\\_Statistics.asp](http://www.btselem.org/arabic/Jerusalem/Revocation_Statistics.asp)) and the Israeli Interior Ministry. This number does not include persons under the age of 16 years, which means that thousands more were affected by the revocation of Jerusalem IDs. There is no data on how many IDs were returned to their owners, if any. See *Jerusalem Statistical Yearbook 8*, Palestinian Central Bureau of Statistics, Ramallah, 2006.

## Endnotes

- <sup>1</sup> Numbers for UNRWA registered refugees are correct as of 31 March 2007.
- <sup>2</sup> *Palestine in Figures 2006*, Palestinian Central Bureau of Statistics, Ramallah, 2007, p. 13.
- <sup>3</sup> The term “country of origin” as used here “is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. This would be the case, for example, of nationals of a country who have been stripped of their nationality in violation of international law, and of individuals whose country of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them.” Human Rights Committee, General Comment 27, *Freedom of Movement* (Article 12), UN Doc. CCPR/C/21/Rev.1/Add.9, 1999.
- <sup>4</sup> This figure is based on numerous sources. Israel revoked the residency rights of approximately 100,000 Palestinians from the OPT between 1967 and 1991. See Quigley, John, “Family Reunion and the Right to Return to Occupied Territory,” *Georgetown Immigration Law Journal*, 6, 1992.  
According to the Jordanian government, some 7,000 Palestinians from the occupied West Bank were displaced to Jordan every year between 1968 and 1988. See UN Doc. CERD/C/318/Add.1, 14 April 1998, *Reports Submitted by States Parties under Article 9 of the Convention*, Twelfth Periodic Report of States Parties due in 1997, Jordan, at para. 25 cited in Kossaifi, George F., *The Palestinian Refugees and the Right of Return*, Washington, DC: The Center for Policy Analysis on Palestine, 1996, p. 8. Between 1969 and 1972, some 6,000 to 20,000 Bedouin farmers were evicted from the Rafah salient southwest of the occupied Gaza Strip. Between 1968 and 1972, over 1,095 Palestinians were deported from the occupied West Bank and Gaza Strip. Between August 1985 and January 1988, some 46 Palestinians were expelled from the occupied Palestinian territory. From the beginning of the first *intifada* in December 1987 until the end of 1989, 64 Palestinians were deported, with eight more deported in 1991. On 16 December 1992, 413 Palestinians were deported. See Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*, London: Faber & Faber Ltd, 1997. Moreover, the rate of out-migration is as high as 2% of the total population per annum. See Pederson, Jon, Sara Randall and Marwan Khawaja (eds.), *Growing Fast: the Palestinian Population in the West Bank and Gaza Strip*, Norway: FAFO Institute for Applied Social Science, 2001. The average rate of forced migration is estimated at 21,000 persons per year. See Kossaifi, George F., *The Palestinian Refugees and the Right of Return*, Washington, DC: The Center for Policy Analysis on Palestine, 1996.
- <sup>5</sup> The definition of a Palestinian refugee used here is based on the 1951 UN Conciliation Commission for Palestine draft definition of a Palestine refugee. See *Addendum to Definition of a “Refugee”*, para. 11 of *General Assembly Resolution of 11 December 1948* (prepared by the Legal Advisor), UN Doc. W/61/Add.1, 29 May 1951.
- <sup>6</sup> Original registration was carried out by the International Committee of the Red Cross, the League of Red Crescent Societies and (in the Gaza Strip) by the American Friends Service Committee (AFSC). During 1950–51, UNRWA carried out a census in all areas of operations, excluding the Gaza Strip, where it relied on AFSC records. UNRWA registration includes an individual registration number, a family registration number, and a family code that links the computerized demographic data in the family registration number sheet with the non-computerized data in the family files. The latter includes birth, marriage, and death certificates and a limited number of property deeds. For more information, see *Reinterpreting the Historical Record: The Uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis*, Tamari, Salim and Zureik, Elia (eds.). Jerusalem: Institute for Jerusalem Studies, 2001.
- <sup>7</sup> “[Palestine refugee] shall mean any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict.” *Consolidated Registration Instructions (CRI)*, 1 January 1993, para. 2.13; see also Annex 2.
- <sup>8</sup> Public information office, UNRWA Headquarters, Gaza, September 2006: <http://www.un.org/unrwa/publications/index.html>.
- <sup>9</sup> Some 82,000 persons were removed from the registration record in 1950 and 1951. See Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press, 1998, p. 70.
- <sup>10</sup> *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 January–31 December 2005, UN GA, Supp. 13 (A/61/13), p. 20.
- <sup>11</sup> For an overview of the development of the UNRWA definition of a Palestine refugee, see Takkenberg, Lex, *The Status of Palestinian Refugees*, pp. 68–83.
- <sup>12</sup> UNGA Resolution 37/120 (I), 16 December 1982. *Report of the Secretary-General*, 12 September 1983, UN Doc. A/38/382.
- <sup>13</sup> *Annual Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 1951–30 June 1952. UN GAOR, 7<sup>th</sup> Sess., Supp. 13 (A/2171), 30 June 1952, para. 8. Initial registration files for these internally displaced Palestinians include six boxes consisting of 11,304 family cards and 5,155 correction cards. Each card contains details such as names, age, sex, occupation, past addresses and the “distribution center” to which the family was attached. UNRWA refers to these files as “dead” files. *Reinterpreting the Historical Record: The Uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis*, Tamari, Salim and Zureik, Elia (eds.). Jerusalem: Institute for Jerusalem Studies, 2001, p. 45. UNRWA records

- show that about 45,800 persons receiving relief in Israel were the responsibility of UNRWA until June 1952. See <http://www.un.org/unrwa/publications/index.html>.
- <sup>14</sup> The children of refugee women and non-refugee fathers are presently not eligible for registration with or assistance from UNRWA. This rule dates from an era that favoured male lineage. The Agency is aware of this discrimination and is currently revising this rule, “with a view to enabling descendants of female refugees married to non-refugees to register with UNRWA.” UNRWA stated that the Agency “is of the opinion that the continued application of its registration rules is unfair and unfounded, as the status of refugees should not be based on such considerations, and discrimination between males married to non-refugees vs. females married to non-refugees is unjustified.... The Agency estimates that this could potentially benefit approximately 340,000 persons, but expects that a significantly lower number will actually wish to register. Of those who will register, not all will be interested in availing themselves of the Agency’s services. As a result, the quantitative impact of this modification in the registration rules on the Agency’s operations is considered to be manageable.” *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2003–30 June 2004. UN GAOR, Sixtieth Session, Supp. 13 (A/59/13), 2005 para. 67, p. 19.
  - <sup>15</sup> *UNHCR Statistical Yearbook 2005*, Occupied Palestinian Territory: <http://www.unhcr.org/statistics/STATISTICS/464478a72.html>.
  - <sup>16</sup> UNHCR, 2006 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons, Annexes, June 2007.
  - <sup>17</sup> Israel last carried out a census of the IDP population in 1949, in order to plan for internal transfer of Palestinians who remained after the 1948 war. According to this census, which did not cover all areas, there were 7,005 IDPs from 56 villages of origin residing in 26 different Palestinian villages in Galilee. Central Zionist Archive, A-206/246. Census documents are archived in the Yosef Weitz file, 296/246 and 206/246. Cited in Cohen, Hillel, *The Present Absentees: Palestinian Refugees in Israel Since 1948* [Hebrew]. Jerusalem: Van Leer Institute, 2000.
  - <sup>18</sup> *Palestinians in Israel: Socio-Economic Survey, 2004*, prepared by Ahmad El-Sheikh Muhammad, Shefa-Amr: The Galilee Society, Rizak and Mada al-Carmel, July 2005, p. 78.
  - <sup>19</sup> Kamen, Charles S., “After the Catastrophe I: The Arabs in Israel, 1948–51,” *Middle Eastern Studies*, Table 11: Distribution of localities which continued to exist in northern Israel, by the number of refugees who entered them, p. 473.
  - <sup>20</sup> *Report of the Secretary General under General Assembly Resolution 2252 (ES-V) and Security Council Resolution 237 (1967)*, UN Doc. A/6797, 15 September 1967.
  - <sup>21</sup> For more details, see Wilson Harris, William, *Taking Root: Israeli Settlement in the West Bank, the Golan and the Gaza-Sinai, 1967–1980*. New York: John Wiley & Sons, Ltd, 1980.
  - <sup>22</sup> Amro, Tayseer, “Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee] (not including spouses and descendants).” *Article 74*, 14, Jerusalem: BADIL/Alternative Information Center for Palestinian Residency and Refugee Rights, 1995, Table 5: Palestinian Estimates of Displaced Persons and Refugees During the 1967 War.
  - <sup>23</sup> This figure does not take into consideration the number of persons who may have returned to the occupied territory. George F. Kossaiifi, *The Palestinian Refugees and the Right of Return*. Washington, DC: The Center for Policy Analysis on Palestine, 1996, p. 8. According to the Jordanian government, some 7,000 Palestinians from the West Bank were displaced to Jordan every year between 1968 and 1988. UN Doc. CERD/C/318/Add.1, 14 April 1998. See *Reports Submitted by States Parties under Article 9 of the Convention*, Twelfth Periodic Report of States Parties due in 1997, Jordan, para. 25.
  - <sup>24</sup> *Growing Fast: the Palestinian Population in the West Bank and Gaza Strip*. Pederson, Jon, Sara Randall, and Marwan Khawaja (eds.). Norway: FAFO Institute for Applied Social Science, 2001, p. 153.
  - <sup>25</sup> Figure derived from population estimates in the area cited in *Final Report of the UN Economic Survey Mission for the Middle East*, “Part I, The Final Report and Appendices”, p. 1. Population figures for Jordan, Lebanon, Syria and Iraq are from the Jordan Data Profile, Lebanon Data Profile, Syrian Arab Republic Data Profile, and Iraq Data Profile, *World Development Indicators Database*, World Bank, July 2001.
  - <sup>26</sup> Abu Sitta, Salman, *From Refugees to Citizens at Home: The End of the Palestinian-Israeli Conflict*. London: The Palestinian Return Centre, 2001, p. 23.
  - <sup>27</sup> A camp, according to UNRWA’s working definition, is a plot of land placed at the disposal of the Agency by a host government for accommodating Palestine refugees, and for setting up facilities to cater to their needs. The plots of land on which camps were originally set up either belong to the state, or, in most cases, are leased from local landowners by the host government. This means that the refugees in camps do not “own” the land on which their shelters stand, but have the right to “use” the land for a residence.
  - <sup>28</sup> See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005 para. 114, p. 27.
  - <sup>29</sup> Ali Sha’aban, Hussein, *Palestinian Refugees in Lebanon from Hosting through Discrimination* [Arabic]. Jerusalem: PASSIA, 2002. See also Ugland, Ole (ed.), *Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon*, FAFO Institute for Applied Social Science, Oslo, 2003.
  - <sup>30</sup> As of 1998, a small population of Palestinians, numbering about 1,000, resided in the northern city of Mosul, with another 700–1,000 persons in the southern city of Basra. For more details, see *The Palestinians in Iraq*, Report prepared by Haytham



- Manna, spokesperson for the Arab Commission for Human Rights, following a visit to Iraq from June 10–June 17, 2003; *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999.
- <sup>31</sup> *Internal Displacement, Global Overview or Trends and Developments in 2005*, Norwegian Refugee Council and Internal Displacement Monitoring Centre, Geneva, March 2006, p. 3.
- <sup>32</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions. Volume I: Socio-economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Oslo: FAFO, Institute for Applied Social Science, 2003, p. 20.
- <sup>33</sup> Inside Israel, 39.7% of the Palestinian population is under the age of 15. See Table 2.1.3: Percentage Distribution of Palestinians in Israel by Age Groups and Sex (2002), *Statistical Abstract of Israel 4*, Palestinian Central Bureau of Statistics, Ramallah, 2003, p. 140. In the OPT, 45.8% of the Palestinian population is under the age of 15. See Table 3.2.4: Projected Population in the Palestinian Territory in the End Year by Age Groups and Sex (2002), *Statistical Abstract of Israel 4*, Palestinian Central Bureau of Statistics, Ramallah, 2003, p. 191.
- <sup>34</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions*, p. 20, p. 25.
- <sup>35</sup> Dalen, Kristen and Jon Pedersen, *The Future Size of the Palestinian Population of the West Bank and Gaza Strip*, FAFO Report 433, Norway, 2004, p. 7.
- <sup>36</sup> *Infant Mortality Rate in the occupied Palestinian territory, Child Basic Indicators*, UNICEF Website, 2005. Statistics for Palestinian-Arab population in Israel were obtained from "The Arab Population of Israel 2003", Statistilite 50, Israel Central Bureau of Statistics.
- <sup>37</sup> See *Occupied Palestinian Territory, Selected Statistics*, UNICEF, Jerusalem, updated 21 July 2006.
- <sup>38</sup> Between 1950 and 1995, the Palestinian population in 16 selected regions of the Middle East grew by an average of 3.3% per annum. For the last five-year period, the Palestinian population in these 16 countries increased at the highest rate ever, 3.7% per year. See Adlakha, Arjun L., Kevin G. Kinsella and Marwan Khawaja, *Demography of the Palestinian Population with Special Emphasis on the Occupied Territory*. Available at: <http://www.undp.org/popin/regional/escwa/popbull/bull43/chapter2.htm>.
- <sup>39</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions*, p. 20.
- <sup>40</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions*, pp. 114–15.
- <sup>41</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions*, pp. 114–15.
- <sup>42</sup> *Labour Force Survey: Main Results 2006*, The Palestinian Central Bureau of Statistics, 2007.
- <sup>43</sup> *Palestinians in Israel: Socio-Economic Survey, 2004*, p. 139.
- <sup>44</sup> *Palestinians in Israel: Socio-Economic Survey, 2004*, p. 139.
- <sup>45</sup> *Palestinians in Israel: Socio-Economic Survey, 2004*, p. 139.
- <sup>46</sup> Gross national income in Syria, however, is also lower. In Lebanon, for example, GNI is nearly four times higher than in Syria and double that in Jordan. Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions*, p. 148.
- <sup>47</sup> Humanitarian Update, *Special Focus: Rising Poverty in 2005*, Jerusalem: Office for the Co-ordination of Humanitarian Affairs, September 2005, p. 1.
- <sup>48</sup> The fiscal crisis of the Palestinian Authority resulted in severe income losses for about a quarter of its work force and their dependents – about 25% of the OPT population. UN OCHA, *A Year of Decline: The Financial and Institutional Status of the Palestinian Authority*, OCHA Special Focus, Jerusalem, April 2007.
- <sup>49</sup> UNRWA, *Prolonged Crisis in the Occupied Palestinian Territory, Recent Socio-Economic Impacts*, Gaza, November 2006, p. iv.
- <sup>50</sup> Hejoj, Ibrahim and Badran, Adnan, *A Socio-economic Analysis of Special Hardship Case Families in the Five Fields of UNRWA Operations*, Relief and Social Department of UNRWA, October 2006, p. 67. Special Hardship Cases (SHCs) are defined as households having no male adult medically fit to earn an income, and no other identifiable means of financial support above a defined level.
- <sup>51</sup> Hejoj, Ibrahim and Badran, Adnan, *A Socio-economic Analysis of Special Hardship Case Families*, pp. 96–97.
- <sup>52</sup> Hejoj, Ibrahim and Badran, Adnan, *A Socio-economic Analysis of Special Hardship Case Families*, pp. 96–97.
- <sup>53</sup> *The Poverty in the Palestinian Territory*, The Palestinian Central Bureau of Statistics, 2005.
- <sup>54</sup> UNRWA, *Prolonged Crisis in the Occupied Palestinian Territory*, p. 36.
- <sup>55</sup> UNRWA, *Prolonged Crisis in the Occupied Palestinian Territory*, p. 37.
- <sup>56</sup> *Statistical Abstract of Palestine 7*, Palestinian Central Bureau of Statistics, Ramallah, 2006.
- <sup>57</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions*, p. 58.
- <sup>58</sup> "Access to adequate sanitation and water resources is lacking in Syria compared to many other countries in the region. Recent UNDP estimates (2001) report that some 10% do not have access to proper sanitation (compared to 1% in Jordan and Lebanon) and 20% do not have access to 'improved' water resources (compared to 4% in Jordan and none in Lebanon)." Jacobsen, Laurie Blome, "Community Development of Palestinian Refugee Camps: Analytical support to Jordan's preparations for the June 2004 Geneva Conference on the humanitarian need of Palestinian refugees", *The Material and Social Infrastructure, and Environmental*

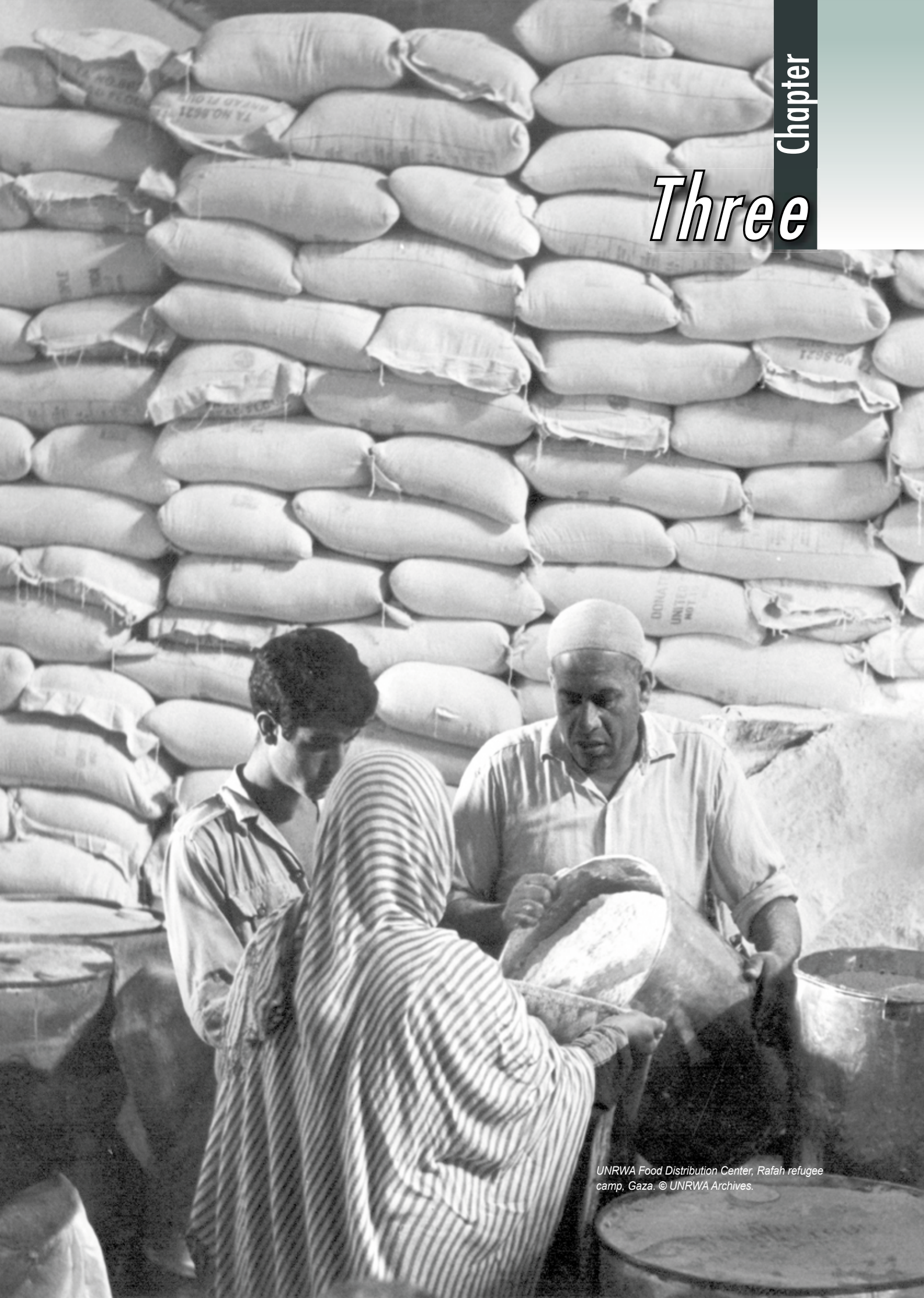


- Conditions of Refugee Camps and Gatherings in Lebanon, Jordan and Syria*, FAFO Institute for Applied International Studies, Oslo, 2004, p. 4 of report on Syria and Table 5.
- <sup>59</sup> These figures exclude kitchens, bathrooms, hallways and verandas. Non-camp figures for Lebanon and Syria only include refugee “gatherings” (defined as a community outside a camp with 25 or more households). Jacobsen, Laurie Blome, *Finding Means: UNRWA’s Financial Crisis and Refugee Living Conditions*, p. 64.
- <sup>60</sup> *Palestinians in Israel, Socio-Economic Survey, 2004*, p. 117.
- <sup>61</sup> The average areas of housing units in the occupied West Bank and Gaza Strip are 93.3 m<sup>2</sup> and 107.9 m<sup>2</sup> respectively. *Housing and Housing Conditions: Detailed Tabulations – Data*. Palestinian Central Bureau of Statistics, Ramallah, 2000. In Jordan, the average housing area in camps is 88 m<sup>2</sup>, while in Lebanon the average area is 40 m<sup>2</sup>. *Atlas of Palestinian Refugee Camps in Jordan*, Department of Palestinian Affairs, Amman, 1998; *Palestinians in Lebanon: Conference Report*. Oxford: Centre for Lebanese Studies, 1995.
- <sup>62</sup> *Palestinians in Israel, Socio-Economic Survey, 2004*, p. 116.
- <sup>63</sup> *Palestinians in Israel, Socio-Economic Survey, 2004*, p. 116.
- <sup>64</sup> *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005 para. 82, p. 20.
- <sup>65</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA’s Financial Crisis and Refugee Living Conditions*, p. 80.
- <sup>66</sup> UNICEF Humanitarian Action, Donor Update, 8 December 2005, p. 3.
- <sup>67</sup> “Education under Occupation: Disruptions to Palestinian Education Stemming from Israeli Military and Settler Activity, 1 September 2003–30 June 2005,” Trend Analysis, Palestinian Monitoring Group, Ramallah, 30 October 2005, p. 3.
- <sup>68</sup> UN OCHA, *A Year of Decline: The Financial and Institutional Status of the Palestinian Authority*, OCHA Special Forcus, Jerusalem, April 2007.
- <sup>69</sup> *Impact of the Expansion and Annexation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Wall Passes Through in the West Bank* (August 2005), Press Conference on the Survey Results, Palestinian Central Bureau of Statistics, Ramallah, February 2006, p. 6.
- <sup>70</sup> *Household Health Survey 2006*, Palestinian Central Bureau of Statistics, 2007.
- <sup>71</sup> *Palestinians in Israel: Socio-Economic Survey, 2004*, pp. 181–182.
- <sup>72</sup> Hejoj, Ibrahim and Badran, Adnan. *A Socio-economic Analysis of Special Hardship Case Families*, pp. 96–97.
- <sup>73</sup> Jacobsen, Laurie Blome, *Finding Means: UNRWA’s Financial Crisis and Refugee Living Conditions*, p. 83.
- <sup>74</sup> *Household Health Survey 2006*, Palestinian Central Bureau of Statistics, 2007.
- <sup>75</sup> Literacy rates for Palestinian refugee men and women are upwards of 80% and 70% respectively, compared to 72% and 45% for men and women in Arab states. Jacobsen, Laurie Blome, *Finding Means: UNRWA’s Financial Crisis and Refugee Living Conditions*, p. 82. *The UNDP measure of literacy (proportion of the population aged 15 and above who can, with understanding, both read and write a short, simple statement about their everyday lives) is more restrictive than that employed by the FAFO survey, which may explain some of the differences between refugees and the Arab states as a group.*
- <sup>76</sup> *Palestinians in Israel: Socio-Economic Survey, 2004*, p. 139.
- <sup>77</sup> Hejoj, Ibrahim and Badran, Adnan. *A Socio-economic Analysis of Special Hardship Case Families*, pp. 96–97.
- <sup>78</sup> Total daily numbers of deaths and injuries, West Bank and Gaza during the period Sept. 30 2000–Dec. 31 2005, Palestinian Central Bureau of Statistics, Ramallah, December 2005. For updates on numbers injured, see: <http://www.moi.gov.ps/detalse.asp?id=332>.
- <sup>79</sup> *Comprehensive Food Security and Vulnerability Analysis (CFSVA)*: West Bank and Gaza Strip, UN Food and Agriculture Organization and UN World Food Programme, January 2007, p. vi.
- <sup>80</sup> *Impact of the Expansion and Annexation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Wall Passes Through in the West Bank* (August 2005), Press Conference on the Survey Results, Palestinian Central Bureau of Statistics, Ramallah, February 2006, p. 7.
- <sup>81</sup> Some 80% of refugee children in camps receive their full range of vaccinations at 12 through 23 months in the OPT and Jordan; these figures are 70% for Syria and 75% for Lebanon. Jacobsen, Laurie Blome, *Finding Means: UNRWA’s Financial Crisis and Refugee Living Conditions*, p. 10.
- <sup>82</sup> Infant mortality rates among registered refugees have dropped from 180 deaths per 1,000 live births in the 1960s, to 32–35 per 1,000 in the 1990s. This is well ahead of the World Health Organization (WHO) target for developing countries of 50 per 1,000 by the year 2000. “The stagnation of infant mortality rate [in the OPT] is due mainly to slow progress or worsening of neonatal mortality rates.” UNICEF Humanitarian Action, *Donor Update*, 8 December 2005, p. 2.
- <sup>83</sup> *Occupied Palestinian Territory*, Selected Statistics, UNICEF, Jerusalem, updated 21 July 2006.
- <sup>84</sup> *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005 para. 68, p. 17.
- <sup>85</sup> *Palestinians in Israel: Socio-Economic Survey, 2004*, p. 247.

- <sup>86</sup> *Households Survey on Domestic Violence Against Children/Youth and Women in the Palestinian Refugee Localities and Refugee Camps in Lebanon*, prepared by Madi, Yusef, Palestinian Central Bureau of Statistics and the Palestinian Natural Resources, Beirut, United Nations Children's Fund (UNICEF), November 2004, p. 20, Table 12.
- <sup>87</sup> *Households Survey on Domestic Violence*, p. 26, Table 18.
- <sup>88</sup> *Households Survey on Domestic Violence*, p. 26, Table 19.
- <sup>89</sup> Press Conference on the Preliminary Results, *Domestic Violence Survey 2005*, Palestinian Central Bureau of Statistics, Ramallah, February 2006, p. 9.
- <sup>90</sup> *The Impact of Exposure to Ongoing Violent Conditions on Palestinian and Israeli Youth: 2004 CHERISH School-Based Screening*, Cherish Report Series, Report 1, Jerusalem: Cherish Child Rehabilitation Initiative for Safety and Hope, 2004, p. 11.
- <sup>91</sup> See, for instance, "Children in Crisis: *Intifada*-related symptoms in children of the Nablus area Refugee Camps," UNRWA emergency stories, 2006. Available at: <http://www.un.org/unrwa/english.html>.
- <sup>92</sup> *The Impact of Exposure to Ongoing Violent Conditions on Palestinian and Israeli Youth: 2004 CHERISH School-Based Screening*, Cherish Report Series, Report 1, Jerusalem: Cherish Child Rehabilitation Initiative for Safety and Hope, 2004, p. 13.



# Three



UNRWA Food Distribution Center, Rafah refugee camp, Gaza. © UNRWA Archives.

# Assistance

## ***Preface***

*Refugees and internally displaced persons have the right to assistance. Assistance activities are closely related to protection, and include the provision of food, shelter, health and education services. National authorities are primarily responsible for the provision of assistance within their borders. The assistance given to Palestinian refugees varies among host states, and no assistance mechanism has been developed for internally displaced Palestinians.*

*International assistance is required when states are either unable or unwilling to act on their obligations to assist refugees and internally displaced persons (IDPs). The right of refugees to assistance and the obligations of states in this regard are set out in the 1951 Convention Relating to the Status of Refugees. The League of Arab States 1965 Protocol on the Treatment of Palestinians does not include provisions for assistance to Palestinian refugees in the Arab world. The 1998 Guiding Principles on Internal Displacement set out the rights of internally displaced persons to assistance, but this document does not have the legal status of a convention. International humanitarian law, notably the Fourth Geneva Convention regarding the Protection of Civilians in Time of War, also entitles civilians, including refugees and IDPs, to humanitarian assistance.*

*The Office of the UN High Commissioner for Refugees (UNHCR) is the primary body mandated to provide international assistance to refugees worldwide. The Office works closely with other international and national organizations and states. No single international agency has an explicit mandate to assist internally displaced persons.*

*The United Nations established a separate organ – the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) – to provide international assistance to all persons displaced during the 1948 war in Palestine. The United Nations later requested UNRWA to assist Palestinian refugees displaced for the first time in 1967, as well as those displaced as a result of subsequent hostilities. In countries where UNRWA does not operate, UNHCR is mandated to provide assistance to Palestinian refugees. There is no international agency with a specific mandate to provide assistance to internally displaced Palestinians.*

*National authorities and international agencies face a continually growing need to provide assistance to Palestinian refugees and internally displaced persons, as a result of protracted conflict and the absence of voluntary durable solutions. International assistance has not increased to match the growth of the refugee population and emergency needs in the 1967-occupied Palestinian territory.*

*More recently, the internationally-led sanctions regime against the democratically elected Palestinian Authority has worsened the humanitarian crisis and increased the level of dependence of Palestinian refugees on humanitarian assistance. Most international organizations have had to shift their resources – from providing development needs to supplying emergency assistance.*



### 3.1 National, Regional and International Humanitarian Assistance

Victims of armed conflict, including civilians whose territory is occupied, refugees and internally displaced persons, have the right to humanitarian assistance. Humanitarian assistance refers to the impartial and non-discriminatory provision of aid “to prevent and alleviate human suffering, and to protect life and health and to ensure respect for the human being.”<sup>1</sup> It may encompass “any material indispensable to the survival of victims, such as foodstuffs, water, medication, medical supplies and equipment, minimum shelter, clothing, ... medical services, tracing services, religious and spiritual assistance.”<sup>2</sup>

National authorities are primarily responsible for assisting refugees and internally displaced persons (IDPs) within their borders. States that are signatories to the 1951 *Convention Relating to the Status of Refugees* are obliged to provide refugees “lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.”<sup>3</sup> Discussions during the drafting process of the 1951 Convention confirm that this provision “must be given a broad interpretation” and that it is “subject to immediate and unqualified realization, with no possibility of invoking differentiating treatment.”<sup>4</sup> The 1998 *Guiding Principles on Internal Displacement* reiterate the same general principle with respect to the provision of relief and assistance for IDPs.<sup>5</sup> Most states in the Middle East where the majority of Palestinian refugees reside are not signatories to the 1951 Refugee Convention, nor have they incorporated the *Guiding Principles on Internal Displacement* within their national policies.<sup>6</sup>

Regionally, the 1965 *Protocol on the Treatment of Palestinians*<sup>7</sup> (*Casablanca Protocol*), adopted by the League of Arab States (LAS), and the 1969 Organization of African Unity (OAU) *Convention Governing Specific Aspects of Refugee Problems in Africa*,<sup>8</sup> applicable to African-Arab states, do not include explicit provisions for public relief and assistance on a par with host-state nationals. Not all member states of the Arab League are signatories to the *Casablanca Protocol*.<sup>9</sup> Few Palestinian refugees reside in OAU Convention signatory states.

International assistance is required when states are unable or unwilling to provide assistance to refugees and IDPs within their borders. The primary body mandated to provide international assistance to refugees is the Office of the UN High Commissioner for Refugees (UNHCR). But in order to address the case of Palestinian refugees, after a number of disaster relief programmes came to an end in 1949, the United Nations created a special agency to provide international assistance to all persons displaced during the 1948 war, the UN Relief and Work Agency in the Near East (UNRWA). The Agency officially took over humanitarian relief operations in May 1950, and has since provided assistance to Palestinian refugees in the occupied West Bank (Jordanian-controlled territory until 1967), the occupied Gaza Strip (Egyptian-controlled territory until 1967), Jordan, Lebanon and Syria. The Agency also provides humanitarian assistance to Palestinian refugees from the 1967 war, as well as those displaced as a result of subsequent hostilities. There is no international agency with a specific mandate to provide assistance to internally displaced Palestinians in Israel and the occupied Palestinian territory (OPT). The UNHCR has continued to play a minor role in the provision of assistance to Palestinian refugees who are outside UNRWA's area of operations.

The United Nations has upheld the right to assistance of Palestinian refugees since 1948, and, in 2006, affirmed that because the rights of the refugees “[...] as provided for in paragraph 11 of General Assembly resolution 194 (III), ha[ve] not yet been effected, that, therefore, the situation of the Palestine refugees continues to be a matter of grave concern and that the Palestine refugees continue to require assistance to meet basic health, education and living needs.”<sup>10</sup>

#### 3.1.1. Arab Host States

Arab host states made significant contributions towards assistance programmes for Palestinian refugees during the early years of displacement after the 1948 war. The US Department of State, for example, noted that during the last nine months of 1948, Arab states had borne “the great brunt of relief expenditures” and that the sum of their contributions (US \$11 million) “in light of the very slender budgets, [was] relatively enormous.”<sup>11</sup>





Some of the new houses in Ein al-Tal camp for families who have moved from Neirab camp, Syria, 2005. © Aisling Byrne/UNRWA.

Today, more than two-thirds of Palestinian refugees reside in Arab host states. Jordan, the 1967-occupied Palestinian territory, Syria, Lebanon, Saudi Arabia, and Egypt host the majority of Palestinian refugees in the Arab world. Most Arab host states have established special bodies linked to the Ministry of Interior and/or the Ministry of Social Affairs to administer the humanitarian affairs of resident Palestinian refugees and co-ordinate delivery of international assistance.

These include the Department of Palestinian Affairs in Jordan,<sup>12</sup> the

Department of Political Affairs and Refugees (DPAR) (formerly the Directorate General for Palestinian Affairs) in Lebanon, the General Authority for Palestine Refugees in Syria (GAPAR), the Office of the Military Governor in Egypt, and the Ministry of Displacement and Migration (formerly Department of Palestinian Affairs) in Iraq. In the 1967-occupied Palestinian territory, the Palestine Liberation Organization (PLO) Department of Refugee Affairs, in co-operation with the Palestinian Authority, is the national body in charge of administering and co-ordinating humanitarian affairs.

Most Arab states hosting large Palestinian refugee populations administer the humanitarian affairs of resident Palestinian refugees in co-ordination with UNRWA. The only exceptions are Saudi Arabia, Egypt, Iraq, Libya and Algeria, where Palestinian refugees are a population of concern of the UN High Commissioner for Refugees (UNHCR).

Arab host states generally provide Palestinian refugees with access to health care and education, as well as basic infrastructure for the camps. Some Arab states carry a significant financial burden in assisting Palestinian refugees in their territory, and also contribute to humanitarian assistance in the 1967-occupied Palestinian territory via transfers of grants and donations to Palestinian charities, national institutions, and the Palestinian Authority. Between July 2004 and June 2005, for instance, the government of Jordan reported expenditure amounting to US \$463,537,976 for assistance to Palestinian refugees in Jordan.<sup>13</sup> Lebanon reported approximately US \$30 million, and the Syrian Government US \$116,439,789.<sup>14</sup> Special taxes (a “liberation tax”) were collected in the mid-1970s from Palestinian workers in the Gulf States (who provide between 3% to 6% of total income earned by Palestinians), and transferred to the PLO following the recognition of the PLO as the sole representative of the Palestinian people at the Arab Summit (1974). These transfers were halted due to PLO support for the Iraqi invasion of Kuwait in 1990 and have not yet resumed.

However, the nature and scope of assistance provided varies considerably among Arab host states. Moreover, in many Arab host states, levels of assistance often reflect national and regional political considerations rather than humanitarian concerns. In the 1967-occupied Palestinian territory, the ability of the Palestinian Authority and the PLO Department of Refugee Affairs to provide public services and assistance to Palestinian refugees continues to deteriorate as a result of Israel’s regime of occupation, and especially since the international sanction regime against the Palestinian Authority.

### **3.1.2. League of Arab States (LAS)**

The League of Arab States (LAS) was established in 1945 with the “purpose of ... draw[ing] closer the relations between member States and co-ordinat[ing] their activities with the aim of realizing a close collaboration between them.”<sup>15</sup>

According to LASC Resolution 325, League members agreed to co-operate with UNRWA in the discharge of Agency responsibilities, “provided that every state should declare its reservations to the said Agency in respect of the final settlement of the Palestinian problem and the right of refugees to return to their homes and to be compensated for their funds and properties.”<sup>16</sup>

The LAS emphasizes the importance of continued support for UNRWA, until the refugee issue is resolved on the basis of UN Resolution 194(III) as a sign of international responsibility for the Palestinian refugee case. In 1987, LAS Resolution 4645 called upon Arab states to increase their contributions to UNRWA’s general budget to 1981 levels (7.73%).<sup>17</sup>

The Arab League and member states have not encouraged a role for UNHCR in assisting Palestinian refugees in UNRWA area of operations, mainly due to concern that UNHCR involvement might result in a drop of international donor support for UNRWA, and for political reasons.

### 3.1.3. The Palestine Liberation Organization (PLO)

The PLO Department of Refugee Affairs is responsible for assistance to Palestinian refugees in all areas of exile. Assistance includes employment through “Samed” – PLO economic enterprises and factories, PLO-run medical facilities, popular committees, unions, pensions, and study grants.

The Palestine Red Crescent Society, for instance, was established in 1969 by the Palestinian National Council (PNC) of the PLO as a military-medical association to provide assistance to Palestinian resistance fighters. In 2006, the Palestinian Red Crescent operated 70 hospitals, 300 clinics, and tens of health and social welfare centres in the OPT, Lebanon, Syria, Egypt and Iraq.

However, the level of PLO assistance has been susceptible to political developments in host countries. In Lebanon, for example, the expulsion of the PLO in 1982 led to a significant reduction in assistance to Palestinian refugees, eventually leading to the establishment of NGOs to fill the assistance gap. Since the creation of the Palestinian Authority, the PLO’s capacity to provide assistance to Palestinian refugees in host countries has further diminished.

### 3.1.4. Assistance in/by Israel

#### *Assistance to IDPs in Israel*

More than quarter of a million internally displaced Palestinians (IDPs) reside in Israel, which is also the country of origin for the majority of Palestinian refugees. The government of Israel assumed responsibility for internally displaced Palestinians when UNRWA transferred their files to the Israeli government in 1952.<sup>18</sup> Israel has since ceased to recognize displaced Palestinians as IDPs, and does not provide them with special assistance. Palestinian IDPs have access to public services on a par with other Palestinian citizens of Israel, who, as a group, experience institutional discrimination and a lower level of services compared to Jewish citizens. No international agency is currently responsible for Palestinian IDPs in Israel.

After the *Nakba* and until 1966, Palestinians in Israel lived under military rule (see Chapter One) and received government services, such as education and health care. Israel’s Refugee Rehabilitation Authority (RRA) operated primarily in official and semi-official “shelter villages” in the early 1950s, and supervised housing construction in these villages.<sup>19</sup> The goal of the RRA was to impose a durable solution on IDPs, i.e., involuntary local integration or resettlement, through housing assistance programmes. However, the number of IDPs handled by the RRA was small. It resettled 204 families (1,020 persons) in Israel, and transferred 1,489 persons outside the borders of Israel.<sup>20</sup> Services were conditional upon cancellation of IDP claims to

property and lands in the villages of origin. The programmes were guided by two basic criteria: preservation of the demographic changes that took place during the 1948 war; and preservation of Jewish control of Palestinian land temporarily abandoned during the war.



Wadi el-Na'am Palestinian unrecognized village in Israel (© Source: bustan.org).

Israel has continued to use “assistance” as a way to impose a durable solution on Palestinian IDPs. In 1958, for instance, the Israeli government launched a construction programme aimed at improving housing conditions in “shelter communities” and villages with high IDP concentrations, and to counter the phenomenon of “illegal construction” in Palestinian communities. Lands for the housing construction programme were allocated by a Permanent Land Commission from among state lands (including “absentee property”) and confiscated Palestinian-owned lands. Some 700 loans and grants were issued to individuals in some 80 villages.<sup>21</sup>

#### *Assistance to the population of the occupied Palestinian territory, including IDPs*

Since 1967, Israel is obliged, as the occupying power, to provide humanitarian assistance to Palestinians in the OPT. Under international humanitarian law, “the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.”<sup>22</sup> Provision of assistance also means that if Israel’s supplies are inadequate, it must agree to relief provided by outside sources and is obliged to allow the free passage of objects necessary to the survival of the civilian population.<sup>23</sup> Despite Israel’s responsibility to provide humanitarian assistance, it has generally failed to provide and allow humanitarian assistance to both refugees and non-refugees, or delayed such provision. (See box on humanitarian access.)

Following the 1993 *Oslo Accords*, administration of civil affairs was transferred to the newly established Palestinian Authority in the OPT, and Israel was partly released from the financial burden of providing public services and humanitarian assistance to the population under occupation, including Palestinian refugees and IDPs. Due to Israel’s ongoing occupation and colonization and the 2006 international boycott of the Palestinian Authority, the latter has been unable to provide basic services and assistance to the population of the OPT.

UNRWA is the main provider of services to Palestinian refugees in the OPT. There is no agency providing assistance to IDPs, although UNRWA does provide ad-hoc emergency assistance to IDPs or those living under siege on an exceptional basis.<sup>24</sup> However, no steps have been taken towards applying the UN Collaborative Approach to situations of internal displacement to IDPs in the OPT. In addition to UNRWA, a number of United Nations agencies (including the World Food Programme, the World Health Organization and the UN Children’s Fund) contribute relief and services to Palestinian refugees in the OPT. The three main sources of international humanitarian assistance to Palestinians in the OPT in 2006 were UNRWA, the Palestinian Authority Ministry of Social Affairs and relatives. Palestinians in the Gaza Strip, where the majority are refugees, required the most UNRWA assistance.

Table 3.1: Main sources of Humanitarian/Emergency Assistance Received, as Reported by Palestinian Households in the OPT, 2006

Sources of Assistance	OPT	West Bank	Gaza Strip
UNRWA	45.6%	17.1%	61.7%
PA Ministry of Social Affairs	14.4%	11.1%	16.2%
Relatives	14.2%	25.7%	7.7%
International Organizations	9.1%	19.2%	3.4%
Other PA Institutions	5.1%	10.1%	2.2%
Charitable Organizations	3.50%	2.50%	4.00%
Friends, neighbours, charitable persons	2.1%	2.2%	2.0%
Political Parties	1.6%	1.4%	1.7%
Zakat Committees	1.1%	2.1%	0.6%
Labour Unions	0.5%	1.0%	0.3%
Local Improvement Committees	0.3%	0.9%	0.0%
Arab States	0.1%	0.2%	0.0%
Other	2.4%	6.5%	0.2%
Total	100%	100%	100%

Source: UNRWA, *Prolonged Crisis in the Occupied Palestinian Territory: Recent Socio-Economic Impacts*, Gaza: UNRWA, November 2006, p. 47.

According to a survey undertaken during March to May 2006, 29.4% (181,450 households) reported one or more members receiving humanitarian assistance, with the majority of these in the Gaza Strip (56.9%) and a lower proportion in the West Bank (15.3%).<sup>25</sup> In 2006, Palestinians have become increasingly reliant on external assistance at the same time that the gap between the levels of assistance needed and the resources available has widened.<sup>26</sup> Refugees in camps have expressed the need for employment and food as their top priorities, showing that the needs of the population have become more basic.<sup>27</sup>

In 2006, most UN agencies, including UNRWA, had to shift their operations from offering medium- and long-term development towards providing immediate emergency relief as a result of the unfolding humanitarian crisis.<sup>28</sup> Emergency assistance mainly consisted of emergency food aid, employment, education and infrastructural support. Moreover, assistance was provided in “a climate of economic uncertainty and social hardship ... worsened by recurring violence, ongoing construction of the [Wall], restrictions on movement, land confiscation, house demolitions, arrests and detentions by the Israeli authorities and intensification, from August onwards, of the fiscal crisis.”<sup>29</sup>

### 3.1.5 The UN Relief and Works Agency for Palestine Refugees (UNRWA)

UNRWA was established under General Assembly Resolution 302(V), 8 December 1949, in order: “(a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission; (b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available.”<sup>30</sup>

The General Assembly accorded UNRWA a short-term mandate, based on the expectation that the plight of the refugees would soon be resolved in accordance with the framework set forth in General Assembly Resolution 194(III).<sup>31</sup> (See Chapter Four.) UNRWA’s mandate has been extended on a regular basis, most recently until 2008, due to the lack of durable solutions for Palestinian refugees.

During the initial six years of its operations, while providing relief, primary health care and education services, under the recommendations of the Economic Survey Mission, UNRWA initiated four types of programmes aimed at

reintegrating (resettling) refugees into the economic life of the region.<sup>32</sup> Plagued by high overhead costs and lack of regional co-operation, and in the face of strong opposition among refugees to *de facto* resettlement, in the late 1950s UNRWA refocused its humanitarian operations on delivering basic education, health, relief and social services.<sup>33</sup> These three areas comprise the bulk of international assistance programmes for eligible Palestinian refugees.

At the beginning of the Oslo process in 1993, UNRWA began to examine how to prepare for eventually handing over its installations and programmes to Palestinians in the 1967-occupied Palestinian territory. A 1995 report by the Agency noted, “for the first time since [UNRWA] was established, it is possible to see on the horizon the end of the Agency’s mission.”<sup>34</sup> More than a decade later, however, UNRWA continues to provide education, health and social services to more than four million refugees.

Beginning in 2002, and coinciding with Israel’s military campaign against the Palestinian Authority in the occupied West Bank and the Gaza Strip, the World Jewish Congress (WJC) and the American Israel Public Affairs Committee (AIPAC) launched an international campaign calling for the dismantlement of UNRWA and its integration into UNHCR. This campaign includes editorials and press articles discrediting UNRWA’s position as an impartial humanitarian agency, and lobbying the US Congress to decrease or discontinue funding for UNRWA operations.<sup>35</sup>

In 2004, a large UNRWA donor-initiated conference took place to enhance the level of engagement of UNRWA with the international community, and to increase support for the needs of refugees.<sup>36</sup> Participants to the conference recommended that UNRWA adopt a rights-based approach to its assistance programmes and operations. UNRWA was requested to apply the *Convention on the Rights of the Child* and to give special consideration to the protection needs of vulnerable groups, in particular children, women, and elderly and disabled persons.<sup>37</sup> UNRWA was also asked to improve its planning, data collection, analytical capacity and the quality of its services, as well as follow-up with donors and host authorities.<sup>38</sup> In 2005, UNRWA incorporated gender-neutral registration guidelines and undertook to provide services to refugee women married to non-refugees, a category previously ineligible for services. (For more on registration, see Chapter Two.)

### 3.1.6 Non-Governmental and Charitable Organizations

Non-governmental organizations (NGOs) have also played a key role in providing assistance to Palestinian refugees. Major international non-governmental aid agencies in 1948 included the American Friends Service Committee, as well as the International Committee of the Red Cross in co-operation with the League of Red Crescent Societies. Most NGOs, however, soon transferred responsibilities to the authorities of the host countries and/or UNRWA.<sup>44</sup>



*Oxfam Solidarity-BADIL emergency project for home rehabilitation in West Bank refugee camps. 2006. © BADIL.*

Until the beginning of the 1990s, NGOs played a limited role and many Palestinian refugee communities did not receive aid from such organizations. In Lebanon, for example, NGOs were barred from operating in the camps between 1959 and 1969, during which time camps were placed under military surveillance. Moreover, Lebanese law barred NGOs from providing services to non-Lebanese, including Palestinian refugees. In Israel, internally displaced Palestinians were subject to military rule until 1967, and few non-governmental organizations existed that provided or advocated for IDPs.



## Humanitarian Access

UNRWA's relationship with host governments is based on bilateral agreements and the principles set out in the UN Charter and the 1946 *Convention on United Nations Privileges and Immunities*. Under the UN Charter, member states are obligated (Article 2) to grant UNRWA "every assistance in any action it takes in accordance with the present Charter." UNRWA is also considered to be a legal entity in UN member states (Article 104); member states are obligated to respect the privileges and immunities the Agency requires in order to fulfill its mandate. Under the 1946 *Convention on United Nations Privileges and Immunities*, the UN is a juridical personality under state laws (Article 1). UN property



UNRWA Staff coordinating the access at Eretz checkpoint, occupied Gaza Strip, 2004. © UNRWA Archives.

and assets are immune from legal process (Article II.2) and its premises are inviolable, immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administration, judicial or legislative action (Article II.3). The UN, its assets, income and property are exempt from all direct taxes, customs duties, and import and export restrictions on articles for official use (Article II.7). Differences in interpretation of the Convention are to be referred to the International Court of Justice, unless the parties agree otherwise (Article VIII).

In 1967, the Israeli government signed an agreement, the *Comay-Micheltmore Agreement*, setting out Israel's relationship to the UNRWA in the 1967-occupied Palestinian territory.<sup>39</sup> This agreement rendered all other considerations subordinate to Israeli security.

UNRWA has faced various restrictions on delivery of humanitarian assistance to Palestinian refugees. During the first Palestinian *intifada* in the 1967-occupied Palestinian territory, for example, Israeli authorities refused to allow entry of foodstuffs and medical supplies through the port of Ashdod for so-called health and security considerations. The humanitarian aid supplies eventually had to be re-routed for use in Lebanon. Since the beginning of the second *intifada* in September 2000, UNRWA has faced a variety of restrictions and violations of the *Charter of the United Nations*, the 1946 *Convention on the Privileges and Immunities of the United Nations*, the 1949 *Convention Relative to the Protection of Civilian Persons in Time of War*, and the 1967 *Comay-Micheltmore Agreement*. These have included arrest and detention of local staff, restrictions on freedom of movement within the occupied West Bank and the Gaza Strip, confiscation of ID cards belonging to local staff, denying teachers access to schools, and doctors and nurses access to medical centres, the imposition of special access permits in the occupied Gaza Strip and "seam zones" created by the Wall in the occupied West Bank, and armed interference with Agency staff. These measures have affected or hindered the delivery of humanitarian aid. Other UN agencies and NGOs working in the OPT have also reported the obstruction of the delivery of aid and/or movement of personnel by Israeli forces during 2006.<sup>40</sup>

In April 2006, John Ging, director of UNRWA operations in Gaza, warned that "if Karni remains closed, we are, once again, counting down to a food crisis." He also noted that "distribution will have to be shut down entirely for the second time in less than a month if the crossing does not open immediately."<sup>41</sup> During Israel's war against Lebanon in the summer of 2006, UNRWA's humanitarian operations were once again jeopardized in the Gaza Strip because of the difficulties of moving in and out of the occupied territory, which led to shortages of food, fuel and construction supplies.<sup>42</sup> This led the UN Under-Secretary-General for Humanitarian Affairs, Jan Egeland, to warn that "Gaza was a ticking bomb that could lead to a social explosion in 10 days, or 10 months ... you cannot seal off an area, which is a little bigger than the city of Stockholm, has 1.4 million people, of whom 800,000 are youth and children, and then have 200 artillery shells go in virtually every day, seal off the borders ... [making it impossible] for people to live or even humanitarian supplies to get in."<sup>43</sup>

By the 1990s, however, the number of local NGOs offering various services to Palestinian refugees in Arab host countries had doubled. These offered social, medical and financial assistance, culture and sports services, as well as special provisions for women, disabled persons and youth. In the 1967-occupied Palestinian territory, 60% of NGOs working in the refugee community were established during the 1990s. In Jordan, 54% of relevant NGOs were established during the 1990s, and in Lebanon, 59.6% of relevant NGOs were also established at this time.

The growth of NGO activities can be attributed to the decrease in assistance provided by the PLO, greater political freedom, and growing international investment in the OPT related to the Oslo process. Palestinian refugees themselves became more active, as they sought means of influence and change. In 2000, over 60 Palestinian and international NGOs committed to utilize “expertise and experience in communication, education, advocacy and assistance in locally and internationally co-ordinated efforts on behalf of Palestine refugees.”<sup>45</sup>

Many of the local institutions working in the refugee community are multi-service-oriented. A large number focus on women, children, and education in the OPT. Most Palestinian NGOs serve refugees in one locality and have less than 1,000 beneficiaries. There were between 150 to 200 Palestinian and international NGOs in the OPT in 2006.<sup>46</sup> Since the beginning of the second *intifada*, Palestinian and international NGOs have had to shift part of their activities towards emergency relief operations, such as providing food aid, emergency employment, and essential medical supplies.<sup>47</sup> Palestinian NGOs in the OPT have also been criticized for in some cases severing their relationships with grassroot organizations and popular movements as a result of the Madrid-Oslo process and the dictates of donor policies.<sup>48</sup> Palestinian NGOs have looked at Palestinian refugees as beneficiaries and not rights bearers.

In Lebanon, Palestinian institutions focus on kindergartens, health care and social activities. The high number of health centres run by NGOs in Lebanon can be explained by the legal restrictions that bar Palestinian refugees from access to public services, and the high cost of private health care. During Israel’s war against Lebanon in the summer of 2006, local organizations and international NGOs provided emergency assistance to displaced persons and Palestinian refugees, and subsequently helped in the reconstruction efforts.

In Jordan, by contrast, NGOs operate only a small number of the available health centres. The vast majority of the health centres in refugee camps in Jordan are private. There are also fewer Palestinian NGOs in Jordan than in Lebanon or the OPT. They usually work on governance, women’s issues and provide training. In Syria, there are a number of local Palestinian organizations, most of which focus on development, environmental matters, and the rights of women and children.

### **The Limits of Humanitarian Assistance**

Humanitarian assistance has mitigated the effects of the Israeli occupation and conflict on Palestinian refugees and IDPs. This assistance has also often prevented the worsening of humanitarian crises. Yet, humanitarian assistance can neither prevent violations of international law, nor put an end to the Israeli-Palestinian conflict. It is only ever a temporary measure aimed at alleviating suffering.

UNRWA concurs that “emergency assistance is no substitute for a comprehensive political solution; it can only mitigate the effects of the crisis on the most vulnerable.”<sup>49</sup> In 2006, UNRWA expressed regret that “the root causes of humanitarian suffering and the structural constraints to development in the OPT remain unchanged.”<sup>50</sup>

However, the reality is that the regime of humanitarian assistance developed for Palestinian refugees since the collapse of the UN Conciliation Commission for Palestine (UNCCP), and in particular since the creation of the Palestinian Authority, has effectively replaced all efforts to find durable solutions to the problem of Palestinian refugees and IDPs in accordance with international law, in particular UN Resolution 194.

The long-term provision of humanitarian assistance in a political and protection vacuum, without any prospect of a rights-based solution, generates dependency and frustration among refugees and IDPs.<sup>51</sup> This is especially true when humanitarian aid comes at a price, as the recent sanctions against the Palestinian Authority show: “With the political and economic isolation of the Palestinian Authority (PA) following the January 2006 elections in the 1967-occupied Palestinian territory (OPT) ... humanitarianism has been transformed into the primary manifestation of international political will as donor states condition additional aid (beyond that required to keep Palestinians alive) on Palestinian acquiescence to conditions that Israel itself has yet to fully accept.”<sup>52</sup>

## 3.2 Main Forms of Assistance – Developments until 2006

In all UNRWA's fields of operation (the OPT, Syria, Jordan, and Lebanon), UNRWA remains the main provider of basic education, health, relief and social services, followed by host governments and the private sector.

### 3.2.1 Education

UNRWA is the main provider of elementary and preparatory education to Palestinian refugees in the OPT, Lebanon, Syria and Jordan, followed by government schools. The latter are important, as, outside of Lebanon, UNRWA provides only elementary and preparatory level education. The private sector plays only a marginal role in the provision of education, except in Lebanon, where it provides education to 7–11% of the refugee population.

UNRWA's education programme is the largest of the Agency's programmes, with 659 elementary and preparatory schools, nearly half a million students, and 16,000 education staff out of a total of 27,000 staff members – almost half of all UNRWA staff. Education makes up approximately 60% of the Agency's 2006–2007 budget. The largest student population served by UNRWA schools is in the occupied Gaza Strip, with close to 200,000 pupils enrolled in elementary and preparatory education for the 2006–2007 academic year.

Table 3.2: UNRWA School Population, Number of Schools, Teachers, Training Places

Year	Elementary, Preparatory, and Secondary Pupils	Schools	Teachers	Vocational, Technical, and Teacher-Training Places
1950	41,053	64	~800	–
1955	104,751	264	2,670	303
1960	123,883	382	3,494	805
1965	167,993	406	4,904	2,921
1970	219,378	480	6,268	3,656
1975	275,306	575	8,000	4,396
1980	314,164	627	9,479	4,695
1985	345,844	640	10,163	5,002
1990	357,706	631	10,503	5,026
1995	408,669	644	11,966	5,168
2000	468,651	640	14,298	4,680
2003	490,949	656	17,572	5,101
2004	491,978	663	15,814	5,131
2005	488,795*	652	16,123	5,223
2006	493,246	659	16,416	5,223

Source: UNRWA. (Figures as of 30 June each year until 2006.)

\* The decrease in the number of pupils is due to declining enrolment in Lebanon, Syria, Jordan and the occupied West Bank for the 2004–2005 academic year. This may be attributable to “transfers to government schools due to deteriorating access to UNRWA schools (as a result of the construction of the barrier in the West Bank); the transfer of refugee pupils from UNRWA schools to newly-constructed government schools near refugee camps; and a worrying dropout rate in Lebanon, where the children are entering the workforce due to the dire socio-economic situation.” See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005 para. 43, p. 10.

The education programme is divided into four main areas: general education (elementary, preparatory and secondary education); teacher education; technical and vocational education and training; and education planning and management.

Refugee children registered with UNRWA have access to free elementary (six years) and preparatory (three to four years) education. In Lebanon, UNRWA has also operated five secondary schools since 1993 because of limited access to public secondary education and the high cost of private secondary schooling.<sup>53</sup> The education programme follows the curricula of host governments in order to facilitate the transition of UNRWA students to secondary and post-secondary level education provided by the state and private schools and universities. UNRWA schools enjoy gender parity, and half of the pupils are girls. The Agency offers special education for children with learning difficulties.<sup>54</sup> UNRWA also recently opened a tented school, in co-operation with the UNHCR and UNICEF, for some 90 children stranded at al-Tanf border crossing between Iraq and Syria.<sup>55</sup>



Palestinian schoolgirls, 'Aida Refugee camp, October 2006. © Anne Paq/Activestills

In 2006, UNRWA students continued to achieve high pass rates (94% at the elementary level and 95.5% at the preparatory level), often out-performing students in government schools.<sup>56</sup> For decades, the UNRWA system has had high retention rates and low dropout rates, with the exception of schools in Lebanon.<sup>57</sup> The learning patterns and educational achievements of children in the Gaza Strip and Lebanon were nevertheless affected during 2006 as a result of new or escalating conflicts and humanitarian crises.

UNRWA also operates eight training centres – four in the 1967-occupied Palestinian territory, two in Jordan, and one each in Lebanon and Syria. These centres offer training in a variety of trades, as well as vocational and technical/semi-professional courses in areas such as mechanics, construction, IT, interior design, paramedical training and commerce. A limited number of scholarships, contingent on special funding, are offered for study at universities in Arab countries.

**Table 3.3: Percentage of Refugee Students in UNRWA, Government and Private Schools, 2003**

Host Country	UNRWA	Government	Private
Elementary			
Jordan	61	34	5
Syria	78	21	1
Lebanon	84	5	11
Preparatory			
Jordan	60	38	2
Syria	83	16	1
Lebanon	56	37	7
Secondary			
Jordan	–	97	3
Syria	–	96	4
Lebanon	84	6	10

Source: *Statistical Yearbook 2001/2002 No. 38*. Amman: UNRWA Department of Education, 2003.

Palestinian refugees in Syria have full access to government schools.<sup>58</sup> Basic education includes six years of elementary education and three years of preparatory education. Both levels are compulsory. Government schools currently provide education for approximately one-fifth of refugee students at the elementary and preparatory level, and most students at the secondary level. Refugees who are able to afford tuition fees may also attend private schools. Students may choose between preparation for either university or technical training. Post-secondary education is free in Syria; however, individuals must pass an entrance exam. Those who do not pass can make use of a so-called “Free University” where they pay a certain fee per subject.

In Jordan, most refugees have free access to 12 years of compulsory public education (elementary, preparatory and high school). The government also runs public secondary schools in refugee camps.<sup>59</sup> Government schools currently provide elementary/preparatory education to slightly more than one-third of Palestinian refugees in Jordan, and nearly all at the secondary level. Refugees who can afford tuition fees may attend private schools. Two hundred places in Jordan’s eight official universities are reserved for Palestinian refugee students from camps. The Department of Palestinian Affairs also manages training centres in Hittin, Zarqa and Irbid refugee camps. However, government schools do not accept refugee students from the occupied Gaza Strip unless they hold a two-year Jordanian passport. Access to post-secondary public institutions for this group of refugees requires special approval, and only limited spaces are available.

In Lebanon, access to public and private education by Palestinian refugees is limited. Public schools may admit up to 10% of non-Lebanese students.<sup>60</sup> The education system is divided in three levels: primary (6 years); preparatory (3 years); and, secondary (3 years). Public schools provide elementary education (at kindergarten level) to few refugees, but more than one-third of preparatory level students are enrolled in public schools. Most secondary students however attend one of the five UNRWA-operated secondary schools. Private education plays a more significant role, but most Palestinian refugee families cannot afford it. Few can afford private post-secondary education either, and need scholarships in order to pursue their studies. In 2006, the European Union donated €1.1 million to provide scholarships for 54 Palestinian refugee students in Lebanon.<sup>61</sup>

Palestinian refugees in the OPT have access to the Palestinian Authority-operated public education system, which provides for 10 years of free compulsory education (elementary and preparatory), as well as high school. Those who can afford tuition fees may attend private schools. Tuition fees must be paid to attend post-secondary institutions. From July 2004 to June 2005, 229,530 Palestinian refugee pupils were enrolled in public and private schools.<sup>62</sup>

Table 3.4: Access to Government Education by Palestinian Refugees

Type of services	Syria	Jordan	Lebanon	OPT
Elementary	Free access	Free access	Limited access	Free access
Preparatory	Free access	Free access	Limited access	Free access
High school	Free access	Free access	Limited access	Free access
University	Free access pending entry test.	Limited access with tuition fee (200 places limited to camp refugees). Limited access to 1967 refugees from Gaza.	Limited access. Certain fields of studies are prohibited to Palestinians.	Access with tuition fee.

### 3.2.2 Health

UNRWA operates 127 primary health-care facilities and one hospital in its five areas of operation. Health care is UNRWA’s second largest programme, comprising about 19% of the total budget in 2006–2007.<sup>63</sup> More than 3,800 members of staff are employed in UNRWA’s health programme, making up 18% of Agency staff. UNRWA



health services are divided into four main categories: medical care services; environmental health in refugee camps; nutrition and supplementary feeding; and programme management.



UNRWA Health Center, Tulkarem refugee camp, occupied West Bank, October 2006. © Anne Paq.

Medical care services are divided into primary, secondary and tertiary care. Primary medical care is provided directly and at no cost to refugees registered with UNRWA. This includes a comprehensive maternal and child programme, family planning, treatment of common diseases, and dental care. UNRWA also provides specialist care, including physiotherapy, radiology, cardiology and ophthalmology.

UNRWA runs one of the most cost-effective health services in the region, with comparable or better

results than other health services in the region. However, medical resources are stretched, especially when compared to host authorities. While an ideal average number of consultations per doctor per day is 70, the Agency-wide average is 95, with the highest number of patient consultations per doctor occurring in the occupied West Bank (108 consultations daily), the occupied Gaza Strip (95), and Jordan (92).<sup>64</sup>

Some environmental health services, such as the installation of sewerage, drainage and water networks, and the provision of safe drinking water in refugee camps, are also provided by UNRWA, particularly in Lebanon and the OPT, through contractual arrangements with local municipalities or private contractors.

National health assistance is important given that UNRWA does not generally operate secondary and tertiary health facilities for Palestinian refugees. Hospital beds in public and private hospitals are paid for by the Agency, with the exception of one Agency-run hospital in the occupied West Bank town of Qalqilia. UNRWA provides financial assistance for vital secondary health care services (such as hospitalization for life-saving treatment), while tertiary care provided by the Agency includes prosthetic devices, specialized medical investigations, and life-saving medicines. Refugees share health-care costs through co-payment (between 5% and 25%, depending on their socio-economic status) towards secondary and tertiary care. Because socio-economic conditions in Lebanon are especially harsh, refugees there are exempt from the co-payment system for secondary and tertiary care, although co-payments are required for specialized life-saving treatment.

Table 3.5: Access to Government Health-care Systems for Secondary and Tertiary Care Services

	Syria	Jordan	Lebanon	OPT
Access to health care services and insurance	Access – Universal health coverage + cost-sharing with UNRWA.	Access – On average, 50% of refugees have insurance + cost-sharing with UNRWA.	Limited access – More than 90% of refugees do not have insurance. UNRWA covers nearly all costs.	Access – On average, 50% of refugees have insurance + cost-sharing with UNRWA.

In Syria, Palestinian refugees have access to the state-run public health system, which provides universal health coverage.<sup>65</sup> This includes hospitals, clinics and mother-care centres. Prenatal care and primary care for children under the age of three is available free of charge at government clinics. Although the public health system provides universal coverage, it is struggling to meet the demands it faces as a result of population growth.<sup>66</sup> In

2005, the Syrian government increased the costs of hospitalization by 460%, which has affected the capacity of both UNRWA and the refugee population to cover the cost of hospitalization.<sup>67</sup> Private clinics and hospitals and UNRWA play a more significant role than government clinics and hospitals in treating refugees. Nearly all refugees have public insurance in Syria.<sup>68</sup>

Refugees also have access to the public health system in Jordan, which covers most health services and also provides pharmaceuticals.<sup>69</sup> Nearly two-thirds of 1948 and 1967 refugees outside camps lack health insurance, while only half of the camp population has insurance.<sup>70</sup> Prenatal care and primary care for children under the age of three is available free of charge at government clinics. Government-sponsored family planning is not available in Jordan. Government and private health clinics and hospitals and UNRWA play an equal role in treating refugees; however, few non-camp refugees use UNRWA health facilities.

Refugees have limited access to public health care in Lebanon.<sup>71</sup> Public health insurance programmes cover up to 80% of the costs of consultations, medicines and hospitalization. However, few refugees (less than 10%) are covered by insurance.<sup>72</sup> Few refugees can afford private health care in Lebanon, which plays a larger role in the delivery of secondary and tertiary health care than private health care facilities in other Arab host countries. The importance of the private sector can be attributed to the under-developed state health care system in Lebanon. As happened in the 1967-occupied Palestinian territory, private health care expanded significantly during periods of conflict, as state health services collapsed. UNRWA and private health clinics and hospitals therefore tend to play a greater role than government hospitals and clinics in treating refugees.

In the OPT, refugees have the same status as local residents, and have equal access to the public health system operated by the Palestinian Authority, the Palestine Red Crescent Society, and private providers.<sup>73</sup> Prenatal care and primary care for children under the age of three years is available free of charge at public clinics. Women with public health insurance may use maternity services at public hospitals free of charge. However, public facilities charge for postnatal checkups. As in Jordan, sponsored family planning is not available in the OPT. UNRWA and private clinics play a greater role than do public clinics in treating refugees.<sup>74</sup> Approximately 50% of refugees lack health insurance.<sup>75</sup> Vulnerable low-income households can apply to the PA Ministry of Social Welfare for temporary insurance (six months).

### 3.2.3 UNRWA Relief and Social Services

The goal of UNRWA's relief and social services programme is to provide aid to the most vulnerable and needy refugees, in particular the elderly, female-headed households, and the sick and disabled. UNRWA began to offer special assistance to refugee households qualifying as special hardship cases in 1978.<sup>76</sup> Relief and social services constitute approximately 11% of the Agency's total budget, with the largest share allocated to assist "special hardship case" (SHC) families. This programme employs around 670 persons.

At the beginning of 2006, 249,648 persons (5.7% of the refugee population) were classified as SHCs.<sup>77</sup> The largest number of households receiving special assistance are in Lebanon, followed by the occupied Gaza Strip and the West Bank. Eligibility criteria for the special hardship programme were extended in 2005, and at the beginning of 2006, 674 refugee women married to non-refugees were added as SHC.<sup>78</sup> However, financial constraints forced UNRWA to limit its services and the admission of new hardship cases, thereby excluding many vulnerable persons in need of assistance. (See box on UNRWA funding.)

The relief services programme provides food support for SHC families, shelter rehabilitation, and selective cash assistance; SHCs are given priority in social services programmes and in enrolling for vocational training courses. Food assistance includes five basic commodities distributed on a quarterly basis (flour,<sup>79</sup> sugar, rice, milk and oil). In 2006, food subsidies were reduced from US \$110 to \$86 per person per year in Jordan, Lebanon



Israel has repeatedly closed the main trade access point, the Karni crossing, for two out of every three days so far this year. As a result essential food supplies including bread, sugar and yoghurt have become scarce for the 1.4 million people in Gaza. © MaanImages/Wesam Saleh.

for structural soundness, hygiene, ventilation, and space relative to family size. By the end of 2006, UNRWA had managed to rehabilitate 778 SHC shelters, representing only 8.6% of the urgent rehabilitation needs. At the beginning of 2007, about 9,000 SHC shelters still needed repair or reconstruction.

During 2004 and 2005, humanitarian assistance was more effective in reducing deep poverty among refugees in the OPT than for non-refugees.<sup>80</sup> In 2004, humanitarian assistance reduced the number of non-refugees in deep poverty by 10.6%, compared to 18.8% among refugees. In 2005, assistance reduced the number of non-refugees in deep poverty by 16.8%, versus 24.1% for refugees. Humanitarian assistance was thus 50% more effective in alleviating deep poverty among refugees than non-refugees.<sup>81</sup> However, despite increased levels of assistance in 2005, the total number of those in deep poverty in the OPT increased by an estimated 82,000 persons, nearly all of them refugees, in particular in the Gaza Strip. The total number of those in deep poverty in 2005 in the OPT was 820,000 of which 406,000 were refugees.<sup>82</sup>

The social services programme has assisted tens of thousands of women, persons with disabilities, children and youth through 104 community-based organizations across UNRWA's area of operations. These include 65 centres for women and youth activity (primarily located in the 1967-occupied Palestinian territory) and 39 community rehabilitation centres. Women's centres provide training for women in skills such as sewing, embroidery and food preparation, as well as computer and business training. These centres also aim to raise awareness on issues such as early marriage, drug addiction, and domestic violence. Support services for women, including psychological counselling, legal advice and kindergartens are offered, as well as recreational and cultural activities. Youth programmes provide recreational and educational activities, such as computer and language courses, leadership training, awareness-raising sessions on the rights of the child, sports, theatre, music and summer camps. UNRWA also operates a micro-credit community programme for SHC; this has provided loans for housing improvement and small-scale enterprise that benefitted 3,600 SHC in 2005.

### **3.2.4 Housing and Infrastructure**

Arab host states provide state or rented land for the 59 UNRWA-serviced refugee camps located in Syria, Jordan, Lebanon and in the OPT, as well as varying degrees of infrastructure for the camps.

and Syria. Selective cash subsidies to SHC and non-special hardship families who faced emergency situations, such as the loss of goods or income due to fire, flooding, death or sudden incapacity of heads of households or primary income earners, diminished by nearly 90% in 2006. Only 1,230 SHC families and 51 non-special hardship families were financially assisted in 2006, compared to 12,188 SHC and non-hardship case families in 2005.

Shelter rehabilitation is needed for shelters that do not meet minimally acceptable standards

In Syria, the government provided land for the establishment of the original refugee camps, some of which were located in old military barracks. A pilot project was undertaken by UNRWA and the Syrian government in 2000 to improve the living conditions of 1,300 families in Neirab camp in Syria. Following trust-building consultations, 300 families agreed to participate, and to relocate from dilapidated military barracks to newly-built houses in Ein el-Tal (some 20 km from Neirab). By November 2006, UNRWA had handed 100 new units of the



On the roof of a building in Baqa'a refugee camp, Amman, Jordan, November 2006. © Anne Paq/Activestills.

planned 265 housing units over to refugee families. The Syrian government also provided a new water supply network to serve houses in Ein el-Tal camp. New two- and three-storey houses will replace the barracks in Neirab camp. At the request of the refugees and the government of Syria, a clause was added to the agreement stipulating that participation in the project would not affect the right of return of the Palestinian refugees involved.

In Jordan, refugee camps are located both on state land and land the government rents from private property-owners. The government owns less than one-third of the built-up areas of the camps.<sup>83</sup> Following the 1993 *Oslo Accords*, several private landowners resorted to the courts to regain access to valuable real estate. None of these efforts, however, have so far resulted in the removal of refugee camps. The Jordanian government also provides water, electricity and communications for the camps, and takes care of pathways and roads.

In Lebanon, camps were established on government and private land. In the 1950s, however, some private landowners resorted to the courts in order to remove Palestinian refugees from their lands. The government demanded that UNRWA relocate some of the refugee camps elsewhere in Lebanon, and relocate certain refugees who had settled around the official camps without alternative land having been provided for that purpose.<sup>84</sup> Refugee camps are not permitted to connect to municipal sewerage networks.

Egypt established refugee camps in Cairo (al-'Abbasiyya) and in al-Qantara. A smaller number of refugees managed to secure private accommodation in the country. The camps were eventually closed in 1949, and Palestinian refugees found housing mainly in Cairo and Alexandria, or in camps in the Gaza Strip, which was then under Egyptian control.

In Iraq, Palestinian refugees were originally housed in schools and other public buildings. The government also rented (or subsidized the rental of) housing for these refugees. In the 1970s, the government built high-rise apartment blocks to resolve the housing crises in Baghdad and Mosul.<sup>85</sup> All national housing assistance came to a halt in 2003 in the context of the US-led war and occupation of Iraq, and has not been resumed. Since 2003, UNRWA has been co-ordinating the provision of assistance with the UNHCR, and has participated in delivering emergency assistance to Palestinian refugees stranded on the border between Syria and Iraq.

In the occupied Gaza Strip, approximately two-thirds of refugee campsites are on state land and one-third are on private land,<sup>86</sup> which was provided to UNRWA by the Jordanian and Egyptian authorities prior to Israel's



occupation of the area. In the West Bank, most of the camps are established on private land. The 1967-occupied Palestinian territory are connected to the Israeli electrical grid, and payment for use of electricity is collected by the Palestinian Authority and transferred to Israel. Since 2003, additional land has been made available by the Palestinian Authority in the occupied Gaza Strip and West Bank for rehousing refugees displaced by Israel's military attacks on camps in those areas. Rebuilding efforts are underway in Beit Hanoun in the Gaza Strip, where refugee shelters, public infrastructure and UNRWA schools are being rebuilt and repaired after Israel's military operations in 2006. (See Emergency Assistance below.)

### **3.2.5 Economic development**

#### *UNRWA micro-finance and micro-enterprise programme*

In 1991, UNRWA launched a micro-finance and micro-enterprise programme in the 1967-occupied Palestinian territory in response to the first *intifada* and the first Gulf War. At present, this programme constitutes the largest source of credit to micro-enterprises. The programme was expanded to Jordan and Syria in 2003, and in 2005, a new housing micro-finance project was introduced in the occupied Gaza Strip. In 2006, UNRWA gave 11,264 micro-enterprise loans to increase business development and income-generation, 1,778 solidarity loans to women, 821 consumer loans to poor people, 145 housing loans to households unable to obtain mortgages, and 15 loans to small enterprises. Women and young refugee entrepreneurs (under the age of 28) received a quarter of the micro-enterprise loans each. Since the creation of the programme, over 126,000 loans worth more than US \$131 million have been distributed. However, due to Israeli-imposed closures and movement restrictions in the OPT, the programme has been unable to achieve operational sustainability and full cost recovery since 2002. It is nevertheless expanding and self-sufficient in Jordan and Syria.

#### *Economic recovery*

Regarding the possibilities of economic development in the OPT, the World Bank noted that "currently, freedom of movement and access for Palestinians in the West Bank is the exception rather than the norm contrary to the commitments undertaken in a number of Agreements between the [Government of Israel] and the PA."<sup>87</sup> According to the Bank, "economic recovery and sustainable growth will require a fundamental reassessment of closure practices, a restoration of the presumption of movement, and review of Israeli control of the population registry and other means of dictating the residency of Palestinians within the [West Bank and Gaza Strip] as embodied in the existing agreements between the [Government of Israel] and the PLO."<sup>88</sup>

### **3.2.6. Emergency Assistance**

Throughout five decades of operation, UNRWA has provided emergency humanitarian assistance during political and humanitarian crises in its five areas of operation. It has supplied emergency employment generation, food, cash, medical assistance, remedial education, psychological counselling and post-injury rehabilitation, as well as repair and reconstruction of refugee shelters and UNRWA infrastructure.

During the early 1980s, the Israeli invasion of Lebanon largely undid the Agency's work of three decades in the country.<sup>101</sup> Emergency operations at that time included distributing food rations, blankets, mattresses, kitchen supplies, clothing, water and medical supplies. Following the withdrawal of Israeli forces from Beirut, UNRWA was left with the task of providing emergency care to the wounded (as well as to the families of the some 3,000 refugees massacred by Israeli-allied Lebanese Phalangist militiamen in the Beirut camps of Sabra and Shatila), as well as reconstructing camps and Agency infrastructure. Many of the same emergency services were provided to Palestinian refugees during the first *intifada* in the OPT.



### UNRWA Funding

UNRWA's funding comes from three different sources: the regular budget, the project budget, and emergency and flash appeals. The regular and project budgets together form the total annual budget, while the emergency and flash appeals are driven by the humanitarian situation. The regular budget is designed on the basis of a "needs-based approach", and is divided into cash contributions and in-kind donations (food aid, for instance). It includes recurrent costs for ongoing programmes, i.e., education, health, relief and social services. The project budget comprises mainly non-recurrent costs for specific projects and activities, such as the construction of schools, health centres or camp infrastructure. These projects can be carried out only if donors specifically fund them.

Since its establishment in 1950, UNRWA has faced continual shortfalls in donor contributions related to the system of voluntary funding by UN member states, delays in contributions for current budget cycles, political and humanitarian crises that necessitate emergency programmes, rising costs and inflation. The lack of any prospect of durable solutions places further strain on Agency services. Lack of funding for UNRWA's regular budget, as well as budgets for projects and emergency appeals, have affected UNRWA's activities over the past few years.

A similar trend was observed in 2006, when the funding gap for the regular budget, the projects and the emergency appeal amounted to a total of US \$264,7 million – only 34% of the requested funds for 2006 (excluding the Lebanon and Beit Hanoun flash appeals).<sup>89</sup> The funding gap was particularly notable for the project budget, which led UNRWA to warn that lack of funding "w[ould] certainly result in non-implementation of badly needed infrastructural requirements essential for the efficient delivery of services to registered Palestine refugees."<sup>90</sup>

Since 1950, over 115 donor states, in addition to the European Union and non-governmental sources, have contributed US 8.3\$ billion (not including inflation) towards providing international assistance to Palestinian refugees. The single biggest donor between 1950 and 2006 has been the United States. However, Norway, Sweden and Denmark are the most "generous" donor states to UNRWA when total contributions as of 2000 are calculated on a per capita basis, as well as a percentage of GDP. The most generous donors in terms of the proportion of aid channelled to UNRWA are Sweden, Norway, the United States and Switzerland – each of which gave approximately 1% of total overseas development aid funding to UNRWA.<sup>91</sup> In absolute terms, most funding for UNRWA in 2006 came from the European Commission (28%), the United States (27%), Sweden (8%), and Canada (5%).

Table 3.6: Top 10 UNRWA Donors in 2006 (in US dollars)

Source	Regular Budget	Non-Regular Budget Project Budget and Emergency Appeal	Total 2006
1. European Commission	96,470,176	46,783,440	143,253,616
2. United States	79,560,000	57,350,000	137,000,000
3. Sweden	29,635,488	11,552,665	41,188,153
4. Canada	8,620,690	19,106,433	27,727,123
5. United Kingdom	26,191,696	897,088	27,088,784
6. Norway	14,749,263	10,565,995	25,315,258
7. Netherlands	15,766,924	2,418,716	18,185,640
8. Japan	7,031,687	6,832,703	13,864,390
9. Denmark	10,012,378	3,713,010	13,725,388
10. Spain	8,161,709	5,157,602	13,319,311

Source: UNRWA, Pledges to UNRWA for 2006 (Cash and in Kind), as of 31 December 2006.

Arab states have contributed an annual average of less than 2% of the general budget of UNRWA, which is significantly less than the 7.73% they initially committed to contributing. Since 1950, Saudi Arabia, Kuwait and Libya have been the largest Arab state donors to UNRWA's regular budget. The total Arab contribution to UNRWA's budget in 2006 (including regular and project budgets as well as emergency appeals) amounted to 0.76% of the total UNRWA budget (US 779,8\$ million).

Table 3.7: Total Arab State Contributions to UNRWA, Including Regular Budget, Emergency Appeals and Projects, 1950–2006

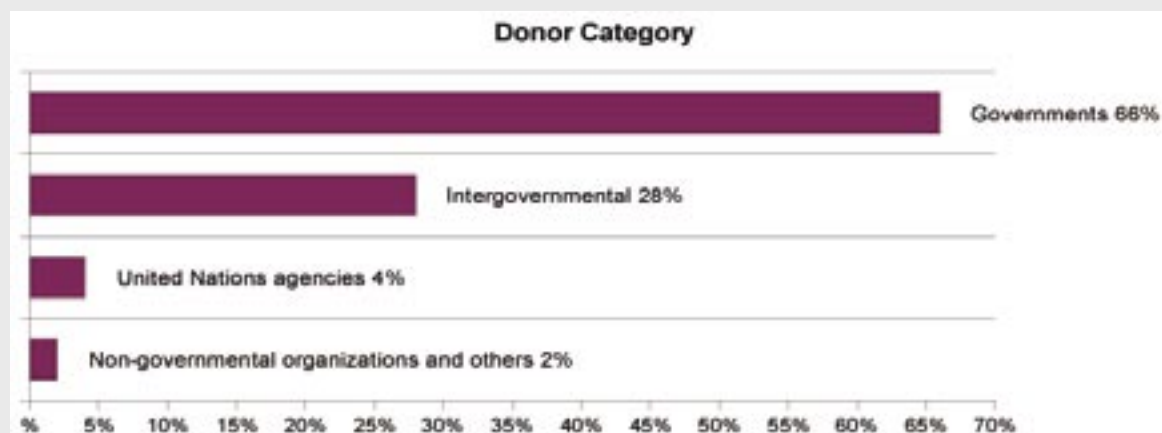
Host State	Contribution from 1950–2005 (US\$)	Pledged Contribution in 2006 (US\$)
Algeria	20,000	–
Bahrain	598,867	30,000
Djibouti	–	–
Egypt	6,221,696	10,000
Iraq	10,157,229	–
Jordan	14,474,647	656,133
Kuwait	58,048,652	2,499,958
Lebanon	2,490,422	17,700
Libya	23,824,386	–
Mauritania	543	–
Morocco	8,231,738	23,000
Oman	643,000	30,000
Palestine	12,063,614	853,772
Qatar	6,215,728	–
Saudi Arabia	143,619,656	1,200,000
Somalia	–	–
Sudan	199,999	–
Syria	5,046,781	85,293
Tunisia	1,230,098	9,302
United Arab Emirates	17,155,902	500,000
Yemen	2,000	–
Total:	310,244,958	5,915,158

Source: Compilation of Total Contributions from UNRWA Annual Reports, 1950–2006.

Israel contributed a total of approximately US \$15 million to UNRWA between 1950 and 2006. In recent years, including the period of 2003–2006, Israel has not contributed to UNRWA's budget.<sup>92</sup> Recent assessments suggest that Israel in fact benefits financially from international humanitarian operations in the 1967-occupied Palestinian territory. Contribution from NGOs and others amount to 2% of UNRWA's budget.

Refugees themselves also contribute to help cover the costs of UNRWA operations. In all areas except the occupied Gaza Strip, nominal contributions at prescribed rates are collected from pupils and trainees on a voluntary basis to improve Agency facilities

Figure 3.1: Distribution of sources of funding by donor and budget fund



and equipment in schools and training centres. Other forms of community support include donations in kind of equipment, furniture and supplies. Refugees participate in environmental health programmes through self-help projects such as paving pathways and drains in refugee camps; they also make modest payments for connection to sewerage and water systems installed in camps.

### **Impact of budget shortfalls**

Chronic budget shortfalls have led to 75% of UNRWA schools operating on double shifts (this means that means that two separate schools share the same building),<sup>93</sup> reliance on unsatisfactory rented buildings,<sup>94</sup> over-crowded classrooms,<sup>95</sup> resulting in reduced teacher/student interaction and higher workloads for staff, difficulties in hiring qualified teachers at existing salary scales, inability to keep up with educational reforms introduced by host governments, suspension of post-secondary scholarship assistance,<sup>96</sup> reductions in maintenance allocations, and cuts in allocations for vocational training, equipment and supplies.

Where health services are concerned, donor shortfalls have resulted in strict controls being placed on referrals and duration of hospital stays in some areas, and some redeployment of contracted beds from the private sector to less expensive NGO hospitals, below average per capita expenditure on health services, a higher number of patients per health personnel, and difficulties in maintaining competitive salaries for recruiting high-quality health-care professionals. The World Health Organization (WHO) found that the Agency would need to increase its spending by US \$10 per capita in order to sustain current services and address new priorities. It also recommended improvements in UNRWA's "nutrition, non-communicable disease care, mental health, staff training, research, disability, cancer prevention and psychosocial support."<sup>97</sup> If the discrepancy between health needs and funding perseveres, "the quality of services could deteriorate and the Agency's achievements in health care could be compromised, especially in the OPT, where there was more than a 60% increase in the utilization of the Agency's general clinic services over pre-crisis levels."<sup>98</sup>

UNRWA is also unable to provide relief and social service assistance to all of those refugees who need their services. The Agency has also been forced to adopt increasingly stringent criteria for special hardship cases, limit special cash assistance in case of acute crises,<sup>99</sup> and limit much-needed shelter rehabilitation. Agency social workers have an excessively high client caseload.<sup>100</sup>

**Table 3.8: Selected Indicators for Impact of Donor Shortfalls to UNRWA, 2005–2006**

	West Bank	Gaza Strip	Jordan	Lebanon	Syria	All Fields
% schools on double shifts	23.7	77.2	91.5	63.2	97.4	75.2
% schools in rented premises	15.1	0	25.4	43.7	8.7	16.4
% classes with 48+ students	2.5	18.7	11.3	2.7	15.6	12.5
No. daily consultations per doctor	108	95	92	83	N/A	95

Sources: *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), Tables 2 and 6, pp. 69, 70, 73. Data for the daily consultations per doctor is from 2006.

Since the second *intifada* in September 2000, UNRWA has again been forced to supplement regular services with emergency programmes in the 1967-occupied territory. These have included emergency poverty alleviation, maintenance of nutritional safety nets, repair of damaged shelters, provision of services to those disabled during confrontations with or attacks by occupying Israeli military forces, and delivery of health care through mobile health units. The circumstances have also meant ensuring emergency preparedness with full medical supplies, adequate



Displaced Lebanese sheltered in UNRWA School during Israel's war on Lebanon, Lebanon, July 2006. © Mahmoud Zeidan.

transport facilities, post-injury physical rehabilitation capacities and compensatory education – all this while trying to prevent violence and economic decline from irrevocably eroding the gains of the past years and creating new costs in the future.<sup>102</sup>

Between November 2000 and December 2006, UNRWA made nine emergency appeals (not including a supplementary appeal in 2002 as a result of Israel's military re-invasion of Palestinian cities, towns and refugee camps) to the international community for special funding of emergency operations in the 1967-occupied Palestinian territory. Average annual contributions have covered 62% of the total of US \$1 billion requested through these emergency appeals (not including the flash appeals for Lebanon and Beit Hanoun).<sup>103</sup>

Despite the persistent shortfall of funding raised through emergency appeals, which forced UNRWA to focus on food aid, emergency employment creation and cash assistance, 2006 saw an improvement in donor response to the ninth (revised and increased) emergency appeal. This might be attributable to funds being redirected as a result of international sanctions against the Palestinian Authority and the worsening humanitarian crisis. However, UNRWA has confirmed that “unless further contributions are received for the rest of 2006, the Agency will not be able to adequately address the humanitarian needs of the refugees resulting from the escalating emergency situation in the Gaza Strip and West Bank.”<sup>104</sup> UNRWA also launched a flash appeal for Beit Hanoun in order to rebuild or repair the 1,031 refugee shelters that were destroyed or damaged during Israel's destructive military operation, “Summer Cloud”.<sup>105</sup> The need for emergency assistance is likely to rise significantly in 2007 as a result of the deteriorating humanitarian situation and the continued dismantling of the foundations of the Palestinian state.<sup>106</sup>

In 2006, UNRWA also participated in an inter-agency United Nations flash appeal as a result of Israel's war on Lebanon. This appeal requested support in order to provide food, kitchen equipment, sanitary items and mattresses to 25,000 Palestinian refugees and Lebanese internally displaced persons, as well as Palestinian refugees who fled to Syria, and refugees trapped in the south.<sup>107</sup>



UNRWA provided emergency shelter for homeless refugee families as a result of the Israeli invasion of West Bank camps and cities in 2002. al-'Azza refugee camp, Bethlehem, occupied West Bank. © BADIL.

Table 3.9: Summary of Emergency Appeals in the Occupied Palestinian Territory, 2000–2006

Emergency Appeals	Funds Requested in US Dollars	Contributions	Percentage Received of Total Requested
<b>First Appeal</b> Nov 2000–Feb 2001	\$39,126,905	\$43,815,262	112%
<b>Second Appeal</b> March–May 2001	\$39,393,352	\$24,025,652	61%
<b>Third Appeal</b> June–Dec 2001	\$76,894,075	\$63,698,276	83%
<b>Fourth Appeal</b> Jan–Dec 2002	\$172,826,293	\$92,442,194	53%
<b>Fifth Appeal</b> Jan–June 2003	\$93,714,217	\$38,105,608	41%
<b>Sixth Appeal</b> Jul–Dec. 2003	\$102,905,041	\$53,870,144	52%
<b>Seventh Appeal</b> (incl. Rafah Appeal) Jan–Dec 2004	\$209,406,387	\$109,686,529	52%
<b>Eighth Appeal</b> Jan–Dec 2005	\$185,814,882	\$111,107,310	60%
<b>Ninth Appeal (revised)</b> Jan–Dec. 2006	\$173,139,417	\$145,123,974	84%
Flash Appeal Lebanon	\$7,233,800	–	–
Beit Hanoun Flash Appeal	\$2,416,026	–	–
<b>Total (not including Lebanon and Beit Hanoun Appeals)</b>	<b>\$1,098,074,545</b>	<b>\$683,501,066</b>	<b>62%</b>

Source: United Nations Relief and Work Agency for Palestine Refugees in the Near East, Pledges to UNRWA's Emergency Appeals, 4 October 2000 up to 31 March 2007, Department of External Relations, UNRWA Headquarters (Gaza), 18 April 2007.



## Endnotes

- <sup>1</sup> See Denise Plattner, "ICRC neutrality and neutrality in humanitarian assistance," *International Review of the Red Cross* 311, April 1996, p. 161–179.
- <sup>2</sup> *Guiding Principles on the Right to Humanitarian Assistance*, The Council of the International Institute of Humanitarian Law, San Remo, April 1994, Principle 9. See also Christa Rottensteiner, "The denial of humanitarian assistance as a crime under international law," *International Review of the Red Cross* 835, August 1999, p. 555–582.
- <sup>3</sup> *Convention Relating to the Status of Refugees* ("Refugee Convention"), 28 July 1951, Article 23.
- <sup>4</sup> UNHCR, *Integration Rights and Practices with Regard to Recognised Refugees in the Central European Countries: Part II*, July 2000, Chapter V, pp. 215, 217.
- <sup>5</sup> "1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction. 2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request." *The Guiding Principles on Internal Displacement*. UN Doc. E/CN.4/1998/53/Add. 2, 11 February 1998, Principle 3.
- <sup>6</sup> Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen are signatories, but (with the exception of Egypt) host only small numbers of Palestinian refugees.
- <sup>7</sup> *Protocol on the Treatment of Palestinians*, 11 September 1965 (*Casablanca Protocol*). Available at <http://www.badil.org/Documents/Protection/LAS/Casablanca-Protocol.htm>.
- <sup>8</sup> *Convention Governing the Specific Aspects of Refugee Problems in Africa* (OAU Convention), effective 20 June 1974, 10 September 1969, 1001 UNTS 1945.
- <sup>9</sup> Kuwait, Lebanon, and Libya endorsed the Protocol, but with reservations. Saudi Arabia, Morocco and Tunisia are not signatories.
- <sup>10</sup> Resolutions and Decisions of the General Assembly and the Security Council Relating to the Question of Palestine, A/AC.183/L.2/Add. 28, 21 May 2007, UNGA Resolution 61/112.
- <sup>11</sup> "Palestine Refugee Problem", Annex I, Washington, 22 April 1948, Foreign Relations of the United States 1949, p. 938. Cited in Neff, Donald, *Fallen Pillars: US Policy towards Palestine and Israel since 1945*. Washington, DC: Institute for Palestine Studies, 1995, p. 69. The same report noted "the total direct relief offered ... by the Israeli government to date consists of 500 cases of oranges."
- <sup>12</sup> In Jordan, the department responsible for Palestinian refugees is linked directly to the Office of the Prime Minister.
- <sup>13</sup> The Jordanian government provides cash assistance to approximately 120,000 refugees. *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005.
- <sup>14</sup> *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, paras. 37, 38, 39, p. 8.
- <sup>15</sup> Pact of the League of Arab States, effective 10 May 1945, 22 March 1945, 70 UNTS, 248, 252. The 21 members of the LAS are Algeria, Bahrain, Djibouti, Egypt, Jordan, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates and Yemen.
- <sup>16</sup> LAS, Council of Ministers, Resolution 325, 12 June 1950.
- <sup>17</sup> LAS Resolution 4645, 6 April 1987.
- <sup>18</sup> In 1952, Israel suggested to UNRWA that it take over responsibility for Palestinian refugees within its territory. Under financial pressure and seeking resettlement opportunities, UNRWA accepted and ceased to operate in Israel. UNRWA also let the files of Palestinian refugees located within Israel, and who had registered for assistance, become dormant. Although never officially amended, the case of Palestinian refugees in Israel was thereafter considered closed by the international community and Israel.
- <sup>19</sup> The common denominator for "shelter villages" was that IDPs constituted the majority of the residents. However, the distinction between shelter villages and villages that were not designated as such was not absolutely clear. The RRA, for example, also operated in Reine (Nazareth); and shelter villages also absorbed refugees who were not transferred by the RRA. Cohen, Hillel, *The Present Absentees: Palestinian Refugees in Israel since 1948*. Jerusalem: Institute for Israeli-Arab Studies, 2000, pp. 26–27.
- <sup>20</sup> Cohen, Hillel, *The Present Absentees*.
- <sup>21</sup> Cohen, Hillel, *The Present Absentees*.
- <sup>22</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 55.
- <sup>23</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Articles 23 and 59.
- <sup>24</sup> See UNRWA *Emergency Appeal*, 2007, p. 16.
- <sup>25</sup> UNRWA, *Prolonged Crisis in the Occupied Palestinian Territory: Recent Socio-Economic Impacts*, Gaza: UNRWA, November 2006, p. iii.
- <sup>26</sup> Luigi De Martino, "Main Trends" in *Palestinian Public Perceptions, Report X*, eds. Bocco, Riccardo, Matthias Brunner, Tareq Abu El Haj, Jalal Al Hussein, Luigi De Martino, Aziza Khalidi, Frederic Lapeyre, Graduate Institute of Development Studies, November 2006, p. 17.

- <sup>27</sup> Luigi De Martino, "Main Trends", p. 15.
- <sup>28</sup> Tribute to the memory of His Excellency Mr Yasser Arafat, late President of the Palestinian Authority, General Assembly, A/59/PV.52, New York, 11 November 2004. Also "Strengthening of the co-ordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: reports of the Secretary-General" (A/61/79 and A/61/463), Agenda item 69, General Assembly, A/61/PV.52, New York, 13 November 2006.
- <sup>29</sup> *Assistance to the Palestinian People*, Report of the Secretary-General, General Assembly, A/61/80 and E/2006/72, 12 May 2006, para. 8.
- <sup>30</sup> *Assistance to Palestine Refugees*, UNGA, A/RES/302(IV), 8 December 1949, para. 7.
- <sup>31</sup> According to Article 6 of Resolution 302(IV), all relief and works operations were to be terminated by the middle of 1951.
- <sup>32</sup> (1) "Work Relief", i.e., small-scale training and employment creation; (2) "Works Projects", i.e., medium-sized public sector government-controlled projects (such as road-building and tree-planting), aimed at creating employment; (3) assistance to and subsidization for small numbers of Palestine refugees willing to resettle in places such as Argentina, Brazil, Bolivia, Canada, Columbia, Chile, Egypt, Honduras, Iran, Iraq, Kuwait, Libya, Qatar, Sierra Leone, Saudi Arabia, the United States, Venezuela, Germany and Yemen; (4) large-scale regional development projects with regional governments.
- <sup>33</sup> See UNGA Resolution 1315(XIII), 12 December 1958, requesting UNRWA "to plan and carry out projects capable of supporting substantial numbers of refugees and, in particular, programmes relating to education and vocational training". Also see Resolution 1456 (XIV), 9 December 1959, directing the Agency "to continue its programme of relief for the refugees and ... expand its programme of self-support and vocational training".
- <sup>34</sup> *UNRWA and the Transitional Period: A Five-Year Perspective on the Role of the Agency and its Financial Requirements*, UNRWA, Vienna, 31 January 1995.
- <sup>35</sup> See "UNRWA – Under Attack and Underfunded", *al Majdal*, Issue 19, Bethlehem: Badil Resource Center, September 2003.
- <sup>36</sup> *Report of the Commissioner-General*, 1 July 2003–30 June 2004. UN GAOR, Fifty-ninth Session, Supp. 13 (A/59/13), 19 October 2004, para. 108, p. 25.
- <sup>37</sup> *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13A (A/60/13/Add.1), paras.1.26, pp. 6–7.
- <sup>38</sup> Hansen, Peter, "Meeting the Humanitarian Needs of the Palestine Refugees in the Near East: Building Partnerships in Support of UNRWA", Commissioner-General's Closing Remarks, International Conference Centre, Geneva, 8 June 2004.
- <sup>39</sup> Comay-Micheltmore Agreement, 14 June 1967, entered into force on 14 June 1967. Michael Comay was then political adviser to the Foreign Minister and Ambassador at large of Israel, and Lawrence Micheltmore was UNRWA Commissioner-General. The agreement is reprinted in Schiff, Benjamin, *Refugees unto the Third Generation: UN Aid to Palestinians*. Syracuse, New York: Syracuse University Press, 1995, pp. 295–96.
- <sup>40</sup> See *Assistance to the Palestinian People*, Report of the Secretary-General, General Assembly, A/61/80 and E/2006/72, 12 May 2006, para. 62.
- <sup>41</sup> UNRWA Director: "Counting Down to a Crisis in Gaza", UNRWA Press Release, HQ/G/06/2006, 11 April 2006.
- <sup>42</sup> "Children Pay the Price as UNRWA Operations in Gaza are Grinding to a Halt," UNRWA Press Release, HQ/G/15/2006, 24 August 2006.
- <sup>43</sup> Press Conference by Emergency Relief Co-ordinator, UN Department of Public Information, New York, 30 August 2006.
- <sup>44</sup> In Syria, for instance, the Association for the Liberation of Palestine was formed in 1948 to provide assistance to Palestinian refugees. By mid-1948, however, the number of refugees in Syria had grown too large to manage effectively, and the association appealed to the Syrian government for help. Assistance included relief in kind and cash payments, extra allowances for pregnant women, and free medical care for the sick. Orphans were provided with food, lodging and primary education. In Egypt, the Higher Committee responsible for Palestinian refugee affairs, together with the Egyptian Red Crescent and international non-governmental organizations, established an assistance system for 5,000–7,000 Palestinian refugees with material supplied by the UN and later through USAID.
- <sup>45</sup> United Nations NGO Meeting on Palestinian Refugees, UNESCO Headquarters, Paris, 28 April 2000.
- <sup>46</sup> As of July 2007, there were 92 Palestinian member organizations of the Palestinian NGO (PNGO) network. See <http://www.pngo.net/pngo.htm>.
- <sup>47</sup> See "United Nations and NGOs Increase Emergency Appeal for Palestinians by 80%", United Nations Press Release, Jerusalem, 31 May 2006.
- <sup>48</sup> See "The Role and Performance of Palestinian NGOs in Health, Education and Agriculture", World Bank and Bisan Center for Research and Development, December 2006, p. 27.
- <sup>49</sup> UNRWA Emergency Appeal 2007, p. 3.
- <sup>50</sup> UNRWA Emergency Appeal 2006, p. 3.
- <sup>51</sup> "Violence, poverty and despair are overtaking hopes of recovery in the occupied Palestinian territory (OPT). The international isolation of the Palestinian Authority (PA), the conditions of siege on Gaza and the ongoing fragmentation of the West Bank are destroying the fabric of Palestinian society, creating an ever more distressed, degraded and angry population." UNRWA Emergency Appeal 2007, p. 3.

- <sup>52</sup> Rempel, Terry. "Donor Aid, UNRWA, and the End of a Two-State Solution?", *Al Majdal*, Bethlehem: Badil Resource Center, 29, Spring 2006, p. 4.
- <sup>53</sup> For the 2004–2005 academic year, 2,661 students were enrolled in the five UNRWA secondary schools, with a pass rate of nearly 90%, compared to 67% in government and private schools. *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, paras. 37, 38, 39, para. 46, p. 11.
- <sup>54</sup> In the 2004–2005 academic year, 12,718 children benefited from these programmes, which include audio-visual programmes, curriculum enrichment materials, and self-learning kits. *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, paras. 37, 38, 39, para. 46, p. 11.
- <sup>55</sup> "UNRWA opens tented school for stranded Palestinians at al-Tanf border point", UNRWA Press Release 1/2007, Damascus, 4 February 2007.
- <sup>56</sup> Students at UNRWA schools out-perform students in government schools in state preparatory examinations in Syria, but not in brevet examinations (intermediate certificate for high school students) in Lebanon. Jordan and the OPT do not hold similar comparable examinations. *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, para. 44, p. 10.
- <sup>57</sup> In 2006, the drop-out rate at the elementary (primary) level was 0.42% and 2.55% at the preparatory level.
- <sup>58</sup> For a brief overview, see Babilie, Marzio, et. al. *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions. Volume III: Social Service Delivery to Palestinian Refugees: UNRWA and other Providers, UNRWA Financial and Donor Environment*. Oslo: FAFO, Institute for Applied Social Science, 2003, p. 60.
- <sup>59</sup> *Atlas of Palestinian Refugee Camps in Jordan*. Amman: Department of Palestinian Affairs, 2001. In 2001, this included 10 secondary schools: four in Baqa'a camp, two in Azmi al-Mufti, two in Hittin, one in Jerash, and one in Souf refugee camp. Of these 10 schools, six are for girls and four are for boys.
- <sup>60</sup> Natour, Suheil, "The Legal Status of Palestinians in Lebanon." Paper presented at the Palestinians in Lebanon Conference organized by the Centre for Lebanese Studies and the Refugee Studies Programme, Queen Elizabeth House, 27–30 September 1996, p. 46. See also Babilie, Marzio, et. al. *Finding Means, Vol. III*, p. 59.
- <sup>61</sup> "The European Union grants €1.1 million for scholarships to Palestine refugee students in Lebanon," UNRWA Lebanon Field Office, Beirut, 6 January 2006.
- <sup>62</sup> *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, para. 43, p. 10.
- <sup>63</sup> See UNRWA, Programme Budget 2006–2007, Executive Summary, July 2005, p. 24.
- <sup>64</sup> The 2006 average of 95 daily consultations per doctor nevertheless shows a decrease since 2005 (110 consultations daily).
- <sup>65</sup> For a brief overview, see Babilie, Marzio et. al., *Finding Means, Vol. III*, pp. 20–22.
- <sup>66</sup> Babilie, Marzio et. al., *Finding Means, Vol. III*, p. 21.
- <sup>67</sup> *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, para. 75, p. 19.
- <sup>68</sup> A reported 6% of the refugee population has private insurance. Four per cent do not have any insurance. Jacobsen, Laurie Blome, *Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions. Volume I: Socio-economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Oslo: FAFO, Institute for Applied Social Science, 2003, p. 187. A few (2%) are not registered with UNRWA and do not have private insurance. Babilie, Marzio et. al., *Finding Means, Vol. III*, p. 22.
- <sup>69</sup> For an overview, see Babilie, Marzio et. al., *Finding Means, Vol. III*, pp. 16, 21–22.
- <sup>70</sup> Arneberg, Marie, *Living Conditions Among Palestinian Refugees and Displaced in Jordan*. Oslo: FAFO Institute for Applied Social Science, 1997, p. 35.
- <sup>71</sup> For a brief overview, see Babilie, Marzio et. al., *Finding Means, Vol. III*, pp. 19–20, 22.
- <sup>72</sup> Babilie, Marzio et. al., *Finding Means, Vol. III*, p. 22.
- <sup>73</sup> For an overview, see Babilie, Marzio et. al., *Finding Means, Vol. III*, pp. 17–19, 23.
- <sup>74</sup> According to a 1997 survey by the Health, Development and Policy Institution (HDIP), approximately 40% of refugees seek treatment at UNRWA, 31% at private clinics and 25% at government clinics. See Jacobsen, Laurie Blome, *Finding Means, Vol. I*, p. 189.
- <sup>75</sup> Jacobsen, Laurie Blome, *Finding Means, Vol. I*, p. 184.
- <sup>76</sup> UNRWA used to provide food rations to all Palestinian refugees in its areas of operation until the early 1980s. Following the Israeli invasion of Lebanon in 1982 and the ensuing humanitarian crisis, UNRWA rations were redirected from all areas of operations to Lebanon, with the consent of refugees. However, following the end of the crisis in Lebanon, rations were not reinstated. Special Hardship Cases (SHCs) are defined as households having no male adult medically fit to earn an income, and no other identifiable means of financial support above a defined level.
- <sup>77</sup> See *UNRWA in 2005*, UNRWA Headquarters, Gaza, 2007, pp. 7, 19.

- <sup>78</sup> *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 January–31 December 2005, General Assembly, Supplement 13 (A/61/13), p. 20.
- <sup>79</sup> As many refugees no longer bake at home, the distribution of flour was discontinued in Jordan, Syria and Lebanon in July 2005, with mixed pulses being given as a substitute. UNRWA has added tinned tuna as of January 2006. *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, para. 122, p. 29.
- <sup>80</sup> Deep poverty is defined as the inability to meet basic human consumption needs for food, clothing and housing. Households or individuals whose income falls below the level necessary to meet these consumption needs are considered unable to meet basic needs. *Prolonged Crisis in the Occupied Palestinian Territory: Recent Socio-Economic Impacts*, UNRWA Headquarters, Gaza, November 2006, p. v and 31.
- <sup>81</sup> UNRWA, *Prolonged Crisis in the Occupied Palestinian Territory*, p. v.
- <sup>82</sup> “Research suggests that assistance to refugees is better targeted and, therefore, less likely to ‘leak’ to the non-poor.” UNRWA, *Prolonged Crisis in the Occupied Palestinian Territory*, p. v.
- <sup>83</sup> *Five Decades of Responsibility in the Refugee Camps of Jordan*. Amman: Department of Palestinian Affairs, 2000, p. 21.
- <sup>84</sup> *Report of the Director General of the United Nations Relief and Works Agency for the Palestinian Refugees in the Near East*, 1 July 1958–30 June 1959, UN GAOR, 14th Sess., Supp. 14 (A/4213), 30 June 1959, Annex H, para. 30.
- <sup>85</sup> The Iraqi governments of Abdel-Karim Qassem (1959) and Ahmad Hassan al-Bakr (1970) were responsible for constructing most Palestinian housing in the al-Salam, al-Horiyya and al-Baladiyat districts of Baghdad in response to the pressing need to house Palestinian refugees. Following the 1948 exodus to Iraq, and until the 1970s, many Palestinians were housed in poor living conditions in old schools and military camps under the direct supervision of the Iraqi Ministry of Defense. See *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999. Under Saddam Hussein’s regime, three buildings were constructed in the al-Baladiyat area. See Saad, Rasha, “Displaced Yet Again,” *Al-Ahram*, Issue 641, 5–11 June 2003. The Iraqi government also rented houses for Palestinian refugees. An estimated 63% of the Palestinian refugees in Baghdad (1,466 families, comprising 8,944 refugees) benefited from such government-provided houses. *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999. (Available from Badil.)
- <sup>86</sup> Adwan, Talab, “Refugee Camp lands: Political/Juridical Issues and Social Practices in the West Bank and Gaza.” Paper prepared for the International Symposium: The Palestinian Refugees and UNRWA in Jordan, the West Bank and Gaza, 1949–1999, 31 August–2 September 1999, Dead Sea, Jordan, p. 17.
- <sup>87</sup> World Bank Technical Team, “Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy”, Executive Summary, 6 May 2007, para. ii.
- <sup>88</sup> World Bank Technical Team, “Movement and Access Restrictions in the West Bank”, para. 38.
- <sup>89</sup> See UNRWA website, Finances section, compilation of tables 1, 2, 3, 4 as of 31 October 2006.
- <sup>90</sup> See UNRWA website, Finances section, compilation of table 4, as of 31 October 2006.
- <sup>91</sup> Jacobsen, Laurie Blome, *Finding Means*, Vol. I, p. 8.
- <sup>92</sup> *Annual Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East* from 2003 to 2005. Available at <http://www.un.org/unrwa/>.
- <sup>93</sup> *UNRWA in 2005*, UNRWA Headquarters, Gaza, 2007, p. 15.
- <sup>94</sup> Seventeen per cent of UNRWA schools are in unsuitable rented properties. *UNRWA in 2005*, UNRWA Headquarters, Gaza, 2007, p. 15.
- <sup>95</sup> Classroom occupancy rates are substantially higher than the rates in host country schools. The average classroom occupancy rate for the 2004–2005 academic year was 40.5 students per class. Occupancy was highest in the occupied Gaza Strip (44.7 pupils per classroom) and lowest in Lebanon (34.6). *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, para. 47, p. 11.
- <sup>96</sup> Since 1997, UNRWA has been unable to provide scholarships for post-secondary education due to funding shortfalls. Scholars already enrolled in the programme, however, continue to receive assistance through special project funds until they complete their studies.
- <sup>97</sup> *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, para. 98, p. 24.
- <sup>98</sup> *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, para. 72, p. 18.
- <sup>99</sup> Between 1997 and 2000, UNRWA was forced to suspend allocations for selective cash assistance. Current allocations, reinstated in January 2000, allow the Agency to support only one-third of the families in need of special assistance.
- <sup>100</sup> UNRWA employs 229 social workers with an average caseload of 250 cases per year (2005). *Report of the Commissioner-General*, 1 July 2004–30 June 2005. UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, para. 143, p. 34.
- <sup>101</sup> Over the course of its 50 years of operating, UNRWA has launched numerous emergency funding appeals to cover the costs of emergency programmes. In 1997, for example, UNRWA launched a special emergency appeal for Lebanon (totalling US \$11 million) for essential health, education, relief and social services so as to alleviate financial pressure resulting from the damage caused by the Israeli invasion.

<sup>102</sup> In 2005, UNRWA transferred some emergency activities to its regular budget in recognition of the enduring crisis. Emergency medical supplies, assistance with hospitalization costs, physiotherapy and environmental health programming were incorporated into the health and education programmes, while compensatory education, distance learning and extra-curricular activities for schoolchildren are now part of the regular education programme.

<sup>103</sup> Pledges to UNRWA's Emergency Appeals, 4 October 2000–30 May 2005, Department of External Relations, UNRWA Headquarters, Gaza, 30 May 2005.

<sup>104</sup> UNRWA website, Finances section, Emergency Appeals, Table 2.

<sup>105</sup> Beit Hanoun Flash Appeal, UNRWA Headquarters, Gaza, November 2006, p. 6.

<sup>106</sup> See UNRWA Emergency Appeal, 2007, p. 3.

<sup>107</sup> See Lebanon Flash Appeal: UNRWA Needs 7.2 Million US\$, 3 August 2006.





Israeli soldier behind the barbwire surrounding the Wall during weekly demonstration against the Wall in Bil'in, occupied West Bank, April 2006. © Anne Paq/Activestills.

# Protection

## ***Preface***

*Refugees and internally displaced persons (IDPs) are entitled to protection. Protection includes recognition and safeguarding of refugee and IDP rights, as well as the search for a durable solution. National authorities hold the primary responsibility for protecting refugees and IDPs within their borders.*

*Durable solutions to refugee flows include voluntary repatriation, voluntary host country integration, and voluntary third country resettlement. Of these three solutions, only repatriation (i.e., return) is recognized as a right under international law. The key principle governing these solutions is that they involve voluntariness, i.e., choice by refugees. Refugees also have a right to remedy, including housing and property restitution, as well as compensation for damages and losses.*

*The United Nations established a specific framework for durable solutions for all persons displaced in 1948. General Assembly Resolution 194(III), 11 December 1948, affirmed that refugees, including those internally displaced within Israel, had a right to return to their homes, repossess their property, and receive compensation for damages and losses. Those who did not wish to exercise their right of return were entitled to resettlement assistance, restitution, and compensation. In Resolution 237, 14 June 1967, the UN Security Council affirmed the right of Palestinian refugees displaced in 1967 to return. The UN has repeatedly affirmed the right of return for those Palestinians who find themselves in the position of refugees due to expulsion, deportation, denial of residency rights, and so on.*

*International protection is required when states are unable or unwilling to protect refugees and internally displaced persons. The rights and duties of refugees and the obligations of states are set forth in the 1951 Convention relating to the Status of Refugees. The Convention includes special provisions governing the status of 1948 and 1967 Palestinian refugees. The 1965 Protocol on the Treatment of Palestinians delineates standards for the treatment of Palestinian refugees in the Arab world. The 1998 Guiding Principles on Internal Displacement set out the rights of internally displaced persons. However, the 1965 Protocol and the 1998 Guiding Principles do not have the legal status of a Convention.*

*The Office of the UN High Commissioner for Refugees (UNHCR) is the primary body mandated to provide international protection for refugees worldwide. The United Nations established a separate organ, the UN Conciliation Commission for Palestine (UNCCP), to provide protection, including the search for a durable solution, for all persons displaced in Palestine during the 1948 War. This organ is no longer active, and the UN has not established a separate mechanism to provide protection, including implementation of durable solutions.*

*A new mechanism, the Collaborative Response, has been developed by relevant UN agencies and international organizations in order to provide assistance and protection to IDPs.*

*In many respects, Israel fails to protect Palestinian refugees and IDPs. National protection accorded to Palestinian refugees in Arab host states varies, and interpretation of relevant instruments by signatory host states outside the Middle East is inconsistent.*



*Almost 60 years after their initial displacement, Palestinian refugees and IDPs are still denied access to durable solutions in accordance with international law, relevant UN resolutions, and best international practice. A variety of factors have contributed to this stalemate. These include Israel's refusal to provide protection and allow Palestinian refugees and IDPs to return to their homes of origin; the collapse of UNCCP protection; the protracted Israeli occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip; lack of effective protection by the Arab League and host states; limited protection afforded by the UNHCR and UNRWA; varying interpretations of relevant instruments; and the lack of sufficient international will to enable refugees to exercise their fundamental human rights under international law as affirmed in relevant UN resolutions.*

## 4.1 Protection of Refugees and IDPs

Protection is first and foremost the duty of a state to protect persons within its borders from persecution.<sup>1</sup> States must minimally respect the principles of non-discrimination and non-*refoulement*: i.e., the right of persons not to be forcibly expelled or returned to territory where their life or freedom would be at risk on account of their race, religion, nationality or membership of a particular social group, or political opinion. The prohibition against *refoulement* forms part of customary law and therefore applies to all states, irrespective of whether they are signatories to the 1951 *Convention Relating to the Status of Refugees*.<sup>2</sup> When states are unable or unwilling to protect, this responsibility falls upon the international community.<sup>3</sup>

The refugee protection regime is enshrined in the 1951 *Refugee Convention* and its 1967 *Protocol*,<sup>4</sup> which cover the gamut of activities through which the rights of refugees are secured. The UN High Commissioner for Refugees (UNHCR) is the agency mandated to provide protection and assistance to refugees.

Internally displaced persons (IDPs) are not covered by the 1951 *Refugee Convention*. There is no binding international convention that sets forth the rights and duties of IDPs and concomitant obligations of states. The 1998 *Guiding Principles on Internal Displacement*<sup>5</sup> outline the specific rights of IDPs and the obligations of states towards them, under human rights and humanitarian law. International organizations and UN agencies have recently established a “Collaborative Response”, which aims to provide protection and assistance to IDPs.

Refugee and IDP protection can be said to encompass two intertwined components: the immediate, day-to-day protection of basic rights; and the search for durable solutions in accordance with international law and the principle of voluntariness (see box below). Basic, day-to-day international protection aims to provide refugees and IDPs with a dignified life.

For refugees, an international agency, usually the UNHCR, supervises the implementation of international conventions in host countries. The primary goals are to ensure physical security, access to territory and asylum procedures, as well as respect for the principle of non-*refoulement*.<sup>6</sup> Once refugees are admitted to a territory, an international agency or the host country will normally provide shelter, water, food and medical care. Protecting agencies will also encourage host countries to show respect for the basic human rights of refugees. States party to the 1951 *Refugee Convention* and its 1967 *Protocol* are obliged to guarantee freedom of religion, freedom of movement, the right to work, housing, property ownership and education, as well as the right to identity papers, travel documents and social security. The 1951 *Refugee Convention* requires that most of these rights be guaranteed at the same level as nationals of the state; all are guaranteed at least at the same level as other foreigners. Promoting a proper legislative framework for refugee status determination within states is also a component of protection. International protection is thus comprised of both “partnership” and “confrontation” between states and international agencies mandated to protect refugees and IDPs.<sup>7</sup>

Relevant UN agencies and international organizations will provide assistance and protection to IDPs. For

instance, the UNHCR is responsible for protection, camp management and emergency shelter, while the UN Children's Fund (UNICEF) is responsible for nutrition. IDPs have the right to receive national and international protection and humanitarian assistance. National authorities have a duty to accept protection and assistance offers made to IDPs. The *Guiding Principles on Internal Displacement* stipulates that IDPs have the right to seek safety in another part of the country, leave their country, seek asylum, and be protected against *refoulement*.<sup>8</sup> The *Guiding Principles* also affirm the right of IDPs to "enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country."<sup>9</sup> These include, among others, the rights to liberty and security of person, freedom of movement, an adequate standard of living, property rights, education, and respect for the family unit.

Protection also includes the search for durable solutions for refugees and IDPs at all stages of displacement. The search for durable solutions is a core component of protection. Durable solutions refer to the three possible solutions that will restore refugees' rights, i.e., repatriation (return), local integration in the host country, and resettlement in a third country.

The preferred solution for refugees and IDPs is repatriation, the only option constituting a fundamental and inalienable right (i.e., the right of return) that can be implemented by individuals independently of the search for durable solutions. No state is obliged to accord local integration or resettlement opportunities to refugees. There is thus no "right to durable solutions", other than the right of return. There is, however, a duty of states to protect refugees and internally displaced persons from persecution and *refoulement*.

For refugee and IDP solutions to be durable, they must be voluntary. In other words, refugees should be able to make informed choices concerning the solutions to their particular circumstances.

#### **Voluntariness (Refugee and IDP Choice)**

Refugee and IDP choice, or voluntariness, is the cornerstone of UNHCR repatriation programs and is dealt with extensively in their *Handbook on Voluntary Repatriation: International Protection*. Voluntariness means that states should not take "measures which push the refugee to repatriate, but also [...] [refugees] should not be prevented from returning."<sup>10</sup>

Respect for the principle of voluntariness is also enshrined in the *Guiding Principles on Internal Displacement*, which reaffirm that "special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration. A participatory, voluntary, well-informed and individual choice to return of the displaced is the most favoured durable solution."<sup>11</sup>

The UNHCR notes that refugee choice is affected both by conditions in the host country and by conditions in the country of origin. In other words, the denial of basic rights guaranteed under the 1951 *Convention relating to the Status of Refugees* and pressure or threats on refugees to leave by interest groups or host country authorities, inhibit refugee choice and have the potential to render their decisions less than voluntary. On the other hand, discrimination in domestic legislation and the provision of essential services, lack of guarantees for the safety of returnees, and attempts to encourage anti-refugee sentiment among the population in the country of origin, also prevent refugees from making a free choice as to whether they wish to exercise their right of return.

Information is critical to refugee choice. Refugees should be provided with as much information as possible concerning the conditions in their country of origin. Information should be disseminated via posters and leaflets, oral presentations, videos, refugee information committees, and through counselling by international protection staff, as well as reconnaissance visits by refugee groups to areas of return.

Details about the repatriation procedure should also be provided. These should include information on: customs, immigration and health formalities; procedures for bringing in personal and communal property; access to land and restitution procedures; registration and documentation for repatriation; the timing and phasing of the repatriation operation; special arrangements for vulnerable groups such as women, children and the elderly; de-registration procedures for assistance, if any; and procedures and options for those not wishing to repatriate. Refugees should also be aware of how to contact international protection staff in their country of origin in case problems arise with regard to the promised protection.

While there is no formal definition of local integration under refugee law, it is based on the assumption that refugees or IDPs choose, among the various options, to remain in their first country of asylum permanently.<sup>12</sup> UNHCR defines local integration as:

the grant of a legal status, temporary but renewable, or permanent residence status, access to civil, socio-economic and cultural rights and, to a certain degree, political rights, as well as a viable economic situation, availability of affordable housing and access to land, as well as receptive attitudes within the host community.<sup>13</sup>

Resettlement is the voluntary relocation of refugees to safe third countries. The decision to resettle is made with the consent of the refugees, the UNHCR, and the receiving country in situations where the physical and legal protection of the refugee is at risk and no alternative is available, or when it is considered the optimal solution for the refugee.<sup>14</sup> Resettlement is a form of international protection to “meet the special needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they sought refuge.”<sup>15</sup> Resettlement is the least common durable solution.

Voluntary repatriation in safety and dignity, based on the fundamental right to return to one’s home and country, is recognized as the most appropriate solution to refugee flows.<sup>16</sup> Safety is defined as legal safety (such as amnesties or public assurances of personal safety, integrity, non-discrimination, and freedom from fear of persecution or punishment upon return), physical security and material security (access to land or means of livelihood). Dignity means that returning refugees “are not arbitrarily separated from family members and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights.”<sup>17</sup>

To ensure the sustainability of return for refugees, programs of repatriation, reintegration, rehabilitation, and reconstruction are implemented by the UNHCR (termed collectively the “4Rs”). These programmes include receiving returnees, facilitating their reintegration, monitoring the status of the returnees and intervening on their behalf if necessary, and undertaking legal activities to help states address the causes of the refugee movements. UNHCR, however, also has the mandate to “facilitate the voluntary return of refugees when it is taking place spontaneously, even if conditions are not conducive to return.”<sup>18</sup>

## 4.2 Durable Solutions for Palestinian Refugees and IDPs

The framework for durable solutions for all persons displaced in 1948, including internally displaced persons inside Israel, is set forth in paragraph 11 of UN General Assembly Resolution 194(III), 11 December 1948.<sup>19</sup> Resolution 194(III) affirms three separate rights (the right of return, the right to housing and property restitution, and the right to compensation) and two distinct solutions (return, restitution and compensation *or* resettlement, restitution and compensation) governed by the principle of individual refugee choice.

Paragraph 11(a) of the resolution delineates the specific rights and the primary durable solution for persons displaced in 1948. The General Assembly

*Resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those *choosing* not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.

In other words, the primary durable solution for these refugees is return, housing and property restitution, as well as compensation for loss of or damage to property.





Children of Deheisha refugee camp commemorating the *Nakba*, May 2002, occupied West Bank. © BADIL.

Refugees who choose not to exercise the rights set forth in paragraph 11(a), however, may opt for local integration in host states or resettlement in third countries, as well as housing and property restitution and compensation. Paragraph 11(b) "instructs" the UN Conciliation Commission for Palestine, the body mandated to facilitate implementation of durable solutions for 1948 refugees, to facilitate the resettlement of those refugees choosing not to return, and the payment of compensation. In other words, the sole trigger for the resettlement of Palestinian refugees displaced in 1948 is the voluntary choice of the refugee not to return to his or her place of origin.

The UN General Assembly intended to confer upon individual refugees the "right of exercising a free choice as to their future."<sup>20</sup> According to the UN Mediator in Palestine, the "unconditional right [of the refugees] to make a free choice should be fully respected."<sup>21</sup> Furthermore, it was stated that "the verb 'choose' indicates that the General Assembly assumed that [...] all the refugees would be given a free choice as to whether or not they wished to return home."<sup>22</sup>

In order for refugees to make a free choice, the United Nations recognized that they would need to be "fully informed of the conditions under which they would return."<sup>23</sup> Moreover, the individual choice of the refugee was not to be influenced or hindered in any way by the relevant governments. General Assembly Resolution 194(III) affirms the principle of safe return. Resolution 194(III) not only imposes an obligation upon refugees choosing to return "to live at peace with their neighbours", but also imposes an obligation upon Israel "to ensure the peace of the returning refugees and protect them from any elements seeking to disturb that peace."<sup>24</sup>

Resolution 194(III) also provides a general timetable for the implementation of the return of the refugees. The debate during the drafting process of the resolution indicates that the Assembly "agreed that the refugees should be allowed to return when stable conditions were established. It would appear indisputable that such conditions were established by the signing of the four Armistice Agreements."<sup>25</sup> The Assembly also rejected an amendment that included the phrase, "after the proclamation of peace between the contending parties in Palestine, including the Arab States."<sup>26</sup>

The framework for durable solutions for Palestinian refugees and IDPs displaced in 1967 is set forth in paragraph 1 of UN Security Council Resolution 237, 14 June 1967. This calls upon Israel to facilitate the

immediate return of all persons “who have fled [the West Bank, eastern Jerusalem, and the Gaza Strip] since the outbreak of the hostilities.” No conditions are attached to the implementation of the right of return. The United Nations has also affirmed the right of Palestinians in refugee-like situations due to expulsion, deportation, and denial of residency rights to return to their places of origin.<sup>27</sup>

For almost six decades, the United Nations has affirmed the right of Palestinian refugees and IDPs to return to their places of origin and repossess their homes and properties.<sup>28</sup>

#### 4.2.1 The Right of Return

The right of return is anchored in several bodies of international law: the law of nationality as applied upon state succession, humanitarian law, human rights law, and refugee law (a subset of human rights law that also incorporates humanitarian law).<sup>29</sup> The right of return has also been affirmed in numerous UN resolutions relating to other refugee and IDP situations.

Under the law of nationality, as applied upon state succession, newly emerging successor states are obligated to accord nationality status to all habitual residents of the territory undergoing the change in sovereignty, and to allow them to exercise their right of return to their homes or place of origin, regardless of where they may have been on the actual date of succession. Also under the law of nationality, states may not denationalize their own nationals in an attempt to cast them out. Specifically, states are required to re-admit their own nationals. The 2005 *Pinheiro Principles* clearly affirm that the return of refugees and displaced persons “cannot be abridged under conditions of State succession, nor can it be subject to arbitrary or unlawful time limitations.”<sup>30</sup>

Under humanitarian law, there is a general right of return, which applies to all displaced persons, irrespective of how they came to be displaced during the period of conflict. An occupying power must permit the local population to remain in, or return to, their place of origin following the cessation of hostilities. Deliberate, arbitrary displacement – especially when carried out on a mass scale – is expressly prohibited under humanitarian law and constitutes a war crime.<sup>31</sup> Article 45 of the *Fourth Geneva Convention relative to the Protection of Civilians*, which prohibits the transfer of protected persons to a power not party to the Convention, states that this provision: “shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.”<sup>32</sup> Article 49 of the Convention reiterates the same principle for protected persons living under occupation who have been transferred or evacuated from an area for the security of the population or imperative military reasons: namely, the right of persons to “be transferred back to their homes as soon as hostilities in the area in question have ceased.”<sup>33</sup> The *Protocol Additional to the Geneva Conventions* reaffirms the responsibility of “the High Contracting Parties and the Parties to the conflict [to] facilitate in every possible way the reunion of families dispersed as a result of armed conflicts” and notes that “unjustifiable delay in the repatriation of prisoners of war or civilians shall be regarded as grave breaches of this Protocol if committed wilfully and in violation of the Conventions or Protocol.”<sup>34</sup>

The right of return is also a customary norm of international human rights law, and is found in a vast array of international conventions, including the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Convention on the Elimination of all Forms of Racial Discrimination*, as well as regional human rights treaties.<sup>35</sup> For instance, the *International Covenant on Civil and Political Rights* stipulates that “no one shall be arbitrarily deprived of the right to enter his [or her] own country.”<sup>36</sup> Human rights law also incorporates the general prohibition against arbitrary displacement.

Finally, the right of return exists as a special subset of human rights law known as refugee law. The principle



Palestinian property in western Jerusalem. © Gerhard Bulfer/BADIL.

of refugees' absolute right of return to their place of origin (including their homes) is central to the implementation of durable solutions. According to UNHCR Executive Conclusion No. 40, for example, "the basic rights of persons to return voluntarily to the country of origin is reaffirmed and it is urged that international co-operation be aimed at achieving this solution and should be further developed."<sup>37</sup>

General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to return to their homes of origin. Paragraph 11(a) states: "refugees wishing to return to their homes [...] should be permitted to do so." The UN Mediator in Palestine, whose recommendations formed the basis of Resolution 194(III), explicitly noted that the right of return should be *affirmed* (rather than recognized) by the United Nations. Correspondence and reports of the UN Mediator repeatedly affirm the right of Palestinian refugees to return to their homes as a remedy to the arbitrary character of their displacement.

By 1948, the right of refugees and displaced persons to return to their places of origin had already assumed customary status in international law.<sup>38</sup> According to the American Representative to the UN in 1948, Resolution 194(III), paragraph 11, "endorsed a generally recognized principle and provided a means for implementing that principle."<sup>39</sup>

The resolution also affirmed the right of refugees to return to their homes of origin, clearly indicating the return of each refugee to "his[her] house or lodging and not to his [her] homeland."<sup>40</sup> The Assembly rejected two separate amendments that referred in more general terms to the return of refugees to "the areas from which they have come."<sup>41</sup>

The United Nations has reaffirmed the right of Palestinian refugees and IDPs to return to their homes in numerous Security Council and General Assembly resolutions. These include UN Security Council Resolutions 93 (18 May 1951) and 237 (14 June 1967), as well as UN General Assembly Resolutions 194 (11 December 1948), 3236 (22 November 1974) and 2252 (4 July 1967).

## 2.2.2 The Right to Restitution

The right to housing, land and property restitution is also anchored in four separate branches of international law: the law of nations, humanitarian law, human rights law, and refugee law.<sup>42</sup> Restitution is the name of a specific legal remedy designed to correct the illegal taking of private property from its rightful, original owner through restoring the wrongfully taken private property back to the ownership and possession of the original owner. The right to restitution has also been affirmed in numerous UN resolutions relating to other refugee and IDP cases.

Under the law of nations, private property may not be confiscated by governments unless: (1) the expropriation is being done for a valid (non-discriminatory) purpose; (2) adequate due process safeguards are employed (allowing the property owner to protest the proposed confiscation if it is not being done for a valid purpose); and (3) full compensation (or substitute property of equal value) is paid to the owner in exchange for the property. In the specific context of state succession, the Doctrine of Acquired Rights requires that the private property of individuals in the territory undergoing the change in sovereignty be respected by the successor state in all cases.

Under humanitarian law, the Hague Regulations, annexed to the *1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land*, contain at least 16 articles containing rules that require combatants to respect private property. Similarly, the *Fourth Geneva Convention* incorporates the private property protections found in the Hague Regulations and includes a particularly strong prohibition against “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” in Article 147, which defines “grave breaches” of humanitarian law.

Human rights law also includes the “right to own property free from arbitrary governmental interference.” This right is found in the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on Civil and Political Rights*, and in all three of the regional human rights conventions (i.e., African, inter-American and European). The right of restitution – which is the logical corollary of its “sister” right to own property – exists as the applicable remedy whenever property has been taken illegally (as determined by an independent, impartial tribunal) by a government or with official governmental sanction.

Moreover, the 2005 *Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles)* stipulate that the rights to housing, land, and property restitution are essential elements of conflict resolution, peace-building, and restorative justice.

States shall demonstrably prioritize the right to restitution as the preferred remedy for displacement and as a key element of restorative justice. The right to restitution exists as a distinct right, and is prejudiced neither by the actual return nor the non-return of refugees and displaced persons entitled to housing, land and property restitution.<sup>43</sup>

Finally, refugee law also contains the right of restitution. According to UNHCR Executive Committee Conclusion No. 101, for example, “all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile.”<sup>44</sup>

The UNHCR’s role in negotiations leading to peace agreements includes “ensuring that housing and property aspects of voluntary repatriation are fully taken into account.”<sup>45</sup> In this context, the UNHCR should:





Palestinian houses in the depopulated village of Lifta, Jerusalem. © Anne Paq.

seek to ensure that such agreements explicitly include provisions on the housing and property rights of those choosing to repatriate and that judicial or other mechanisms designed to ensure the implementation of such rights are established.<sup>46</sup>

The *Guiding Principles on Internal Displacement* reaffirm a similar principle, whereby

competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement.<sup>47</sup>

The United Nations has also affirmed the right of Palestinian refugees and IDPs to restitution in numerous resolutions. These include General Assembly Resolutions 194 (11 December 1948), 3236 (22 November 1974), 36/146 (16 December 1981) and 58/229 (23 December 2003).

General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to housing and property restitution. “The underlying principle of paragraph 11, sub-paragraph 1 [...] is that the Palestine refugees shall be permitted [...] to return to their homes *and be reinstated in the possession of the property* which they previously held”<sup>48</sup> [emphasis added]. The right to restitution for refugee property “wrongfully seized, sequestered, requisitioned, confiscated, or detained by the Israeli government”<sup>49</sup> reflected general principles of international law in 1948.

The right to housing and property restitution in Resolution 194(III) should also be read in light of the UN Mediator’s earlier communiqués to the UN Security Council. In June 1948, for example, the Mediator wrote that the residents of Palestine should be permitted both to return to their homes without restriction, and to regain possession of their property.<sup>50</sup> “There have been numerous reports from reliable sources of large-scale pillaging and plundering, and of instances of destruction of villages without apparent necessity. It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return *to their homes* [...]”<sup>51</sup> [emphasis added].



It is clear from the phrasing “to their homes” that the United Nations General Assembly intended to affirm the right of all persons displaced in 1948 to housing and property restitution. If the General Assembly had not intended to affirm this right, it is likely that broader language, referring to the right to return to one’s “homeland”, would have been adopted.

More recently, in 2004, the International Court of Justice advisory opinion on the legal consequences arising from the construction of the Wall in the occupied West Bank reaffirmed the right to restitution of Palestinians, including refugees and IDPs. The Court ruled that “Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory.”<sup>52</sup>

### 4.2.3 The Right to Compensation

The right of refugees and IDPs to compensation is anchored in several bodies of international law, including the law of nations, humanitarian law, human rights law, and refugee law.<sup>53</sup> Compensation refers to a legal remedy whereby a person receives monetary payment for harm suffered. Compensation should not be seen as an alternative to restitution and should only be used when restitution is not practically possible, or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution.

Under humanitarian law, states have an obligation to pay compensation for breaches of their obligations in accordance with Article 3 of the *1907 Hague Convention (IV) respecting the Laws and Customs of War on Land*, Article 148 of the *Fourth Geneva Convention*, and Article 91 of the *Additional Protocol I*. The Hague Regulations annexed to the *1907 Convention* provide for an individual’s right to demand compensation for losses sustained in cases of violations. The *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* also stipulates that an Occupying Power should ensure that fair value is paid for any requisitioned goods.

International refugee law also affirms the right of refugees and IDPs to compensation. In 1992, the International Law Commission adopted the *Declaration of Principles of International Law on Compensation to Refugees*. According to UNHCR Executive Committee Conclusion No. 101, which affirms the right of refugees and displaced persons to housing and property restitution “where property cannot be restored, returning refugees should be justly and adequately compensated by the country of origin.”<sup>54</sup> Similarly, *The Guiding Principles on Internal Displacement* state that “when recovery of such property and possessions is not possible, competent authorities shall provide or assist [IDPs] in obtaining appropriate compensation or another form of just reparation.”<sup>55</sup>

The United Nations has affirmed the right of Palestinian refugees and IDPs to compensation in several resolutions. These include General Assembly Resolutions 194 (11 December 1948), 36/146 (16 December 1981) and 58/229 (23 December 2003). This includes the right of refugees to demand individual claims irrespective of lump sum or collective payments. Under the Final Act of the 1945 Paris Conference on Reparations, for example, the Allied governments provided that the method of collective reparations would not prejudice individual claims by refugees.

General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to compensation. Paragraph 11 affirms two types of compensation: (1) payment to refugees choosing not to return to their homes; and (2) payment for the loss of or damage to [movable and immovable] property. The right to compensation applies to all refugees, irrespective of whether they choose to exercise their right of return.

The adoption of the phrase “loss of or damage to property which under principles of international law or in equity should be made good” indicates that the General Assembly resolution did not intend to arbitrarily limit claims to compensation for losses and damages.<sup>56</sup> A broader set of claims might include compensation for human

capital losses and psychological suffering. The reference to international law was specifically included for those refugees choosing to exercise their right of return in the event that domestic law in the new state of Israel would not provide equal protection for the right to compensation for Palestinian refugees and IDPs choosing to return to their homes.<sup>57</sup>



Refugee students passing a demolished home in Rafah refugee camp, occupied Gaza Strip, 2005. © Nathalie Bardou/BADIL.

Paragraph 11 reflected the recommendations of the UN Mediator in Palestine, who called upon the United Nations to affirm the “payment of adequate compensation for the property of those choosing not to return.”<sup>58</sup> Compensation also aimed to provide a remedy for “large-scale looting, pillaging and plundering, and of instances of destruction of villages without apparent military necessity.”<sup>59</sup> The Mediator also stated that “[t]he liability of the Government of Israel [...] to indemnify those owners for property wantonly destroyed ... is clear, irrespective of any indemnities which the Provisional Government may claim from the Arab States.”<sup>60</sup>

More recently, in 2004, the International Court of Justice rendered an advisory opinion on the legal consequences arising from the construction of the Wall and associated regime in the occupied West Bank, and reaffirmed the right to compensation of Palestinian victims, including refugees and IDPs. “The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the Wall’s construction.”<sup>61</sup>

### Law of State Responsibility

#### Reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law

Under the Law of State Responsibility, states are responsible for the commission of an internationally wrongful act. Elements of an internationally wrongful act include conduct consisting of an action or omission that is attributable to the state under international law, and conduct that constitutes a breach of an international obligation of the state. Successor governments remain bound by the responsibility incurred by predecessor governments.

Refugees and IDPs who are victims of gross violations of international human rights law and serious violations of international humanitarian law are entitled to reparation. When a person becomes a refugee, those rights whose full enjoyment are attached to a person’s ability to live in his or her own country are violated. Such victims are defined as “persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violation of international humanitarian law.” Victims also include “the immediate family or dependents of the direct victim.”

Numerous human rights instruments include express provisions regarding the right of every individual to reparation for human rights violations, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*. The *International Covenant on Civil and Political Rights* and all three regional human rights conventions (i.e., African, inter-American and European) recognize an enforceable right to compensation. The *International Convention on the Elimination*

of *All Forms of Racial Discrimination* provides for the right to seek “just and adequate reparation or satisfaction for any damage suffered” as a result of racial discrimination.<sup>62</sup> Reparation includes restitution, compensation, rehabilitation, satisfaction, and guarantee of non-repetition of the original violation.

**Restitution** should, whenever possible, restore the victim to the original situation before the gross violation of international human rights law or serious violation of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty; enjoyment of human rights, identity, family life and citizenship; return to one’s place of residence; return of property; and restoration of employment.

**Compensation** should be provided for any economically assessable damage (as appropriate and proportional to the gravity of the violation and the circumstances of each case) resulting from gross violation of international human rights law and serious violation of international humanitarian law, such as:

- (a) Physical or mental harm;
- (b) Lost opportunities, including employment, education and social benefits;
- (c) Material damages and loss of earnings, including loss of earning potential;
- (d) Moral damage;
- (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

**Rehabilitation** should include medical and psychological care, as well as legal and social services.

**Satisfaction** should include, where applicable, any or all of the following:

- (a) Effective measures aimed at the cessation of continuing violations;
- (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (c) The search for the whereabouts of the disappeared, for the identities of any abducted children, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;
- (f) Judicial and administrative sanctions against persons liable for the violations;
- (g) Commemorations and tributes to the victims;
- (h) Inclusion of an accurate account of the violations that occurred under international human rights law and international humanitarian law in training and educational materials at all levels.

**Guarantees of non-repetition** should include, where applicable, any or all of the following measures, which will also contribute to prevention:

- (a) Ensuring effective civilian control of military and security forces;
- (b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;
- (c) Strengthening the independence of the judiciary;
- (d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;
- (e) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society, alongside training for law enforcement officials and military and security forces;
- (f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;
- (g) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;
- (h) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.

Source: UNGA Resolution A/RES/60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 21 March 2006.

## 4.3 Protection in Israel and the 1967-occupied Palestinian Territory

### Instruments and Mechanisms

Unlike Arab host states, Israel has a special obligation to protect Palestinian refugees and IDPs for a number of reasons: Israel as a successor state to pre-1948 Palestine is the country of origin of the majority of Palestinian refugees and IDPs; it has played a direct role in their protracted forced displacement; and a heightened protection regime applies under international humanitarian law to those Palestinian civilians, including refugees and IDPs, residing in the occupied West Bank and Gaza Strip. Israel thus has a primary obligation to protect, including the facilitation of durable solutions.

Israel is a signatory to the 1951 *Refugee Convention* (but not to the 1967 *Protocol*), but does not apply this in the case of Palestinian refugees. Neither does Israel apply the 1998 *Guiding Principles on Internal Displacement* to internally displaced Palestinians. Israel is a signatory to the Fourth Geneva Convention, but does not recognize its *de jure* applicability to the occupied Palestinian territory,<sup>63</sup> and argues that international human rights conventions do not apply to their population. The Israeli High Court has however accepted the *de facto* application of certain provisions to the OPT.

### 4.3.1 Protection of Palestinian Refugees and IDPs in Israel

#### *a) The right to protection from persecution and forcible displacement*

Israel's domestic law is designed to exclude Palestinian refugees and IDPs from the right of return, citizenship/residency rights, and the right to housing and property restitution. Israel's domestic law affords preferential treatment to Jews in accordance with Israel's status as a "Jewish state".<sup>64</sup> Israel thereby violates its obligation to facilitate repatriation and restitution for Palestinian refugees and IDPs. Moreover, discriminatory laws and policies violate the protected rights of all Palestinian citizens of Israel (including those of Palestinian IDPs).



Israeli policeman guarding a bulldozer demolishing Palestinian homes in the Naqab. April 2005.  
(© source: akhbarna.com)

More than a quarter of a million internally displaced Palestinians reside in Israel. Internally displaced Palestinians are citizens of Israel.<sup>65</sup> Israel's domestic law therefore regulates protection. The number of IDPs in Israel continues to increase as a result of home demolition and land confiscation. Recent examples include the arbitrary displacement and forced resettlement of Bedouin Palestinian citizens to "concentration cities" in the Naqab (Negev) under the guise of "development plans" for Jews only. Israel thus fails to protect Palestinian citizens from arbitrary displacement. (See Chapter One)

Moreover, discrimination and forcible displacement are encouraged by the state of Israel through tolerance of racist public campaigns, headed by members of the political establishment in Israel, that call for the "transfer" of



Palestinian citizens. Former Prime Minister Ariel Sharon has for instance warned that once the Wall is completed, Israel will begin to expel “illegal Arabs” from Israel, including thousands of Palestinians awaiting determination of family reunification process.<sup>66</sup>

*b) The rights to return and citizenship/residency*

Palestinians, including IDPs, who remained in Israel after the 1948 war were issued citizenship under the *Citizenship and Entry into Israel Law* (1952) and in line with the policy to exclude claims to refugee and IDP rights. This law effectively excludes all Palestinians displaced outside the borders of the state in 1948 from returning and acquiring citizenship in Israel, *de facto* denationalizing them. The law does not entitle Palestinian citizens, including IDPs, to reunite with family members residing abroad. In contrast, all Jewish people, regardless of their national origin or citizenship, have the right to residency and citizenship in Israel under the *Law of Return* (1950).

*c) The right to family reunification*

Palestinian citizens, including IDPs, who marry a Palestinian resident of the 1967-occupied Palestinian territory cannot obtain permission for family reunification and may face difficulties in retaining their citizenship and residency status in Israel. According to the latest amendment to the 1952 *Citizenship and Entry into Israel Law* (2005), only Palestinian men aged 35 and older and women aged 25 and older are eligible for temporary visit permits to Israel. They are, however, prevented from submitting applications for residency or citizenship.

*d) The right to housing and property*

Palestinian citizens, including IDPs, have the right to own property. However, Israel has adopted a series of land laws to facilitate the confiscation and transfer of immovable property owned by Palestinians to the state, the World Zionist Organization (WZO) and the Jewish National Fund (JNF).<sup>67</sup> Property held by the state, the WZO and the JNF is administered by the Israel Land Authority (ILA) and may not be transferred by sale or in any other manner.<sup>68</sup> Palestinian refugees and IDPs displaced in 1948 are considered “absentees” and “present absentees” under Israeli law with regard to property owned or used before 1948, and cannot repossess such property, which was transferred to the Custodian of Absentees’ Property and is now managed by the ILA. Israeli land laws have little effect on Jewish citizens, who do not usually own private land, and Jews may repossess property managed by the Custodian.

*e) The right to education and public services*

Palestinian citizens, including IDPs, have the right to public education free of charge. Israel’s public education system has two separate education streams, state secular and state religious (Jewish). Secular elementary and secondary education is conducted in separate schools for Palestinians and Jews. Schools serving the Palestinian public receive fewer resources and are obliged to present a curriculum that advances Jewish culture and Zionist ideology.<sup>69</sup> Public religious schools serve Jewish citizens only; there are no public religious schools for Palestinian Muslims and Christians. No Arabic-language university education is available, and Palestinians, including IDPs, are thus disadvantaged when taking university entrance exams. They also experience difficulty in paying university fees. In general, Palestinian citizens, including IDPs, have unequal access to public services in Israel. This is mainly as a result of informal discrimination, and also because they are excluded from services provided by agencies of the World Zionist Organization (WZO). These operate as private agencies abroad, but carry parastatal status in Israel under the terms of the Israel Lands Law (1960).



*f) The right to work*

Palestinian citizens, including IDPs, have the same right to employment as Jewish nationals of Israel, and discrimination with regard to employment is prohibited. However, Palestinians experience informal discrimination in both the public and private sectors.<sup>70</sup>

#### **4.3.2 Protection of Palestinian Refugees and IDPs in the 1967-occupied Palestinian Territory**

In the 1967-occupied Palestinian territory, 4.0 million Palestinians effectively live under the military control of Israel; at least 2.8 million of them are refugees and/or IDPs. Under international humanitarian law, their protection is the responsibility and duty of the occupying power, Israel, and not the Palestinian Authority (PA), which is a non-sovereign entity under occupation that lacks the power to protect. In practice, the status and rights of Palestinian refugees and IDPs in the 1967-occupied territory are partially regulated by Palestinian Authority civil law, but this is in turn restricted by thousands of Israeli occupation policies.



Jahalin bedouin facing displacement and living near the Jewish colonies of Qedar and Ma'ale Adumim near Jerusalem, August 2006. © Anne Paq.

The UN Office for the Co-ordination of Humanitarian Affairs (OCHA) characterizes the situation as “the complex interaction of a lack of protection of the civilian population materializing by gross human rights abuses and increased violence [and] a lack of access leading to restricted movement of persons and goods within, to, and from the OPT.[...]”<sup>71</sup>

*a) The right to life*

In the occupied Palestinian territory, protection of civilians remains a serious concern due to Israel's unwillingness to protect Palestinian civilians. During 2006, 678 Palestinians were killed in the OPT and Israel as a result of ongoing conflict. This figure represents a 215% increase of the 2005 figure.<sup>72</sup> Since the beginning of the second *intifada* in 2000, over 5,000 Palestinians have been killed and 49,760 injured by the Israeli army.<sup>73</sup> Although accurate figures cannot be established, it is estimated that approximately half of those killed or injured were refugees or IDPs. Refugee children in UN schools are not safe either.<sup>74</sup> Over 160 UNRWA students have been killed and approximately 1,600 injured since the beginning of the second *intifada* (October 2000 to December 2006).

*b) The right to protection from persecution and forcible displacement*

Israel's policies cause new displacement of Palestinian residents, as well as the repeated displacement of refugees and IDPs, both inside the occupied territory and across regional borders. Forcible displacement is caused by violations of international humanitarian and human rights law, including unnecessary and disproportionate damage inflicted on the civilian population, and violation of Article 49 of the Geneva Convention prohibiting the transfer of civilians (Jewish settlers) by the occupying power into occupied territory. Additional factors that induce forcible displacement include restrictions on movement, revocation of residency rights, denial of family reunification, confiscation of Palestinian land, and (since 2002) the construction of the Wall and its associated regime. (See Chapter One)

*c) The right to non-discrimination*

Israel's regime of occupation, which includes elements of colonialism and apartheid, violates the right to equality of Palestinian residents, including 1948 refugees and IDPs, under international humanitarian and human rights law. For instance, Israel does not apply military law to Jewish settlers in the occupied Palestinian territory. In violation of the principle of non-discrimination, they remain subject to Israel's civil regime.

*d) The right of return*

Following Israel's domestic laws, Israeli military regulations deny Palestinian refugees and IDPs, including 1967 refugees the right of return and restitution.

*e) Freedom of movement*

Freedom of movement between occupied West Bank districts is severely restricted, and largely non-existent between the occupied West Bank and Gaza Strip, and between the occupied West Bank and occupied eastern Jerusalem. Restriction of movement as a result of military closures, over 500 checkpoints and physical obstacles,<sup>75</sup> the permit system, curfews and the construction of the Wall in the occupied West Bank, are major factors limiting the exercise of other protected rights by the Palestinian population, including refugees and IDPs.



Palestinians passing one of 600 checkpoints in the occupied West Bank, 2006. © Anne Paq.

*f) Residency rights and the right to family life*

Palestinian refugees and internally displaced persons in the 1967-occupied Palestinian territory (except occupied eastern Jerusalem) have the same residency status as non-refugee Palestinians, as part of Israel's policy to enforce integration of refugees into the host community (i.e. residents of the OPT).<sup>76</sup> Under Israeli military law, they are considered permanent resident aliens. Israel, and not the Palestinian Authority, retains overall control of the regulation of residency status in the occupied Palestinian territory.<sup>77</sup> Forcible displacement due to revocation of resident status by Israel was common until the 1995 *Taba Agreement* between Israel and the PLO, which, for the first time, protected the right of Palestinians to reside in the occupied West Bank and Gaza Strip.<sup>78</sup> However, Israel continues to treat the occupied West Bank and the Gaza Strip as separate entities with regard to residency, and Palestinians are not permitted to change their domicile from one area to the other. Israel's procedures for the reunification of Palestinian families in the occupied Palestinian territory was arbitrary and restricted between 1967 and 2000, and has come to a complete halt since then. This encourages Palestinian residents, refugees in particular, to leave the country in order to live with their families.

Since 1967, Israel has unilaterally annexed occupied eastern Jerusalem in violation of international law.<sup>79</sup> As a result, Israel's domestic civil regime is applied to the Palestinian inhabitants of the city, but without the protection deriving from residency or citizenship. Palestinians, including refugees and IDPs, in occupied Jerusalem are considered "permanent residents" under the *Citizenship and Entry Into Israel Law* (1952) and *Regulations* (1974). Their residency rights can be and sometimes are revoked under this legislation.<sup>80</sup>

*g) The right to property*

Palestinian refugees and IDPs in the 1967-occupied Palestinian territory have the right to own property. This right, however, is violated by Israel's occupation, in particular by excessive and arbitrary destruction of property during military operations, which are especially frequent in Palestinian refugee camps. More significant, however, are military orders that have enabled Israel to confiscate vast areas of Palestinian land and property, including refugee property.<sup>81</sup> Property in the occupied Palestinian territory held by the state of Israel and the Jewish National Fund (JNF) may not be transferred by sale or in any other manner.<sup>82</sup> The construction of the Wall in the occupied West Bank, beginning in 2002, has imposed further restrictions on the right to property.

*h) The right to work, education and public services*

Palestinian refugees and internally displaced persons in the 1967-occupied Palestinian territory have the same right to work and public services as non-refugee Palestinians, but not the same rights as Jewish settlers in these territory. Refugees displaced by the 1948 war have the right to free elementary and secondary education, irrespective of whether they attend public or UNRWA-operated schools. Access to work and essential services, however, is severely restricted by Israel's occupation, particularly the restrictions on movement and the precarious physical environment.

*i) The right to a nationality, identity and travel document*

Like non-refugee Palestinians, refugees and IDPs in the 1967-occupied Palestinian territory may obtain a "Palestinian Passport" that functions as a travel document.<sup>83</sup> Refugees and IDPs who held Jordanian passports before July 1988<sup>84</sup> are also eligible for a two or five-year renewable Jordanian passport, which functions as a travel document. Those who hold both a Palestinian passport and a passport from a second state must enter and exit the OPT on their "Palestinian Passport". Palestinian residents of Jerusalem who hold Jordanian passports and wish to travel via land to Jordan must obtain a permit from the Israeli Ministry of Interior; a *laissez-passer* is required for travel via Israel's international airport. Since January 2002, holders of Palestinian passports from the occupied West Bank and Gaza Strip, including Palestinians with dual citizenship, have not been permitted to exit or enter Israel through Ben Gurion International Airport in Tel Aviv.<sup>85</sup>



Palestinian from the West Bank and Gaza Strip using a travel document. Rafah crossing, 2006 (© source: wafa.ps)

## 4.4 Protection in Arab Host States

### 4.4.1 Instruments and Mechanisms of the League of Arab States

There is no regional refugee convention in the Arab world.<sup>86</sup> Most states in the Middle East in which the majority of Palestinian refugees reside are not signatories to the 1951 *Refugee Convention*.<sup>87</sup> Outside the global framework of the 1951 *Refugee Convention*, the League of Arab States (LAS) has provided a form of temporary protection to Palestinian refugees in member states for almost six decades. The LAS was established in 1945 with the “purpose of [...] draw[ing] closer the relations between member States and co-ordinat[ing] their activities with the aim of realizing a close collaboration between them.”<sup>88</sup> No structure specifically focused on internal displacement in the Middle East. The LAS does not address IDP issues in general, although it does address the displacement of Palestinians in special circumstances.

The 1969 *Convention Governing Specific Aspects of Refugee Problems in Africa*, which is applicable to African-Arab states, includes provisions for residency, travel documents and voluntary repatriation.<sup>89</sup> Few Palestinian refugees reside in OAU Convention signatory states.<sup>90</sup>

The 1992 Declaration on the Protection of Refugees and Displaced Persons in the Arab World still has no binding force. Its request from the United Nations to extend the necessary protection to Palestinian refugees, and the call to the LAS to develop an Arab Refugee Convention have as yet received no response.<sup>91</sup>

The LAS Council and the Council of Arab Ministers of the Interior have, however, adopted a series of resolutions concerning the status and treatment of Palestinian refugees in their territory.<sup>92</sup> The primary resolution concerning the status and treatment of Palestinian refugees in Arab states is the 1965 *Protocol on the Treatment of Palestinians (Casablanca Protocol)*.<sup>93</sup> Under this Protocol, Palestinians have the right to employment on par with nationals of the

host country,<sup>94</sup> the right to leave and enter host states,<sup>95</sup> freedom of movement,<sup>96</sup> the right to a travel document,<sup>97</sup> and the right to the same treatment as LAS nationals with regard to visas and residency applications.<sup>98</sup>

While the *Casablanca Protocol* is narrower in scope than the 1951 *Refugee Convention*, some of its provisions grant greater rights in theory than those set out in the *Refugee Convention*. In the arena of self-employment and employment in the liberal professions, the *Casablanca Protocol* provides for the same treatment as nationals, whereas the *Refugee Convention* only provides for treatment as favourable as possible, and not less than that accorded to resident aliens. Article 26 of the 1951 *Refugee Convention* provides for freedom of movement within the host country, whereas Articles 2 and 3 of the *Casablanca Protocol* also provide for freedom of movement between Arab states. The *Casablanca Protocol*, however, is not a Convention, and is not legally binding. Not all member states of the League of Arab States are signatories to the *Casablanca Protocol*.

Other LAS resolutions have addressed the reunification of divided families (e.g., Resolution 424, 14 September 1952) and the issuance of a standard travel document (Resolution 714, 27 January 1952). No uniform identity paper or travel document, however, has ever been designed or issued by the LAS. Travel documents are issued by individual member states. In 1970, the LAS Supervisors Conference adopted Resolution 2600, stating that the acquisition of another nationality would not trigger the cessation of refugee status in LAS member states. In 1977, the PLO proposed that a Palestinian passport be issued that would be recognized beyond the Arab region. The proposal was never implemented, however, due to the absence of a Palestinian state and lack of sufficient Arab political will. In 1982, the LAS adopted Special Resolution 8 stipulating that travel documents issued to Palestinians should be granted in the same manner as national passports are issued to citizens.

During the 1991 Gulf war, the LAS adopted Resolution 5093, which authorized states to treat Palestinian refugees in accordance with domestic law rather than under the provisions set forth in the 1965 Protocol.<sup>99</sup> The resolution weakened respect for the *Casablanca Protocol*.

LAS efforts to contribute to the search for durable solutions have remained unsuccessful, largely due to Israel's denial of the right of refugees to return and the lack of international political will. The LAS and member states have, however, provided protection to Palestinian refugees through relief and assistance. With regard to international protection and assistance, the LAS emphasizes the importance of continued international support for UNRWA as an indicator of international responsibility for the Palestinian refugee issue, and until such time as the issue is resolved on the basis of Resolution 194(III).

The LAS and member states have not encouraged the UNHCR to play a formal role in protecting Palestinian refugees, due to concern that UNHCR involvement might result in a decrease of international donor support to UNRWA, and also for fear of weakening the right of return. The LAS and the UNHCR have signed a memorandum of understanding, which reaffirms the need to maintain UNRWA and its services to Palestinian refugees in its five areas of operation until a just solution for the problem of refugees is found on the basis of United Nations resolutions. The LAS and the UNHCR have also signed a co-operation agreement that provides for periodical consultation, mutual representation, exchange of documents and information, and co-operation with UNRWA.<sup>100</sup>

#### **4.4.2 Protection Practice in Arab Host States**

More than two-thirds of the Palestinian refugees reside in Arab host states and in the 1967-occupied Palestinian territory.<sup>101</sup> Jordan, Syria, Lebanon, Saudi Arabia, and Egypt host the majority of Palestinian refugees in the Arab world.

Jordan, Syria, Egypt, Algeria, Iraq, Yemen and the Sudan have all ratified the *Casablanca Protocol*. Kuwait, Lebanon and Libya have endorsed the *Casablanca Protocol*, but with reservations.<sup>102</sup> Saudi Arabia, Morocco and Tunisia are not signatories.



### The PLO and Refugee/IDP Protection

In 1974, the United Nations recognized the Palestine Liberation Organization (PLO) as the legitimate representative of the Palestinian people, most of whom are refugees. The PLO is the Palestinian organization mandated to search for a durable solution based on the right of return. Although not a state party, the PLO has provided some protection for Palestinian refugees in host countries. Historically, the PLO has protected Palestinian refugees through diplomatic interventions and political pressure on relevant state authorities, and by offering access to health care, education and employment in its broad network of economic and service institutions.

Protection provided by the PLO, however, has been susceptible to political developments in host countries. The 1969 *Cairo Agreement*, for instance, regulated the status and freedom of the PLO in Lebanon and provided substantial protection to Palestinian refugees. In 1982, however, the PLO was forced to leave Lebanon as part of a US-brokered cease-fire agreement with Israel, leaving behind Palestinian refugees who lacked physical and political protection. During the late 1970s, and again in the 1980s, relations between Egypt and the PLO declined, leaving Palestinians with less effective protection in that country. For instance, the preferential treatment given to Palestinian refugees in the field of education and employment were withdrawn. Nevertheless, the PLO intervened with Egyptian authorities on behalf of Palestinian university students who were sometimes deprived from sitting for their final exams at university and paid the university fees of many of them. In the 1990s, Kuwait severed relations with and funding to the PLO in response to PLO support for the Iraqi invasion of Kuwait, with some 300,000 Palestinians being forced to leave the country as a result. Palestinians were also expelled from Libya to punish the PLO for having signed the Oslo Accords with Israel. When US-led sanctions triggered a humanitarian crisis in Iraq in the 1990s, the PLO approached UNRWA, UNHCR and other international organizations about the possibility of registering Palestinian refugees in Iraq with UNRWA in order to improve the level of assistance. More recently, the PLO has called upon the US (as an occupying power) and the Iraqi government to protect Palestinians in Iraq. It has offered to take Palestinian refugees from Iraq into the occupied Palestinian territory, but the government of Israel has refused to allow such refugees to enter.

The 1993 Oslo Accords with Israel resulted in mutual recognition and the relocation of the PLO from exile to the Israeli-occupied West Bank and Gaza Strip. Throughout the 1990s, PLO resources were mainly invested in building a Palestinian Authority, which – pending a final peace agreement with Israel – was to become the government of a sovereign and independent state. The *de facto* merger of the PLO with the PA resulted in the weakening of the PLO, which subsequently lost its ability to protect Palestinian refugees in exile.

Palestinian refugees in the 1967-occupied Palestinian territory came under the combined jurisdiction of the PA and the PLO, which viewed the occupied territory as a host country for Palestinian refugees. However, the ability of national authorities to protect this population, including refugees and IDPs, was limited from the beginning as a result of the limited powers granted to them under the terms of the interim political agreements with Israel. The destruction of PA infrastructure by Israel since the beginning of the second *intifada* in 2000, and the imposition of sanctions against the democratically elected Palestinian Authority in January 2006, have severely curtailed the PA's ability to protect refugees and IDPs in the occupied territory.

Investigations conducted by the LAS Supervisors Conference have concluded that implementation of LAS standards for the treatment of Palestinians in member states is poor, and LAS monitoring and enforcement initiatives have not produced significant or lasting improvements. Treatment accorded to Palestinian refugees in Egypt, Lebanon, Libya, Kuwait and other Gulf states, in particular, is often similar to protection standards accorded to foreigners. In contrast, Palestinian refugees in Jordan, Syria, Algeria, Morocco and Tunisia have generally enjoyed relatively favourable treatment by host country authorities.

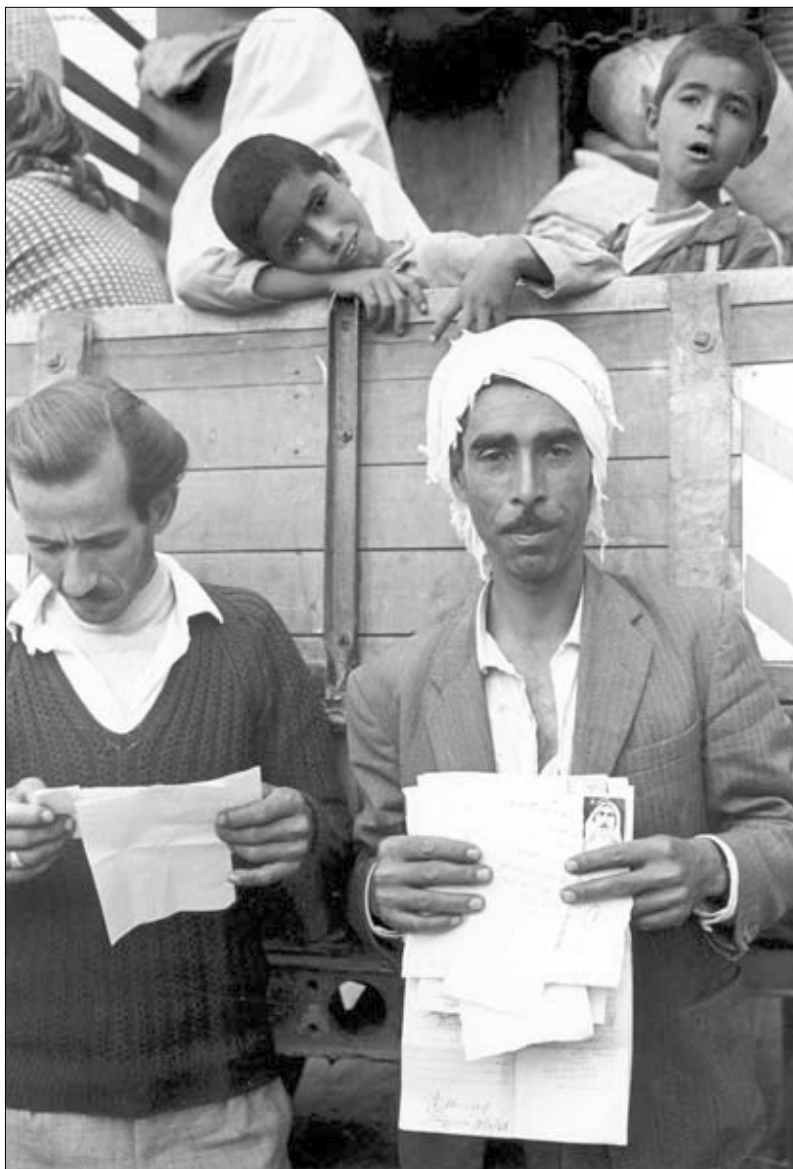
National and regional political considerations often over-ride protection standards and result in very partial and inconsistent protection of Palestinian refugees. Adherence to LAS standards has decreased, particularly since 1991, when, in response to the PLO's stand on the Iraqi invasion of Kuwait, the LAS authorized states to treat Palestinian refugees in accordance with domestic law. The weakness of the PLO, and concerns among Arab states about international pressure for permanent resettlement of Palestinians in their territory, have led to further erosion of regional and national protection regimes, especially since the 1993 Oslo Accords between the PLO and Israel.

#### *a. The right not to be expelled (non-refoulement)*

Arab host states have frequently violated the principle of *non-refoulement*, either by expelling Palestinian refugees to the frontiers of territory where their lives and freedoms were threatened, or by denying entry to Palestinian refugees fleeing persecution by another host state. Examples include the massive expulsion of Palestinians from

Kuwait in the context of the 1991 Gulf War, the expulsion of Palestinian refugees and the cancellation of their residency rights by Libya during 1994–1995, and the refusal of Arab host states to admit Palestinian refugees fleeing war, occupation and persecution in Iraq since 2003. Failure by Arab states to protect against *refoulement* has resulted in repeated and protracted emergency situations in which large numbers of Palestinian refugees have been stranded on borders between countries in the region.

*b. Rights to residency and to leave and re-enter*



Palestinians on their way across Allenby Bridge to Jordan during the 1967 war. © UNRWA Archives.

Arab states generally grant residency permits to Palestinian refugees. However, residency status varies. LAS standards and international law do not require that host states grant citizenship, and few Palestinian refugees have acquired citizenship in Arab host states (with the exception of refugees in Jordan). Dual nationality is generally not recognized by LAS member states.

In Jordan, Palestinian refugees present on 16 February 1954 were granted citizenship by administrative decision, conditional upon the achievement of a permanent solution in the region in the future.<sup>103</sup> Those who arrived from the occupied West Bank and took up residence in Jordan before 1 June 1983 are eligible for citizenship, but this is not automatically granted. This does not apply to the some 100,000 Palestinian refugees who fled the occupied Gaza Strip during or after the 1967 war and found shelter in Jordan, and their descendants. They are required to renew temporary residency permits.<sup>104</sup> The same applies to Palestinian refugees from the occupied West Bank who entered Jordan after 1 June 1983.<sup>105</sup>

Palestinian refugees in Egypt are subject to three categories of

residence permits: (1) special residence for a period of ten years to those who – prior to 1952 – were born in Egypt, resided in Egypt for at least twenty years, or performed work or services for the country for more than five years; (2) ordinary residence for a period of five years to those who had resided in Egypt fifteen years prior to 1952; (3) temporary residence for a period of one to five years to all other foreigners, including Palestinian refugees. The majority of Palestinians in Egypt fall within the third category and are considered foreigners. Palestinians who have stayed in Egypt for more than ten years can renew their residency every three or five years. Palestinian refugees may lose their residency rights if they stay abroad for longer than

six months, unless they have a special authorization. Refugees recognized by the UNHCR are granted six month-renewable residence permits.

In Syria and (pre-war) Iraq, residency permits to Palestinian refugees were issued in accordance with the *Casablanca Protocol*. Palestinian refugees in Iraq were granted preferential treatment with regard to naturalization.<sup>106</sup> The current legal status of Palestinians in Iraq is unclear, although the Palestinian community in Baghdad has expressed concerns regarding the renewal of their residency permit every two months and the confiscation of their documents.<sup>107</sup> Palestinian refugees in Syria enjoy most of the residency, social and civil rights of Syrian nationals. Palestinian refugees in Syria may acquire Syrian citizenship if they are women married to Syrian men, had Syrian citizenship before 1948, or by special dispensation from the Ministry of the Interior.<sup>108</sup>

In Lebanon, only those Palestinian refugees who took direct refuge in Lebanon in 1948 and registered with both UNRWA and the Department of Political Affairs and Refugees (DPAR),<sup>109</sup> and those who came in the 1960s and 1970s and registered with the DPAR (often called non-registered refugees), are eligible for residency; their legal status is that of a special category of foreigners. Palestinian refugees who are not registered with either UNRWA or the DPAR (often called non-ID refugees) are not eligible for residency and are considered to be residing illegally in Lebanon.<sup>110</sup> It is estimated that there are 3,000 to 4,000 such persons.<sup>111</sup> Fear of working or venturing beyond camp perimeters in case of arrest or detention has seriously affected the lives and freedom of movement of non-ID refugees in Lebanon.<sup>112</sup> A small number of Palestinian refugees have acquired citizenship in Lebanon.<sup>113</sup>

The number of Palestinians residing in the Gulf states has fluctuated greatly, mainly as a result of political and military crises, in particular the 1991 Gulf War.<sup>114</sup> Palestinians reach Gulf states from their first place of refuge in one of Arab states bordering Palestine and the OPT.<sup>115</sup> Palestinians in the Gulf are considered migrant workers and their residency status is closely related to employment status; all foreigners have to leave the country upon termination of their employment. Return to the first country of refuge is often impossible for Palestinians who, in their absence, are likely to have lost their residency status there.<sup>116</sup> Since 2002, Arab citizens or residents from non-Gulf Co-operation Council states, including Palestinian refugees, have not been allowed to stay in Kuwait for more than three months.<sup>117</sup> Ten years of residence are required before they become eligible for citizenship in Kuwait. Although subject to the same regulations as foreigners, Palestinian refugees in Saudi Arabia “have been slowly and silently moving from the status of expatriate to something else, to a new category with a more favourable treatment that still does not exist in the local legislation.”<sup>118</sup>

Prior to 1994, Palestinians residing in Libya generally enjoyed the same residency rights as Libyan nationals, although many Palestinians have had to live in specially designated areas. However, in response to the 1993 Oslo Accords between the PLO and Israel, the Libyan government expelled Palestinians from its territory, causing a humanitarian crisis on its border and a political crisis with Egypt. The crisis was resolved in 1998 following international intervention. Expelled Palestinians were eventually re-admitted, but residency rights have not been reinstated to their previous level.

### *c. The right to an identity and travel document*

Most Palestinian refugees and internally displaced are stateless persons (see box: Status of Palestinian Refugees under the Statelessness Conventions) and require travel documents in order to move across international borders. Most Arab host states issue travel documents in accordance with the *Casablanca Protocol*. Refugees residing in states that signed the 1951 *Refugee Convention* and who are recognized as “Convention Refugees” are eligible for Convention travel documents.

Palestinian refugees displaced to Jordan in 1948 hold Jordanian citizenship and regular passports; they do not require travel documents. In Jordan, a number of Palestinian refugees from the occupied Gaza Strip who entered

Jordan during and after the 1967 war, and who do not have Jordanian citizenship, usually hold expired Egyptian-issued travel documents. They require a return visa to re-enter Jordan <sup>119</sup>

Palestinian refugees in Syria are issued identity cards and six-year travel documents similar to Syrian passports. All persons, including citizens and Palestinian refugees, are required to obtain special permission to travel abroad. Prior to the US-led invasion and occupation, refugees in Iraq were eligible for a five-year travel document. <sup>120</sup> However, Iraqi travel documents for Palestinians are no longer recognized by most states. Palestinians may leave Iraq but are often denied entry to neighbouring countries.

Most refugees in Lebanon receive an identification card and a special travel document, which varies depending on their status (i.e., registered refugees, non-registered refugees and non-ID refugees). Refugees who are registered with both UNRWA and the Department of Political Affairs and Refugees (DPAR) of the government of Lebanon hold permanent residency cards and travel documents valid for five years. Refugees not registered with UNRWA, but registered with DPAR, are issued the same residency card, but a different travel document (*Laissez Passer*). This is valid for one year and renewable three times. Refugees not registered with either UNRWA or the DPAR are not entitled to residency and travel documents. The right to residency and travel of Palestinian refugees in Lebanon is subject to arbitrary change, depending on the political context. For instance, when Libya expelled Palestinian refugees from its territory in 1995, the Lebanese government passed a decree preventing the 15,000 Libya-based Palestinian refugees with Lebanese residence, along with other Palestinians with Lebanese documents, from returning to Lebanon without a special re-entry visa. As a result, thousands of Palestinian refugees were stranded in airports and at borders. This decision was revoked in January 1999. <sup>121</sup>

Egypt issues five categories of travel documents for Palestinians, depending on the time of their arrival in the country: (1) those who arrived prior to 1948; (2) those who arrived in 1948; (3) those who arrived in 1956; (4) those who arrived after 1956 and prior to 1967; (5) those who arrived after June 1967. Palestinians must renew their visas every six months to three years, depending on their category. Egyptian travel documents specify that the holder cannot return to Egypt without valid reasons. Palestinians who leave Egypt will be able to re-enter if they return within six months, or hold a one-year visa for work or education abroad. During the 1991 Gulf War, a number of Palestinians expelled from Kuwait, and who held expired Egyptian travel documents, were denied re-entry to Egypt.



Palestinian refugees: living outside the camps, Amman, Jordan. © UNRWA Archives.

#### *d. The right to work*

Implementation of the *Casablanca Protocol* with respect to the right to employment on par with host state nationals is subject to numerous restrictions. Most Palestinian refugees in Syria, Jordan and (until recently) Iraq have the right to employment on par with host state nationals, although they may experience informal discrimination. <sup>122</sup> A smaller number of unregistered refugees, including those who subsequently entered Syria from other Arab states, and refugees from the occupied Gaza Strip who entered Jordan during or immediately after the 1967 war, do not have full access to employment. <sup>123</sup>



Palestinian refugees in Egypt were entitled to treatment equal to that of Egyptian nationals until 1978, when all laws granting them equal treatment were abrogated.<sup>124</sup> Palestinian refugees now have the right to employment on par with other foreigners, but are generally favoured.<sup>125</sup> For instance, their potential employers are in their cases exempt from the requirement that nationals be given priority for employment.<sup>126</sup> Refugees wishing to practice a profession must obtain a work permit issued by the Ministry of Labour and Training. They need to provide a certificate from the Passports, Emigration and National Department stating permanent and continuous residence in Egypt for the five previous years.<sup>127</sup> Only a small number of Palestinians have work permits because they are difficult to obtain; most Palestinian refugees thus work in the informal sector. Employment in the civil service is based on reciprocal rights for Egyptian nationals in the foreigner's state of citizenship. Due to the fact that most Palestinian refugees in Egypt are stateless, there is no possibility of reciprocal agreements, and therefore no possibility of public sector employment.

In Lebanon and Kuwait, Palestinian refugees do not have the same right to employment as other foreign aliens.<sup>128</sup> Both countries reserve the right to restrict access to employment under the *Casablanca Protocol*.<sup>129</sup> Only citizens are eligible for civil service employment. Foreigners must leave Kuwait upon termination of employment. Non-Kuwaitis are not permitted to join professional associations and Palestinian refugees are excluded from employment in private business on par with Kuwaiti citizens.<sup>130</sup> In Lebanon, employment of Palestinian refugees is based on "the right of keeping their Palestinian nationality and the social and economic conditions prevailing in the Republic of Lebanon."<sup>131</sup> Lebanon grants refugees the right to work based on three restrictive conditions, namely, a work permit, national preference, and reciprocity of rights and obligations.<sup>132</sup> Work permits are difficult to obtain and Palestinian refugees are not nationals of a state bound to Lebanon by the principle of reciprocity. Between 1969 and 1987, Palestinian refugees were entitled to work under the 1969 Cairo Agreement between the PLO and the Lebanese government. This Agreement was abrogated in 1987. Currently, Palestinians are barred from employment in around 70 different skilled and semi-skilled professions in Lebanon, including pharmacy, journalism, medicine, law, education and engineering.<sup>133</sup> Entry into professional associations and employment is based on the individual having held Lebanese nationality for a minimum of ten years, and reciprocal rights for Lebanese citizens in the foreigner's state of citizenship.<sup>134</sup> However, work permits are not required for irregular and poorly paid work in agriculture and construction. Since June 2005, Palestinians born in Lebanon and registered with DPAR can work legally in manual and clerical jobs.<sup>135</sup> Non-ID Palestinian refugees in particular endure harsh socio-economic conditions, as they often cannot find work due to the lack of personal documents.<sup>136</sup>

#### *e. The right to education*

Most Arab host states provide Palestinian refugees with access to public elementary, secondary and college or university education.<sup>137</sup> Access may be restricted as a result of there being limited spaces available for foreigners, including Palestinian refugees, or for financial or political reasons.

Jordan, Syria and (until recently) Iraq allow most Palestinian refugees access to all levels of education on par with host state nationals. However, since the US-led war and occupation of Iraq, many Palestinian refugees in that country have stopped sending their children to school because of attacks on Palestinians and general insecurity.<sup>138</sup> Palestinian refugees from the occupied Gaza Strip who entered Jordan during and after the 1967 war must compete for a limited number of spaces available to students from other Arab countries for post-secondary education; fees must be paid in a foreign currency, and candidates must have a clean security record.<sup>139</sup>

Access to education has varied greatly over the years in Egypt. From 1952 until 1978, Palestinians were treated as Egyptians and offered free education in schools and universities. In 1978, Palestinian students, with the exception of those whose parents worked for the Palestine Liberation Army of the PLO and the Administrative Office of the Governor of Gaza, were transferred from public to private schools,<sup>140</sup> and most Palestinian refugees were now required to pay the same fees as foreigners.<sup>141</sup> In 1983 and 1984, Palestinians were banned from studying at the faculties of medicine, engineering, pharmacology, journalism, economics and political sciences.<sup>142</sup> Since 2000, in the context of the second *intifada*, Palestinian students at Egyptian schools have been exempt from paying fees.<sup>143</sup> Most Palestinian children, however, attend private schools. Since 1993, certain undergraduate Palestinian university students have been exempted from paying 90 percent of university fees.<sup>144</sup> In 1995, the restrictions on academic studies imposed in 1983/4 were removed.<sup>145</sup> Palestinian refugees can now attend any university in



Egypt. In 2006, the Palestinian embassy and the Egyptian government agreed to increase the number of scholarships to post-graduate Palestinian students, and to allow treatment of Palestinian students on par with Egyptian students.

Foreigners are allowed to constitute up to 10% of state schools and universities in Lebanon. Vocational training schools and the Department of Education of the Faculty of Arts of the University of Lebanon, which prepares teachers for Lebanese secondary schools, do not accept Palestinian students.<sup>146</sup> Non-ID Palestinian children are left without access to higher education, as only primary and limited high school education is offered by UNRWA in the camps.

Palestinian refugees were treated on par with Kuwaiti nationals until 1965, when the government limited the number of non-Kuwaitis in government schools to 25%. The PLO was later given permission to operate its own schools with teachers, buildings and furnishings supplied by the Ministry of Education. The programme included 22 schools and lasted until 1976, when they were closed for financial and political reasons, and the students incorporated into government schools. In the 1980s, due to overcrowding, the government decided that only children of expatriates who had been in Kuwait since 1 January 1963 would be permitted to register in government schools. Other children would have to enrol in private schools. The government subsequently moved to subsidize tuition for children affected by this ruling by 50%. Ten per cent of places at the University of Kuwait are available for foreign students.



UNRWA school damaged, Burj Hamoud refugee camp, Beirut, Lebanon 1976. © UNRWA Archives.

#### *f. The right to health*

In Lebanon, Palestinians have limited access to public hospitals or other health services. Most health services are provided by UNRWA, or the Red Crescent and NGOs.

Since 2005, foreigners, including Palestinian refugees, in Egypt have access to health care on the same basis as Egyptians. In practice, however, most Palestinians use private clinics and are often charged the same prices as Egyptians. The Palestine Hospital in Cairo provides medical care to Palestinians, who are required to pay between 10 to 25% of the costs.

#### *g. The right to housing and property*

The *Casablanca Protocol* does not address the right to property. In most Arab host states, except for Jordan and (until recently) Iraq, Palestinian refugees are not permitted to own property on par with host state nationals.<sup>147</sup> The situation in Iraq has deteriorated since the beginning of the US-led war in 2003, and many Palestinians have been expelled from their homes and seen their property confiscated.<sup>148</sup> Palestinian refugees from the occupied Gaza Strip who took up residency in Jordan during or immediately after 1967 are not permitted to own, rent or sell immovable property without government permission.<sup>149</sup>

Refugees in Syria and Egypt may own property, subject to restrictions. In Syria, refugees may not own arable land; however, they may acquire a single home provided that they are registered with the General Authority for Palestine Refugees (GAPAR). Palestinian refugees in Egypt have the same right to own immovable property as foreign aliens; they can own a maximum of two buildings, and a business may be acquired in partnership with an Egyptian national.<sup>150</sup> Foreigners are not permitted to own agricultural land or desert land in Egypt.<sup>151</sup>

Palestinian refugees in Lebanon and Kuwait are not permitted to own immovable property, and in Lebanon, building in and around Palestinian refugee camps is restricted. In Lebanon, Palestinians are prevented from buying real estate, registering real estate, and passing property on to heirs. A 2001 decree states that “it is prohibited to any person who is not a national of a recognized state, or anyone whose property is contrary to the provisions of the Constitution relating to ‘Tawteen’ [re-settlement] to acquire real-estate property of any kind” [unofficial translation]. In Kuwait, citizens of other Arab states may own only a single piece of real estate, with government approval and subject to reciprocal treatment. The owner must have resided in Kuwait for a minimum of ten years, possess sufficient income and hold a clean security record. The property must not exceed 1,000 m<sup>2</sup>. Joint ownership with a Kuwaiti citizen is not required in such cases.<sup>152</sup>

## 4.5 Protection in Countries Outside the Middle East <sup>153</sup>

### 4.5.1 Instruments and Mechanisms

The large majority of states in Europe, the Americas and elsewhere are signatories to the 1951 *Refugee Convention* and/or the 1967 *Protocol*. A noteworthy exception is the United States, which is a party to the 1967 *Protocol*, but not to the 1951 *Refugee Convention*. A number of states have also ratified the 1954 *Convention Relating to the Status of Stateless Persons*,<sup>154</sup> and some are party to the 1961 *Convention on the Reduction of Statelessness*. These conventions have been incorporated in varying degrees into domestic legislation. Together with national asylum and immigration law, they form the major instruments of refugee protection.

More than half a million Palestinian refugees reside outside the Middle East in Europe, the Americas, and elsewhere. Most arrived there as a result of either voluntary migration or forced displacement from Arab states of first asylum. National protection provided to them varies among host states, according to national asylum law and interpretation of the relevant international conventions. National protection of Palestinian refugees has generally been ineffective as a result of non-application or misinterpretation of Article 1D of the 1951 *Refugee Convention* by national authorities and courts.

#### **Status of Palestinian Refugees under the 1951 *Convention relating to the Status of Refugees*<sup>155</sup>**

Palestinian refugees have a unique status under the 1951 *Convention Relating to the Status of Refugees*. The majority of Palestinian refugees are *prima facie* refugees (i.e., refugees in the absence of evidence to the contrary). The factual “trigger” for the inclusion of Palestinian refugees displaced in 1948 as “Convention refugees” differs from that applied to other refugees. Generally, refugees are considered to be “Convention refugees”, if the criteria set forth in Article 1A(2) of the Convention apply. Thus, a refugee is any individual who:

[...] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Palestinian refugees displaced in 1948 and 1967, however, fall under the scope of the *Refugee Convention* based on to the criteria set forth in Article 1D, which states:

This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees [UNHCR] protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

Article 1D was inserted into the 1951 *Refugee Convention* to address: (1) the factual circumstances of Palestinian refugees at the time of the drafting of the Convention; and (2) possible developments relative to the protection of this particular refugee population in the future. The intent and purpose of Article 1D is to ensure comprehensive international protection and assistance for Palestinian refugees until their situation is resolved according to the relevant UN General Assembly Resolutions.

Due to the fact that Palestinian refugees displaced in 1948 were already receiving protection or assistance from the United Nations (i.e., the UNCCP and UNRWA, respectively), the international community decided to *suspend* application of the Refugee Convention (see the first clause of Article 1D) in order to avoid overlapping and potentially conflicting mandates between the UNCCP and the UNHCR. A number of states also felt at the time that Palestinian refugees should not be placed in the more general category of refugees, considering that the UN itself was partially responsible for the refugee crisis, as a result of the recommendation to partition Palestine into two states (UNGA Resolution 181), against the express wish of the majority of the indigenous inhabitants of the country. Moreover, there was a concern that Palestinian refugees would be relegated to a position of minor importance within the global refugee regime. Palestinian refugees displaced for the first time in 1967 also fall within the provisions set out in Article 1D (see the first clause of Article 1D). UNRWA has provided assistance to this group of refugees since 1967 by special request of the UN General Assembly (Resolution 2252 ES-V, 4 July 1967).

In the event that UNCCP protection or UNRWA assistance might cease to exist for any reason, however, the international community included a provision (i.e., a “trigger”) in the 1951 *Refugee Convention* (see the second clause of Article 1D) to activate the application of the Convention and inclusion of Palestinian refugees as “Convention refugees.” This trigger was activated in the early 1950s, when the UNCCP ceased to provide effective protection for Palestinian refugees. The trigger for the application of the *Refugee Convention* (see the second clause of Article 1D) to Palestinian refugees displaced for the first time in 1967 has been activated by the “cessation” of protection for this group of refugees – i.e., the international community has never provided systematic international protection to Palestinian refugees displaced for the first time in 1967.

Palestinian refugees who are neither 1948 or 1967 refugees, are outside the Palestinian territory occupied by Israel since 1967, and are unable to return (due to revocation of residency rights, denial of family reunification, deportation, etc.), or unwilling to return owing to a well-founded fear of persecution, fall under Article 1A of the *Refugee Convention*. Article 1D of the *Refugee Convention* does not apply to this group of Palestinian refugees, as they do not receive protection or assistance from other agencies of the United Nations.

The *Refugee Convention* also includes specific criteria concerning the cessation of refugee status. Generally, the cessation of refugee status is governed by the six conditions set out in Article 1C. These include the acquisition of effective protection, reacquisition of a lost nationality, or the acquisition of a new nationality.<sup>156</sup> It is important to note that cessation of refugee status under the 1951 *Refugee Convention* does not extinguish the right of a refugee to return to his or her home of origin. The right to international protection and the right to return are two different rights under international law. A refugee who acquires a new nationality is thus still entitled to exercise his or her fundamental human right of return.

*a. The right to status and benefits under the 1951 Refugee Convention*

Palestinian refugees from 1948 and 1967 are entitled to Convention refugee status and benefits by virtue of the inclusion clause in Article 1D. They should be recognized as refugees upon their arrival in those states that have signed the 1951 *Refugee Convention*, and no additional status determination is required from national authorities. However, most Palestinian refugees seeking protection fail to obtain legal status and related protection because national authorities fail to apply or apply erroneous interpretations of the *Refugee Convention* to their cases.

National authorities have adopted at least three different approaches and eight different interpretations of Article 1D of the *Refugee Convention* relevant to Palestinian refugees.<sup>157</sup> Only few countries, among them Hungary, Moldova and Finland, apply Article 1D correctly and convey refugee status according to Article 1D. Many countries have not incorporated Article 1D into national legislation (e.g., Canada and the US) or do not apply Article 1D in national asylum practice (e.g., Austria, Belgium and Switzerland).<sup>158</sup> Other countries apply Article 1D, but interpret the meaning of its exclusion and inclusion clauses incorrectly. In practice, this means that Palestinian refugees can obtain Convention refugee status and benefits under Article 1D only if:

- they have not “voluntarily relinquished” UNRWA assistance (Germany);
- UNRWA ceases its functions (Denmark and France);
- they are unable to return to their country of former habitual residence due to a well-founded fear of persecution in that country and cannot invoke UNRWA protection there (Netherlands);
- they come from the West Bank and Gaza Strip, where they lack the protection of a state (Norway);
- they have already obtained a permanent residency permit (Sweden).

In other countries, Article 1D is interpreted as not having an inclusion clause that automatically confers the benefits of the 1951 *Refugee Convention* to Palestinian refugees. It is thus understood as a provision that excludes Palestinian refugees from the scope of the Convention. They may, however, qualify under Article 1A(2), if:

- they were born after 28 July 1951 and were not assisted by UNRWA on that date (United Kingdom);
- UNCCP has ceased its protection activities (Australia; no determination has been made as to whether this is in fact the case);
- UNRWA ceases its functions (New Zealand, although they may also qualify at present).

All these interpretations lead to the same conclusion: that asylum claims submitted by Palestinian refugees are assessed according to the criteria set out in Article 1A(2) and/or other criteria, for example, protection on humanitarian grounds. Thus, as a result of the particular interpretations adopted by national authorities and courts, Palestinian asylum-seekers have not derived any rights and benefits from the primary provision of the 1951 *Refugee Convention* relevant to their case (i.e., Article 1D) beyond the “right” not to be excluded from applying for asylum.

Palestinians seeking protection outside the Middle East generally have the right to stay in the country of asylum during the determination process. In many (but not all) countries, asylum-seekers are permitted to work and provided with basic housing. Successful Palestinian applicants are usually not granted citizenship, but are recognized as refugees and afforded protection in accordance with the standards of the 1951 *Refugee Convention*. The large majority of Palestinian refugees, however, fail to qualify for Convention refugee status as defined above.

Alternative mechanisms of protection, i.e., protection under the 1954 *Stateless Convention* and complementary forms of protection are not available for most Palestinian refugees seeking a legal status in third countries. Few countries possess a specialized procedure designed for examining an applicant’s claim of statelessness. In most countries in which statelessness claims are examined, no practice has developed with regard to recognition of Palestinians as stateless persons. In Belgium, France, Germany and Spain, some Palestinians have been recognized as stateless persons and granted the benefits of the *Stateless Convention*. (See box below: “The Status of Palestinian Refugees under the Stateless Conventions.”) Only in Poland, Spain and Sweden may Palestinians from the occupied Palestinian territory be granted residence permits on humanitarian grounds. This includes a formal legal status with defined rights.



All Palestinians are stateless. Old Palestinian couple during *Nakba* commemoration, Ramallah, May 2006. © Anne Paq/Activestills.



### **The Status of Palestinian Refugees under the *Stateless Conventions***

A person who is not considered a national by any state is called a stateless person. Stateless persons who are refugees are covered by the 1951 *Refugee Convention*. For stateless persons who are excluded from the protection offered by the 1951 *Refugee Convention*, the 1954 *Convention Relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness* provide an additional regime of protection under international law. The Conventions, have limited reach, however, as few states have ratified them.

The majority of Palestinians worldwide are both refugees and stateless persons. Palestinian citizenship terminated with the British mandate and with the proclamation of the state of Israel on 15 May 1948. Israel's 1952 *Citizenship Law* repealed the Palestine Citizenship Orders (1925–42) retroactively from the day of the establishment of the state of Israel. Israel's 1952 *Citizenship Law* effectively denied Israeli citizenship to the majority of 1948 Palestinian refugees – i.e., they were denationalized. While a significant number of states have recognized "Palestine" as an independent state, following the declaration of independence by the Palestine Liberation Organization (PLO) on 15 November 1988, today, no area of historic Palestine meets the international legal criteria of statehood: a permanent population, a defined territory, government, and the capacity to enter into relations with other states.

The 1954 *Convention* provides stateless persons with similar benefits to those that the 1951 *Refugee Convention* provides to refugees. The 1961 *Convention on the Reduction of Statelessness* was drafted to reduce as much as possible or eliminate the phenomenon of statelessness. According to Article 1, a contracting state must grant its nationality to a person born in its territory who would otherwise be stateless at birth, by operation of law, or upon application. It also prohibits, with a number of exceptions, depriving someone of their nationality and categorically prohibits denial of nationality on grounds of race, religion or political opinion.

As in the case of the 1951 *Refugee Convention*, the 1954 *Stateless Convention* does not apply to "persons who are at present receiving from organs or agencies of the United Nations other than the UNHCR, protection or assistance so long as they are receiving such protection or assistance" (Article 1). Most Arab states in which the majority of refugees are residing are not signatories to the 1954 *Stateless Convention*. Interpretation of the status of Palestinians as stateless persons varies among and even within those states which are signatories to one or both of the two statelessness Conventions.

Like other asylum-seekers, Palestinians who receive a final negative decision in their asylum application, and are not granted a complementary form of protection, are requested to leave the host country. As stateless persons, however, they often have nowhere to go because no state will allow them to (re-)enter their territory. They are therefore at grave risk of being trapped in a state of legal limbo.

In many countries, including Austria, Belgium, France, Germany, Switzerland, Sweden and the UK, rejected asylum-seekers who cannot be returned or removed are allowed to stay in the host country, but without legal status. In some countries, such as Denmark and the Netherlands, rejected asylum-seekers who cannot be returned may receive some legal status, at least after a period of time, and often in the framework of complementary forms of protection.

#### ***b. The right not to be expelled (non-refoulement) and arbitrarily detained***

Rejected Palestinian asylum-seekers usually hold temporarily suspended deportation orders. In the UK, Palestinians are treated as removable; if a negative asylum decision is issued, they will be removed as and when conditions permit. In Australia, Spain, Sweden and the US, rejected asylum-seekers may be kept in detention until deportation to the country of former habitual residence can be enforced. While in Spain, such detention may never exceed 40 days; in Australia and the US, persons, including children, may be held in custody indefinitely.

Turkey, which has ratified the 1951 *Convention* but not the 1967 *Protocol* extending its application to non-European refugees, does not recognize the refugee status of non-European refugees, including Palestinian refugees. Palestinian refugees are thus unable to acquire legal status and residency rights. If found in Turkey, they are detained. If they cannot be deported, they are released with a document ("Article 23 Document") valid for a period of two to three months that indicates that they must leave the territory after this period. This document does not guarantee any basic



rights. If the refugee is again intercepted by Turkish authorities after the prescribed period, she or he will be detained once more and eventually released with the same temporary document. The result is that Palestinian refugees are pressured to move on to other neighbouring countries such as Greece. A small number of Palestinians have registered with UNHCR (approximately 80) and have received a provisional residence permit, provided they register with the authorities and reside in the cities to which they are assigned. Those recognized by the UNHCR are authorized to remain in Turkey until they are resettled. Palestinians can acquire legal status only if they marry a Turkish citizen or if they were hired by a Turkish company prior to their arrival.

## 4.6 International Protection Agencies and Mechanisms

The international community currently recognizes no international agency as having an explicit mandate to protect 1948 and 1967 Palestinian refugees and internally displaced persons in Israel and the occupied Palestinian territory (OPT). A number of international organizations, however, have provided a limited degree of protection for Palestinian refugees over the past six decades. These include the ICRC, UNCCP, UNRWA, UNHCR, and the Office of the High Commissioner for Human Rights (OHCHR). However, none of these is currently searching for a durable solution.

### 4.6.1 International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is the main body responsible for promoting respect for international humanitarian law. Over the course of almost six decades of conflict in the Middle East, the ICRC has provided basic protection to Palestinian refugees in co-operation with the League of Red Crescent Societies and, more recently, the Palestinian Red Crescent Society (PRCS).

Within its limited mandate, the ICRC sought to facilitate durable solutions for Palestinian refugees, following the mass displacement of Palestinians in 1948, and again in 1967. Since 1967, it has maintained a permanent presence in the occupied Palestinian territory.

Under international humanitarian law, the parties to a conflict may appoint a “Protecting Power.” No Protecting Power has been appointed for the 1967-occupied Palestinian territory. In 1972, the ICRC offered to act as a substitute Protecting Power in the occupied Palestinian territory. However, Israel rejected the offer. ICRC protection, therefore, is limited to the extent that Israel is willing to co-operate.

The ICRC intervenes with the Israeli authorities on special cases of family reunification and violations of humanitarian law (including expropriation of land, deportation and house demolition). It also monitors conditions of detention, facilitates family visits to detainees in Israel and the occupied Palestinian territory, and provides training courses in international humanitarian law.



Palestinian from Gaza wait to visit his relative in an Israeli jail, a visit facilitated by ICRC. © ICRC

During the 1948 war in Palestine, the ICRC focused on physical protection, prevention of forced displacement, tracing missing persons, family reunification, and facilitating the return of refugees to their places of origin. The

ICRC established refugee camps and undertook several census operations to register Palestinian refugees. It also attempted to ensure protection for those refugees who had spontaneously returned to their homes inside Israel. After the 1948 war, ICRC delegations in Tel Aviv (Jaffa), Amman, Cairo and Ramallah facilitated, to the extent possible, repatriation and family reunification for Palestinian refugees. This included, for example, repatriating 1,500 inhabitants of Gerbis near Tulkarem. Many of the refugees whose return was assisted by the ICRC were once again expelled by Israel. The ICRC eventually reduced its repatriation efforts, largely because Israel opposed the return of refugees.

Following complaints by refugees, Red Cross officials requested that Israel close down offices located in refugee camps that were offering subsidies to “voluntary emigrants” as a means of facilitating the continuing transfer of the Palestinian population.

During the 1967 Israeli-Arab war, the ICRC focused on physical protection, prevention of forced displacement, and tracing missing persons. The ICRC also obtained the consent of government representatives of Jordan and Israel to hold a series of meetings to discuss the repatriation of Palestinian refugees displaced for the first time in 1967. Based on an agreement concluded in August 1967, a process was established to facilitate the orderly return of these refugees. Israel retained overall control, including the right to reject applications for so-called security purposes. This condition, together with the narrow time frame of the agreement, limited the number of refugees able to participate in the repatriation scheme, and infringed on the voluntary character of return.<sup>159</sup> Of more than 35,000 repatriation applications involving 140,000 persons, Israel approved just over 4,500 allowing approximately 20,000 refugees to return to their homes in the OPT.<sup>160</sup> Refugees displaced in 1948 and again in 1967 were not able to return.

The ICRC also made numerous appeals to Israeli officials concerning the destruction of Palestinian homes and villages, calling upon Israel to cease demolition operations and assist in the reconstruction of homes, or pay compensation to the owners. When Israel began systematic and widespread demolition of refugee shelters in Gaza camps in the 1970s, the ICRC appealed to the Israeli government to cease the demolition programme.

In response to the Madrid-Oslo process in the 1990s, the ICRC changed its definition of the status of the West Bank and Gaza Strip from occupied Palestinian territory to “occupied territory and autonomous territory”. International protection activities vis-à-vis Israel were subsequently downgraded to monitoring, reporting and limited intervention regarding humanitarian law.<sup>161</sup> The ICRC, however, continues to consider the Fourth Geneva Convention as applicable to the whole occupied territory, including the “autonomous territory”.

The ICRC also works alongside UNRWA in the occupied territory and in Lebanon to provide protection and assistance (relief and hygiene kits, food parcel and water distribution, rehabilitation projects) to refugees during periods of political crises and popular unrest. Following the outbreak of the second Palestinian *intifada* in September 2000, and Israel’s military response to the uprising, for example, the ICRC deployed additional delegates in the 1967-occupied Palestinian territory. Such delegates monitor developments and work closely with the Palestinian Red Crescent Society (PRCS) to ensure safe passage for emergency medical services. They also intervene with Israeli authorities to facilitate access of Palestinian farmers to their lands near settlements or separated by the Wall.

The ICRC maintains that “the occupier must not interfere with the original economic and social structures, organization, legal system or demography.”<sup>162</sup> The ICRC publicly expressed concern to Israel regarding “the destruction or expropriation of Palestinian property and land and the forced displacement and isolation of Palestinian communities” as a result of the construction of the Wall and its regime.<sup>163</sup> The ICRC also intervened with Israeli authorities concerning the case of the Jahalin Bedouin living near the Jewish colony of Ma’ale Adumim in the occupied West Bank, whose traditional way of life and culture are threatened by the construction of the Wall and new colonies.<sup>164</sup>

The ICRC continues to provide emergency aid to families whose homes are demolished. In 2005, for instance, the ICRC gave emergency household kits to 250 Palestinian families whose homes had been demolished in the OPT.<sup>165</sup>

#### 4.6.2 The United Nations Conciliation Commission for Palestine

The United Nations established a separate organ, the UN Conciliation Commission for Palestine (UNCCP), to provide international protection to all persons displaced during the 1948 war in Palestine. The UN did not establish a special organ for Palestinian refugees displaced for the first time in 1967, or for internally displaced Palestinians in the 1967-occupied Palestinian territory. The Commission was comprised of representatives of the United States, France and Turkey and empowered to create sub-organs in order to fulfil its mandate. Today, the Commission is no longer active; it has no budget and no staff. The secretary of the UNCCP is a staff member of the UN Department of Political Affairs. Every year, the UNCCP publishes a one-page annual report stating that “it has nothing new to report.”<sup>166</sup>

The UNCCP was established in 1948 to take over the work of the United Nations Mediator on Palestine, Count Folke Bernadotte, under UN General Assembly Resolution 194(III).<sup>167</sup> The UN Conciliation Committee for Palestine had a mandate “to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them” and “*facilitate* the repatriation, resettlement and economic and social rehabilitation of the refugees” [emphasis added].<sup>168</sup> In 1950, the Assembly specifically requested the UNCCP to protect the rights, properties and interests of the refugees.<sup>169</sup> The UNCCP had an express mandate to facilitate the settlement of all outstanding questions between the parties, and to protect the rights of Palestinian refugees, among them the right of return, property restitution and compensation.

When the UNCCP was established, the UN General Assembly assumed that “all that would have been necessary was for those refugees who wished to do so to undertake the journey to return and resume their interrupted lives, perhaps with a little financial assistance from the international community.” The Commission was therefore authorized to “facilitate” rather than “assure” the return of Palestinian refugees to their homes.<sup>170</sup> In other words, the UNCCP was not given executive functions or powers of arbitration in relation to the implementation of durable solutions. The Commission was provided with neither the machinery nor the resources to protect Palestinian refugees in the context of a protracted conflict.<sup>171</sup>

During its early years of operation, the UNCCP attempted to provide legal, diplomatic and physical protection for refugees displaced during the 1948 war. The UNCCP established several subsidiary bodies, including a Technical Committee and an Economic Survey Mission, to investigate and recommend immediate measures that might be taken to safeguard the rights and property of the refugees.

By the early 1950s, however, the UNCCP had reached the conclusion that it was unable to fulfil its mandate. In 1951, the Commission wrote that

the present unwillingness of the parties fully to implement the General Assembly resolutions under which the Commission is operating, as well as the changes which have occurred in Palestine during the past three years, have made it impossible for the Commission to carry out its mandate.<sup>172</sup>

Since then, the Commission has taken the view that the governments concerned are primarily responsible for the settlement of their outstanding differences, including the plight of the refugees.<sup>173</sup> By the mid-1950s, the UNCCP had ceased to provide protection and to actively search for a durable solution.<sup>174</sup>

The UN General Assembly decision to merge refugee protection with the larger task of Arab-Israeli conciliation ultimately compromised the Commission’s ability to protect and promote the legal rights of the refugees. The ability of the Commission to fulfil its mandate, moreover, was compromised by the lack of international political will. The rights affirmed in Resolution 194(III) were often deferred in light of what the Commission came to view as the practicalities on the ground – i.e., Israel’s opposition to the return of the refugees.<sup>175</sup> (see Chapter Five, Box: A Rights-based Approach vs. a «Politically-driven Approach» to Palestinian Refugees and IDPs)

### *UNCCP activities related to return*

During its early years of operation, the UNCCP attempted to facilitate the return of Palestinian refugees displaced in 1948 primarily through intervention with Israel and preliminary technical work required to craft the return operation. One of the first steps taken by the Commission was to gather basic information about the refugees (including places of origin, professional and occupational background, and living conditions) and the policies and political positions of Arab host countries and Israel.



A Palestinians gathering in Ramlah before being expelled, 1948 (© source: palestineremembered.com).

In June 1949, the Commission established a Technical Committee to investigate methods for determining refugee choices and to collect information related to the issues of return, resettlement, rehabilitation and compensation.<sup>176</sup> The UNCCP also drafted a refugee definition to identify those persons in need of international protection.<sup>177</sup>

In meetings with the Israeli government, the UNCCP stressed the important role refugee repatriation might play in contributing to an overall resolution of the conflict. Without prejudice to the right of all refugees to return, the Commission also attempted to promote the safe return of specific groups based on humanitarian considerations. These groups included owners of citrus groves and their labourers, Palestinian farmers who had been cut off from their lands by the 1949 armistice lines, separated families, and religious officials and other clergy.

Through the family reunification programme, a small number of refugee dependents were able to return, particularly where the breadwinner remained in Israel. In late 1949 and early 1950, for example, approximately 800 dependents who had been displaced to Jordan and Lebanon were able to rejoin family members inside Israel. In February 1950, 115 refugee dependents were able to cross into Israel from the Gaza Strip. These refugees were regarded, however, as new immigrants rather than returnees (i.e., Israel did not recognize their legal title to their properties).

Palestinian inhabitants of two villages cut by the armistice lines, 'Abasan and Khirbet Ikhza'a, were permitted to cultivate their land in territory held by Israel, through the creation of a special zone. At the same time, however, Israel refused to permit the immediate return of owners of citrus groves and their labourers. Israeli officials rejected UNCCP appeals to abrogate discriminatory property laws and refused to release religious property, particularly that belonging to the Muslim community.

The UNCCP ceased protection activities related to return in the 1950s. The Committee noted that the situation envisaged by the General Assembly at the time when the Commission assumed its functions in 1948 "was far from the realities of the problem" which in fact required the active participation of the governments involved; a participation that was not forthcoming primarily due to Israel's intransigence on the question of repatriation.<sup>178</sup>

A last attempt was undertaken in early 1960s by the appointment of a special representative, Joseph E. Johnson, to try to promote a solution to the refugee issue. Defining the fundamental considerations for durable solutions, Johnson noted that the primary focus should be on the refugees as set down in General Assembly Resolution 194(III). Numerous meetings were held with senior government officials in the region, but no progress was made due to Israel's continued obstruction.

### UNCCP activities related to restitution

The UNCCP attempted to facilitate restitution of refugee property through calls for reform of Israeli property laws, intervention with relevant authorities, and actual documentation of Palestinian property inside the borders of the new state of Israel. The Commission called upon Israel to abrogate discriminatory legislation, including the 1950 Absentees' Property Law, used to confiscate refugee property. The Commission also requested that Israel suspend all measures of requisition and occupation of Palestinian Arab homes, and unfreeze *waqf* property (property endowed for religious purposes under Islamic law). These requests were ignored.

The Commission attempted to secure immediate housing and property restitution for especially vulnerable groups of refugees without prejudice to refugee property claims in general. Access to land was particularly critical to refugees in the Gaza sub-district. The mass influx nearly quadrupled the population in the area, while the armistice lines cut off most of the rural population from their lands. The Commission also attempted to facilitate immediate property restitution for owners of citrus groves.

The Commission also worked with Israeli officials to facilitate refugee access to blocked savings accounts and assets in banks inside Israel. However, the Israeli government and the Israeli Custodian of Absentees' Property retained a significant proportion of the monetary value of accounts and assets through the imposition of taxes and administration fees.

**Table 4.1: UNCCP Summary Schedule of Land Settled by Cadastral Survey and Non-settled Land (excl. Beersheba sub-district) in Forms RP/1 and RP/3 (in metric dunums)**

Sub-district	RP/1		RP/3	
	Settled	Non-settled	Settled	Non-settled
Galilee				
Acre	99,683	408,024	34,763	252,887
Beisan	146,232	935	218,928	-
Nazareth	179,444	68,901	230,365	12,232
Safad	221,815	125,895	240,132	109,017
Tiberias	193,493	946	242,725	1,867
Haifa				
Haifa	352,576	53,004	529,372	37,360
Samaria				
Jenin	35,031	193,376	5,586	23,219
Nablus	-	23,414	-	-
Tulkarem	257,790	74,781	167,875	3,230
Jerusalem				
Hebron	7,506	1,137,302	427	17,101
Jerusalem	6,040	215,442	20,222	55,239
Ramallah	-	6,240	-	-
Lydda				
Jaffa	138,903	1,522	141,762	2,897
Ramle	411,620	158,193	185,557	8,111
Gaza				
Gaza	670,078	5,905	138,770	684
Sub-total	2,720,211	2,473,880	121,817	523,844
Total	5,194,091		2,680,328	

Source: Appendix A/1 to UN Document A/AC.25/W.84 of 28 April 1964.



In 1950, the Commission established a sub-office, the Office for the Identification and Valuation of Arab Refugee Property, to identify, value and compile information on refugee properties inside Israel and examine various interim measures by which refugees could derive income from their properties. An initiative to identify Palestinian property, both globally and individually, was conducted based on British mandate records,<sup>179</sup> in order to establish a comprehensive record of individual Palestinian property and so verify individual property claims. Forms (RP/1) were prepared for each parcel owned by Arabs, including partnerships, companies and co-operative societies. Separate forms (RP/3) were prepared for land owned by the state (including land let to Palestinian Arabs), other public authorities (including religious bodies), Jews and other non-Arab individuals.

According to the global identification process, 16,324 km<sup>2</sup> of 26,320 km<sup>2</sup> (the total area of Mandate Palestine) were determined to be private property owned by Palestinian Arabs. The individual identification process was completed in the early 1960s. The UNCCP property database contains some 453,000 records documenting around 1.5 million individual holdings. This database is archived at the United Nations. The Commission itself, and several independent experts, have noted that the UNCCP records are problematic in several areas.<sup>180</sup> However, the records provide the most comprehensive database of Palestinian refugee property to date. More recent studies that attempt to compensate for errors in the UNCCP records estimate the total amount of refugee land inside Israel at 17,178 km<sup>2</sup>.<sup>181</sup> Digitization of the UNCCP database was completed in the late 1990s.

#### *UNCCP activities related to compensation*

The UNCCP also examined means and principles for the implementation of compensation. It instructed the Economic Survey Mission,<sup>182</sup> for example, to prepare a preliminary study of the question of compensation, including recommendations concerning the principles on which compensation should be determined, the procedures for submission and valuation of claims, and the mechanisms for considering and settling compensation claims.

The Commission emphasized that the Israeli government should be urged to agree to the principle that payment of compensation for property (both movable and immovable) of refugees choosing not to return should be separate from a general peace settlement with the Arab states. The bulk of the refugees from Israeli territory were not citizens of Arab states at the time of their displacement, and therefore their rights to compensation were not to be confused with claims and counter-claims between the contending states. The Commission also examined means to “associate the refugees with the determination of any figure, which might be established.” This included, for example, having refugees present during the different stages of the operation “for the purpose of seeing that their interests [were] protected and giving the benefit of their experience to the United Nations bodies entrusted with the operation.”

The UNCCP Office for the Identification and Valuation of Arab Refugee Property completed a global and individual evaluation of Palestinian property, described above, for compensation purposes. The Office assessed the global value of Palestinian Arab land at 100,383,784 Palestinian pounds (or US \$280 million at the dollar-pound exchange rate in 1951). This was divided into 70 million pounds worth of rural property, with the remainder as urban property. The Office also assigned an estimate of 21,570,000 Palestinian pounds to movable lost property. The Office requested information from Israeli authorities regarding expropriated movable property in September 1951, but received no response. Due to political considerations, the Commission decided against releasing information concerning the total value of refugee properties based on the individual valuation process. According to recent research, however, Commission records of the individual assessments as of 29 November 1947 valued total Palestinian Arab land in Israel at 235,660,250 Palestinian pounds, of which 31 million pounds worth of property was owned by Palestinians inside Israel, leaving 204,660,190 pounds worth of refugee land.<sup>183</sup>

Table 4.2: Estimates of Palestinian Refugee Losses (US\$ millions) in 1948

	UNCCP (1951)	Sayigh(1) (1966)	Kubursi(2) (1996)
1948	484	3,050	2,994 property
1998(3) adjusted for inflation	3,373	21,259	20,868 property 33,198 property and human capital
1998(4) adjusted for inflation and real rate of return	23,958	150,975	148,203 property 235,769 property and human capital

(1) Yusif Sayigh, *The Israeli Economy*. Beirut: PLO Research Center, 1967.

(2) Atif Kubursi, *Palestinian Rights and Losses in 1948: The Quest for Precision*. Washington, DC: The Center for Policy Analysis on Palestine, 1996.

(3) The original valuations were in Palestinian pounds (LP). Currency and inflation adjustments were made utilizing an exchange rate of LP=\$4.03.

(4) Based on changes in the U.S. Consumer Price Index for 1947 to 1998.

Source: Table compiled by PRRN as part of the summary of the July 1999 workshop on compensation for Palestinian refugees. Available at: <http://www.prrn.org>.

### *UNCCP activities related to resettlement*

The UNCCP made several interventions with Arab states to secure resettlement spaces for Palestinian refugees choosing not to exercise their right to return to their places of origin inside Israel. The governments of Jordan and Syria agreed to resettle those refugees choosing not to return to their homes of origin inside Israel, provided that these refugees were indeed given the choice to return, which would be implemented under the auspices of the United Nations.<sup>184</sup> The Egyptian government stated that resettlement would be difficult due to the population density of Egypt and lack of arable land; however, it did not rule out resettlement in the future within the framework of international technical and financial aid. The government of Lebanon also stated that resettlement would be extremely difficult, given the population density of the country.

### 4.6.3 The UN Relief and Works Agency for Palestine Refugees

The UN Relief and Works Agency for Palestine Refugees (UNRWA) is the primary international body mandated to provide assistance through basic humanitarian relief and services to Palestinian refugees (see *Chapter Three*). UNRWA also has a mandate to assist, on an emergency and humanitarian basis, 1967 refugees and persons displaced as a result of subsequent hostilities. It has not, however, developed a specific response to internally displaced persons, which includes both refugees and non-refugees.

UNRWA does not have an explicit mandate to provide international protection, as it was intended as a temporary organization to



UNRWA Staff evacuating a Palestinian woman and her child in Deheisha refugee camp during the first Intifada, occupied West Bank, 1989. © UNRWA Archives.

provide relief to Palestinian refugees alongside other UN mechanisms (i.e., UNCCP) that were mandated to address larger political issues. UNRWA considers that a comprehensive solution to the refugee question lies with the parties to the conflict and other political actors.<sup>185</sup> UNRWA cannot provide comprehensive physical or legal protection, or participate in the search for durable solutions, including repatriation of Palestinian refugees.

UNRWA's protection activities are thus constrained to limited short- and medium-term activities. UNRWA activities aim to contribute to the human development of refugees in its areas of operation (Gaza Strip, West Bank, Lebanon, Jordan and Syria) by providing essential services until a just settlement to the refugee issue is implemented in accordance with UN resolutions, in particular General Assembly Resolution 194.<sup>186</sup>

UNRWA nevertheless provides limited protection through general assistance programmes guaranteeing the basic needs of 1948 Palestinian refugees through education and health programmes. Such provision of services guarantees basic economic, social and cultural rights, particularly in emergency humanitarian crises, and may also be considered a form of protection – i.e., “relief protection”. To this end, UNRWA defines itself as “an advocate [that] seeks to safeguard the rights of Palestine refugees and acts as a witness and a protecting presence in areas of humanitarian crises and conflict.”<sup>187</sup> Occasionally, UNRWA also provides limited protection through monitoring, reporting, and a limited degree of intervention.

UNRWA also registers Palestinian refugees in need of humanitarian assistance and provides them with identity cards. Based on UNRWA's working definition, registered refugees are called “Palestine refugees.”<sup>188</sup> Today, there are about 6 million 1948 Palestinian refugees, of which 4,375,000 million are registered with UNRWA.<sup>189</sup> UNRWA registration is administrative, and does not aim to register all those displaced in 1948, but only those in need of assistance. There is no systematic registration of Palestinian refugees; statistics are available only for 1948 Palestinian refugees registered with UNRWA.<sup>190</sup> Despite the partiality of UNRWA's database, it is the only reliable and updated source of information on the number of 1948 Palestinian refugees available at present. It has come to represent the quantifiable proof that Palestinian refugees still exist.

Although UNRWA does not have a mandate to pursue durable solutions, from its inception until the end of the 1950s, international powers had hoped that UNRWA work and regional economic development projects, as envisaged by the Economic Survey Mission (ESM), would encourage refugees to integrate (i.e., resettle) in Arab host countries.<sup>191</sup> But due to strained financial resources and strong opposition to resettlement from Arab states and refugees,<sup>192</sup> UNRWA soon redirected expenditures towards relief rather than resettlement plans.<sup>193</sup> In 1959, the UN Secretary-General reached the conclusion that “no reintegration [i.e., resettlement] would be satisfactory, or even possible, were it to be brought about by forcing people into new positions against their will.”<sup>194</sup> Hence, although it was hoped that UNRWA work would contribute to resettlement programmes based on the recommendations of the Mission, it soon shifted its activities towards the provision of health care, education, relief and social services.

The 1967 occupation of the West Bank and Gaza Strip brought about a new reality. In 1967, then Commissioner-General of UNRWA, Lawrence Michelmore, approached the UN Under-Secretary-General seeking international protection for refugees in the occupied Palestinian territory. The initiative failed to attract sufficient support at the United Nations, based on the Under-Secretary's view that Israel would oppose a protection initiative.

UNRWA's protection role was nevertheless subsequently expanded as a result of the massacre in the refugee camps of Sabra and Shatila in 1982. General Assembly Resolution 37/120(J), entitled “Protection of Palestine Refugees”, stipulated that UNRWA, in consultation with the Secretary-General, should “undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in

the occupied territory [i.e. Lebanon].”<sup>195</sup> Similar resolutions in 1983, 1988 and 1993 reiterated the need for UNRWA to continue its efforts in preserving the security and human rights of the Palestinian refugees in territory under Israeli occupation since 1967.<sup>196</sup> In practice, however, UNRWA has limited capacity and room for manoeuvre, as it noted with regard to the need for international protection by refugees in Lebanon in the early 1980s: “The only means at the disposal of [UNRWA] is [...] to report, to warn and to make representations to the authorities responsible.”

During the first *intifada* (1987–1993), UNRWA protection activities increased as a result of Security Council Resolution 605, which called upon the Secretary-General to assess the situation and to present to the Security Council “recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation.”<sup>197</sup> UNRWA was requested by the Secretary-General to enhance its “general assistance” capacity through the addition “of international staff” in the OPT to intervene with the authorities of the Occupying Power in an effort to provide “passive protection”.<sup>198</sup>

UNRWA thus established the Refugee Affairs Officer (RAO) programme in the occupied Palestinian territory to provide protection through monitoring, reporting, and a limited degree of intervention. By the beginning of the 1990s, the RAO protection activities included a “degree of passive protection for the refugee population” through a legal aid scheme with the purpose of helping “refugees deal with a range of problems of life under occupation”, including “sustained follow-up in cases of deaths, injuries and harassment; bureaucratic difficulties in obtaining various permits; discrimination in access to courts of law, welfare benefits, etc.; travel restrictions; and various forms of collective punishment.”<sup>199</sup> UNRWA has also offered legal advice and assistance to refugees applying for family reunification. The RAO Program was eventually phased out, first in the occupied Gaza Strip (1994), and then in the occupied West Bank (1996), following the redeployment of the Israeli military and establishment of the Palestinian Authority. Although it was unable to bridge the protection gap in relation to Palestinian refugees (i.e., the search for durable solutions), the RAO’s passive protection mandate “constitutes the most expansive protection mechanism ever instituted by the Agency.”<sup>200</sup>

In 2000, UNRWA once again began providing emergency assistance in response to rapidly deteriorating conditions in the occupied Palestinian territory as a result of Israel’s attempt to suppress the second Palestinian *intifada* through military force. The Operation Support Officers (OSO) programme has a mandate similar to that of the Refugee Affairs Officer (RAO) programme, but its protection-related activities are far more limited. The goal of the OSO programme is “to assist in alleviating the adverse effects that the restrictions imposed by Israeli authorities [are] having upon the Agency’s provision of humanitarian services.”<sup>201</sup> The officers also monitor and report on “the living conditions of Palestine refugees” and “problems that affect the human dignity, physical safety, welfare and protection of Palestine refugees and other persons of concern to UNRWA.” They are also responsible for inspecting “UNRWA’s property and facilities, to ensure that they are used only as intended.”<sup>202</sup> Despite an explicit protection mandate, the OSO program has mainly focused on monitoring UNRWA installations and humanitarian access for the Agency.<sup>203</sup>

On numerous occasions, the Agency has protested to the Israeli authorities that “actions [] that kill or injure UNRWA staff and students, or that interfere with UNRWA installations violate Israel’s international legal obligations under general principles of international law, the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations, and, in many cases, the Fourth Geneva Convention and applicable international human rights conventions, particularly the Convention on the Rights of the Child.”<sup>204</sup> UNRWA expressed similar concern at the shelling and aerial bombardment by the Israeli army in the summer of 2006 of “homes, small businesses and vital infrastructure, including the Gaza airport, two ministries, six bridges and all six transformers in the Gaza Strip’s power plant”,<sup>205</sup> which led to the death of hundreds of persons and the displacement of around 3,500 refugees in the Gaza Strip.



More recently, and since its first donor conference in 2004, *Meeting the Humanitarian Needs of the Palestine Refugees in the Near East*, UNRWA has included a rights-based approach to its operations. It has appointed a senior protection and policy advisor to study ways in which UNRWA could increase its protection work for Palestinian refugees, in particular refugee children, based on the Convention on the Rights of the Child.<sup>206</sup> However, protection efforts have remained limited to reporting and monitoring, and include neither physical and legal protection, nor the search for a durable solution.

#### 4.6.4 The Office of the UN High Commissioner for Refugees

The General Assembly established the Office of the UN High Commissioner for Refugees (UNHCR) under Resolution 319(IV) in 1951.<sup>207</sup> The UNHCR is the primary international body mandated to provide protection, including the search for durable solutions, to refugees worldwide. This includes persons considered to be refugees under the 1951 Convention relating to the Status of Refugees. The UNHCR is also the primary body mandated to provide protection to stateless persons.



Palestinian refugees arrive in Tanaf area, Iraqi-Syrian border, May 2006. © UNHCR.

The UNHCR has recently taken a greater role in providing protection to IDPs in the framework of the Collaborative Response to situations of internal displacement through a new “cluster-lead system” (see the UN Collaborative Approach to Situations of Internal Displacement below).<sup>208</sup> In the past, UNHCR involvement with IDPs required a specific request from the UN Secretary-General, and the agreement of the state concerned, as well as adequate resources and/or a direct link between refugees and IDPs.<sup>209</sup> By the end of 2006, however, the UNHCR had redefined its policy and criteria for engagement in IDP situations based on the recommendation of the UN Secretary-General, who affirmed that UNHCR “must reposition itself to provide protection and assistance to displaced persons in need, regardless of whether they have crossed an international

border.”<sup>210</sup> This new cluster-lead role of the UNHCR has yet to become relevant for Palestinian IDPs.

The UNHCR does not consider Palestinian refugees who reside in one of the five areas of UNRWA operations (i.e., West Bank, Gaza Strip, Jordan, Lebanon and Syria) as falling within its mandate. Increasingly, however, the UNHCR and UNRWA cooperate and exchange information to resolve problems faced by Palestinian refugees, particularly since the US-led invasion and occupation of Iraq, and Israel’s war on Lebanon in 2006.<sup>211</sup>



The UNHCR recognizes 1948 and 1967 Palestinian refugees outside UNRWA areas of operation as *prima facie* “Convention refugees” under Article 1D of the 1951 *Refugee Convention*.<sup>212</sup> In other words, they do not need to prove individual persecution under Article 1A. Descendants of 1948 and 1967 refugees are also entitled to protection under the Convention. Other Palestinians displaced after 1967, who are neither 1948 or 1967 refugees, and are considered refugees according to Article 1A of the Convention, also fall within the protection mandate of the UNHCR. As of 2005, UNHCR statistics indicate that an estimated 349,000 Palestinian refugees or less than 5% of the total Palestinian refugee population (not including IDPs), fall within the UNHCR mandate.<sup>213</sup>

The UNHCR’s limited mandate for 1948 and 1967 Palestinian refugees may be explained by a variety of factors, including the absence, in the 1950 Statute of the UNHCR, of an inclusion clause for Palestinian refugees similar to the second clause of Article 1D of the 1951 *Refugee Convention*; the perception that the “political character” of the Palestinian refugee case is incompatible with the “neutral character” of UNHCR protection activities; financial concerns related to the inclusion of millions of additional refugees in UNHCR programs; and combined Western and Arab opposition to the inclusion of all Palestinian refugees within the protection mandate of the UNHCR.

UNHCR protection activities for Palestinian refugees outside UNRWA areas of operation have included assistance with travel documents, renewal of UNRWA registration cards, facilitation of interim solutions for Palestinian refugees in cases of forced departure from Arab host countries, legal aid for stranded Palestinian refugees seeking asylum, and advice to states on the interpretation and application of the 1951 Convention to Palestinian refugees. After the PLO was forced to leave Lebanon in 1982, for example, the UNHCR intervened with the Lebanese authorities on behalf of Palestinian refugees who were experiencing difficulty in obtaining the renewal of Lebanese travel documents. Other UNHCR efforts have included drafting the 1992 *Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World* and the 2002 *Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*.

The UNHCR recognizes the protection gap faced by 1948 and 1967 Palestinian refugees, and has issued several calls to remedy the problem. For example, following the massacre of several thousand Palestinian refugees in Beirut in September 1982 by Israeli-allied Lebanese Phalangist militiamen, the UNHCR Executive Committee (the advisory body to the High Commissioner) “expressed the hope that measures would be taken to protect refugees against such attacks and to aid the victims.”<sup>214</sup> During the late 1980s and the early 1990s, in the context of the first Palestinian *intifada* in the 1967-occupied Palestinian territory, the UNHCR issued numerous Executive Committee conclusions that “[e]xpressed concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would be undertaken within the United Nations system to address their protection needs.”<sup>215</sup>

During the 1990–91 Gulf War, the UNHCR extended protection services and provided material assistance to several hundred thousand Palestinian refugees in the Gulf States who were confronted with detention and forced departure. Between 1995 and 1997, the UNHCR provided assistance to Palestinian refugees stranded on the Libyan-Egyptian border after being expelled from Libya in 1995.

Since the US-led war and occupation of Iraq in 2003, the UNHCR reports that “Palestinians [in Iraq] have become subject to discriminatory and violent acts, forcing some of them to leave the country in search of safety abroad.”<sup>216</sup> The UNHCR has provided humanitarian assistance and protection to Palestinian refugees stranded in Iraq and on the borders with Syria and Jordan.<sup>217</sup> The UNHCR has also made numerous appeals expressing strong concern, and urgently calling for at least a temporary solution for Palestinian refugees from Iraq. At a briefing, a UNHCR spokesperson noted that “right now, it’s an untenable situation for the Palestinians, and it is deteriorating on a daily basis”,<sup>218</sup> and urged “the international community, including neighbouring and

resettlement countries, to help find a humane solution for these refugees who are persecuted inside Iraq and have nowhere to go.”<sup>219</sup> The UNHCR has approached the Israeli authorities to ask them to allow Palestinian refugees fleeing Iraq to enter the occupied Palestinian territory. The Palestinian Authority (PA) has been willing to welcome the refugees, but Israel, who controls the borders, has so far refused to discuss this option. The UNHCR has also tried to facilitate the entry of Palestinian refugees fleeing Iraq into Jordan and Syria, and to find relocation space in other Arab states, but to no avail. Meanwhile, the UNHCR continues to look for a place to secure the refugees’ lives and has turned to other states such as Canada, Australia and Latin American countries to investigate whether they will accept Palestinian refugees fleeing Iraq.

#### **4.6.5 The Office of the High Commissioner for Human Rights**

The Office of the High Commissioner for Human Rights (OHCHR) promotes and protects the realization, by all people, of all rights established in the Charter of the United Nations and under international human rights law. A bureau of the OHCHR was established in 1996 in the occupied Palestinian territory. Its main mandate is to strengthen the relationship and inter-action between UN human rights mechanisms, Palestinian civil society and the Palestinian Authority. The bureau of the OHCHR in the OPT is not actively involved in protection issues, but other bodies within the OHCHR have provided some form of protection through reports, resolutions and recommendations.

The Human Rights Council (HRC) within the OHCHR, for example, held a number of special sessions in 2006 on Israel’s war on Lebanon and Israel’s military operations in the occupied Gaza Strip. The HRC passed a resolution calling “for immediate protection of the Palestinian civilians in the Occupied Palestinian Territory in compliance with human rights law and international humanitarian law” and decided to “dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun to, inter alia: (a) assess the situation of victims; (b) address the needs of survivors; and (c) make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults.”<sup>220</sup> The fact-finding mission was never implemented due to lack of co-operation on the part of the Israeli government.

Special Rapporteurs of the HRC have issued statements and reports regarding the situation of Palestinian refugees and IDPs. Miloon Kothari, the UN Special Rapporteur on Adequate Housing, noted that “essentially, the institutions, laws and practices that Israel has 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 went on to argue that this dispossession of Palestinian communities is widely interpreted as a reflection of Israel’s systematic policy of “...depopulation and demographic manipulation by way of expulsion, destruction of homes and villages...”<sup>221</sup> The Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied since 1967, Prof John Dugard, warned of the “de-Palestinization of Jerusalem” and “the emergence of a new wave of internally displaced persons” as a result of the construction of the Wall and its associated regime in the OPT.<sup>222</sup> He also mentioned that hundreds of families were compelled to flee their houses as a result of Israeli army operations in the Gaza Strip in the summer of 2006.<sup>223</sup>

Human rights treaty bodies have also made recommendations pertaining to Palestinian refugees and IDPs. For instance, in 2003, the Committee on Social, Economic and Cultural Rights (CESCR) expressed concern about

the status of “Jewish nationality”, which is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, in particular Palestinian refugees.<sup>224</sup>

In 2004, the Committee for the Elimination of Racial Discrimination (CERD) requested that Lebanon minimally “remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens.”<sup>225</sup> Similarly, in 2006, the Committee on

the Rights of the Child (CRC) expressed concern about “the persistent de facto discrimination faced ... by Palestinian refugee children” in Lebanon, noting that “the protection of refugee children, including Palestinian children, [has] not been sufficiently addressed.”<sup>226</sup>

In 2005, the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) expressed concerns over participation, health and education of Palestinian women in Israel, and recommended that steps be taken “to eliminate discrimination against Bedouin women and ... enhance respect for their human rights through effective and proactive measures ... in the field of education, employment and health.”<sup>227</sup>

#### 4.6.6 UN Office for the Coordination of Humanitarian Affairs

The Office for the Coordination of Humanitarian Affairs (OCHA) was established in the occupied Palestinian territory in 2000 as a result of the deteriorating situation as a result of the second *intifada*. Although its mandate focuses on UN inter-agency coordination, it also includes information, advocacy and policy support in line with international human rights and humanitarian law. For instance, OCHA reports on the protection of civilians, including casualties and destruction of shelter and property in the occupied Palestinian territory.<sup>228</sup>

#### 4.6.7 The UN Collaborative Response to Situations of Internal Displacement

No single UN agency has been identified as the sole agency responsible for offering assistance and protection to the large number (some 24.5 million in 2006) of IDPs worldwide.<sup>229</sup> Instead, since 2002, a collective approach, i.e., the Collaborative Response, has been adopted in order to improve the international response to situations of internal displacement. Under this approach, all relevant UN agencies and organizations share the responsibility to respond to situations of internal displacement.

No regional or international agency is mandated to provide protection to Palestinian IDPs in Israel and in the OPT, although UN agencies working on the ground do provide basic emergency humanitarian assistance to displaced Palestinians in the OPT or during humanitarian crises (e.g. Israel’s War on Lebanon). However, the problem of internal displacement has not yet been officially recognized, and no comprehensive response to the needs and rights of the displaced has been developed.

In 2005, the cluster-lead approach, which designates lead UN agencies to certain “clusters” or sectors, was added to the Collaborative Response. The UNHCR agreed to assume a lead role in protection, camp management, and emergency shelter for internally displaced persons. Other UN agencies, such as the Office for the Co-ordination of Humanitarian Affairs (OCHA),<sup>230</sup> the Children’s Fund (UNICEF) and the Office of the High Commissioner for Human Rights (OHCHR), are also involved, and co-operate with the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM).<sup>231</sup>

The overall co-ordinator at headquarters, or “focal point” at the UN level, is the Emergency Relief Co-ordinator Ian Egeland, who heads OCHA and the Resident/Humanitarian Co-ordinator in the field.<sup>232</sup> The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin, is the main “advocate” for the internally displaced.

The Collaborative Response, however, has so far failed to meet expectations because of resistance among UN agencies to co-ordination, as well as the lack of predictability in response to situations of internal displacement.<sup>233</sup> In its 2006 report on internal displacement, the Internal Displacement Monitoring Centre concluded that “the international community has failed – both in preventing new crises that cause displacement and in contributing to the creation of environments conducive to return and other durable solutions.”<sup>234</sup>

#### 4.6.8 The International Court of Justice and the United Nations Register of Damage

The International Court of Justice, established in 1945 by the Charter of the United Nations, is the highest legal authority in the world, and issues rulings on contentious and advisory cases.



*The Peace Palace in The Hague (Netherlands), seat of the International Court of Justice. © Jeroen Bouman.*

In October 2003, the UN General Assembly demanded that “Israel stop and reverse the construction of the Wall in the occupied Palestinian territory, including in and around eastern Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law.”<sup>235</sup> When Israel continued to build the Wall, the UN General Assembly passed resolution ES-10/14 requesting the International Court of Justice (ICJ) to issue an Advisory Opinion on the following: “What are the legal consequences arising from the construction of the wall being

built by Israel, the occupying Power, in the Occupied Palestinian Territory?”<sup>236</sup>

The ICJ issued its advisory opinion on 9 July 2004. It ruled that the Wall was illegal and violated the fundamental rights of the Palestinian people, in particular their right to self-determination. The ICJ also affirmed that Israel “cannot rely on a right to self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the wall.”<sup>237</sup> The route of the Wall is in violation of Article 49(6) of the Fourth Geneva Convention, because it was largely determined by the location of Jewish colonies, and not by security concerns.<sup>238</sup> The Court further “considers that the construction of the wall and its associated regime create a ‘fait accompli’ on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation.”<sup>239</sup> The Court also found that

[...] since a significant number of Palestinians have already been compelled by the construction of the wall and its associated regime to depart from certain areas, a process that will continue as more of the wall is built, that construction, coupled with the establishment of the Israeli settlements [...] is tending to alter the demographic composition of the [occupied Palestinian territory].<sup>240</sup>

The Court ruled that it was incumbent upon Israel to cease the construction of the Wall and dismantle the sections already built. It further requested Israel to make reparations for all damage caused by its unlawful act.<sup>241</sup> Of particular relevance for Palestinian refugees and IDPs is the affirmation by the ICJ of the principle of reparation, which includes the right to return, as well as restitution and compensation for the unlawful taking of private property. Israel officially rejected the ICJ ruling and has so far failed to comply with the demands therein.

The ICJ affirmed the responsibility of the international community and states “not to recognize the illegal situation resulting from the construction of the wall and not to render assistance in maintaining the situation created by such construction.” States Party to the Fourth Geneva Convention were requested to “ensure compliance by Israel with international humanitarian law.”<sup>242</sup> The Court also insisted on the fact that the violation of the right to self-determination, which is a right *erga omnes*, entails certain obligations for states, which should “promote, through joint and separate action,

realization of the principle of equal rights and self-determination of peoples.”<sup>243</sup> The international community has so far failed to take action based on the ICJ ruling; some states have instead indicated that they may be inclined to recognize the “new reality” created by Israel’s Wall in the 1967-occupied Palestinian territory.

On 20 July 2004, the UN General Assembly adopted a resolution demanding that Israel and all member states comply with the legal obligations stipulated in the Advisory Opinion, and requested that the Secretary-General establish a register of damage caused to all natural or legal persons concerned.<sup>244</sup>

In early 2005, UN Secretary-General Kofi Annan forwarded a letter to the General Assembly setting out a framework for the creation of such a register. According to this letter, the proposed registry “is not a compensation commission or claims-resolution facility, nor is it a judicial or quasi-judicial body” but “a technical, fact-finding process of listing or recording the fact and type of damage caused as a result of the construction of the Wall.”<sup>245</sup>

On 15 December 2006, the General Assembly passed three resolutions pertaining to the establishment and functioning of the Register. Resolution A/ES-10/L.20/Rev.1 officially established the Register of Damage to “serve as a record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, the Occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem.”<sup>246</sup>

The Register is to be a subsidiary organ of the UN, operating under the authority of the Secretary-General, and consisting of a three-member Board and small secretariat headed by an Executive Director, as well as administrative and technical staff, which will remain open for registration for the duration of the Wall in the occupied West Bank, including eastern Jerusalem.<sup>247</sup> The Board will determine the eligibility criteria for the inclusion of damages and losses and the procedure for the collection and registration of damage claims.<sup>248</sup>

The Register of Damage will be based in Vienna and become operative in June 2007. It is required to co-operate with the governments and authorities concerned to facilitate the process of collection, submission and processing of damage claims in the OPT.<sup>249</sup> The Register of Damage will report to the General Assembly every six months.

#### 4.6.9 Universal Jurisdiction

International law contains the obligation for states to prosecute perpetrators of war crimes and torture. Under the principle of universal jurisdiction, some courts can exercise jurisdiction over gross violations of international human rights law and serious violations of international humanitarian law, regardless of where they were committed, and often without the state having a connection to the perpetrator or the victim. “Universal jurisdiction laws seek to prevent impunity, whereby human rights violators may evade accountability for their conduct.”<sup>250</sup> For example, Spain, Belgium, Germany, and the United Kingdom have used these laws to convict criminals for human rights abuses committed in other countries.

A number of initiatives have been undertaken in the past few years to hold accountable Israeli officials who allegedly committed war crimes or crimes against humanity against Palestinians, including Palestinian refugees. One of the first cases involved a complaint against then Prime Minister Ariel Sharon for his role in the 1982 massacre at the refugee camps of Sabra and Shatila. More recently, cases have been brought in the United States, the United Kingdom, New Zealand and other European states against Israeli military commanders and officials, including those responsible for the one-ton bomb attack on a civilian area in Gaza in July 2002.<sup>251</sup> If found guilty, the perpetrators of these crimes should be punished and reparation should be provided for harm suffered (see box on reparations at the beginning of this chapter). However, for different reasons, all these cases have ended without any satisfaction for the Palestinian victims. So universal jurisdiction provides some possibilities for the victims, but there are certainly also many barriers to be overcome.



## Endnotes

- <sup>1</sup> James Hathaway defines persecution as “the sustained or systemic failure of state protection in relation to one of the core entitlements which has been recognised by the international community.” *The Law of Refugee Status*. Toronto: Butterworths, 1991, p. 112.
- <sup>2</sup> *Convention Relating to the Status of Refugees (Refugee Convention)*, effective 22 April 1954, 28 July 1951, 189 UNTS 137.
- <sup>3</sup> It is now widely recognized that people in need of aid and protection in their own countries have claims on the international community when their governments do not fulfil their responsibilities. UNHCR, *The State of the World's Refugees*, 2006, p. 160.
- <sup>4</sup> *Protocol Relating to the Status of Refugees*, adopted 31 January 1967, 19 UST 6223, 606 UNTS 267 (entered into force 4 October 1967).
- <sup>5</sup> UN Doc. E/CN.4/1998/53/Add.2/1998.
- <sup>6</sup> Article 33 of the 1951 *Refugee Convention* prescribes that no refugee should be returned to any country where his or her life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion. This provision constitutes one of the basic Articles of the 1951 Refugee Convention, to which no reservations are permitted. The principle of non-*refoulement* is broader than Article 33, and also encompasses non-*refoulement* prohibitions deriving from human rights obligations, including Article 3 of the United Nations' *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and Article 7 of the *International Covenant on Civil and Political Rights*.
- <sup>7</sup> Goodwin-Gill, Guy, *The Refugee in International Law*. 2nd ed. Oxford: Oxford Press, 1998, p. 221.
- <sup>8</sup> *Guiding Principles on Internal Displacement*, 1998, Principle 15.
- <sup>9</sup> *Guiding Principles on Internal Displacement*, 1998, Principle 1.
- <sup>10</sup> *Handbook on Voluntary Repatriation: International Protection*. Geneva: UNHCR, 1996, p. 10.
- <sup>11</sup> The *Guiding Principles on Internal Displacement* also reiterate the responsibility of competent authorities “to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.” 1998, Principle 28.
- <sup>12</sup> *Resettlement Handbook*, Geneva: UNHCR, Chapter 2, p. 9.
- <sup>13</sup> *Resettlement Handbook*, Geneva: UNHCR, Chapter 2, p. 8.
- <sup>14</sup> *Resettlement Handbook*, Geneva: UNHCR, Chapter 1, p. 3.
- <sup>15</sup> *Resettlement Handbook*, Geneva: UNHCR, Chapter 2, p. 2. See also UNHCR, *Framework for Durable Solutions for Refugees and Persons of Concern*. Core Group on Durable Solutions, Geneva, May 2003.
- <sup>16</sup> *Conclusion on Voluntary Repatriation*, UNHCR, Executive Committee, No. 40 (XXXVI), 1985; and *Conclusion on Voluntary Repatriation*, UNHCR, Executive Committee, No. 18 (XXXI), 1980.
- <sup>17</sup> *Resettlement Handbook*, Geneva: UNHCR, Chapter 1, p. 12.
- <sup>18</sup> *Handbook on Voluntary Repatriation: International Protection*. Geneva: UNHCR, 1996, p. 5.
- <sup>19</sup> UNGA Resolution 194(III), 11 December 1948. UN Doc. A/810, at 21 (1948). The analysis of Resolution 194(III) is based on Rempel, Terry, “UN General Assembly Resolution 194(III) and the Framework for Durable Solutions for 1948 Palestinian Refugees.” Paper prepared for the BADIL Expert Forum, The Role of International Law in Peacemaking and Crafting Durable Solutions for Refugees, 22–23 May 2003, Ghent University, Department of Third World Studies.
- <sup>20</sup> UNCCP, *Analysis of Paragraph 11 of the General Assembly's Resolution of 11 December 1948*. UN Doc. W/45, 15 May 1950.
- <sup>21</sup> *Progress Report of the United Nations Mediator on Palestine*, submitted to the Secretary General for Transmission to the Members of the United Nations. UN GAOR, 3rd Sess., Supp. No. 11, UN Doc. A/648, 16 September 1948, Part One: The Mediation Effort, V. Refugees, para. 8.
- <sup>22</sup> *Letter and Memorandum dated 22 November 1949. Concerning Compensation*, received by the Chairman of the Conciliation Commission from Gordon R. Clapp, Chairman, United Nations Economic Survey Mission for the Middle East. UN Doc. W/32, 19 January 1950.
- <sup>23</sup> UNCCP, *Analysis of Paragraph 11 of the General Assembly's Resolution of 11 December 1948*. UN Doc. W/45, 15 May 1950.
- <sup>24</sup> UNCCP, *Analysis of Paragraph 11 of the General Assembly's Resolution of 11 December 1948*. UN Doc. W/45, 15 May 1950.
- <sup>25</sup> UNCCP, *Analysis of Paragraph 11 of the General Assembly's Resolution of 11 December 1948*. UN Doc. W/45, 15 May 1950.
- <sup>26</sup> UNCCP, *Analysis of Paragraph 11 of the General Assembly's Resolution of 11 December 1948*. UN Doc. W/45, 15 May 1950.
- <sup>27</sup> On deportation, see, e.g., UNSC Resolution 799 (1992), 18 December 1992; UNSC Resolution 726 (1992), 6 January 1992; UNSC Resolution 694 (1991), 24 May 1991; UNSC Resolution 641 (1989), 30 August 1989; UNSC Resolution 636 (1989), 6 July 1989; UNSC Resolution 608 (1988), 14 January 1988; UNSC Resolution 607 (1988) 5 January 1988; and UNGA Resolution 34/29, 16 November 1979.
- <sup>28</sup> In 1983, for instance, the United Nations convened an International Conference on the Question of Palestine in Geneva. Representatives of 137 states attended. The Conference reiterated the obligation of all member states, under the Charter of the United Nations, to facilitate “the implementation of the right of return of the Palestinians to their homes and properties.” “In the event of Israel's persistent non-compliance with the relevant United Nations resolutions which embody the will of the international community,” the Conference called upon the UN Security Council to take “appropriate measures in accordance with the Charter of the United Nations, to ensure

- Israel's compliance with these resolutions." *Ibid*, Programme of Action for the Achievement of Palestinian Rights, II.B, para. 5.
- <sup>29</sup> For a detailed legal analysis of this principle, see, e.g., Boling, Gail J., *The 1948 Palestinian Refugees and the Individual Right of Return*. Bethlehem: BADIL Resource Center for Palestinian Residency & Refugee Rights, 2001.
- <sup>30</sup> *The Pinheiro Principles (Principles on Housing and Property Restitution for Refugees and Displaced Persons)*, E/CN.4/Sub.2/2005/17, 28 June 2005, Principle 10(2).
- <sup>31</sup> Arbitrary displacement, also known as population transfer, is the forced displacement of persons by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law. *Rome Statute of the International Criminal Court*, 17 July 1998, Article 7(2)(d). Arbitrary displacement is prohibited when it is based on policies of apartheid, ethnic cleansing or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population. *Guiding Principles on Internal Displacement*, 1998, Principle 6.
- <sup>32</sup> "The prohibition is general in character. It applies to all protected persons in the hands of a belligerent, whatever their status may be (protected persons who are not subject to restrictions on their liberty, internees or refugees); it cannot be lifted, even with the consent of the persons concerned. This is, in fact, a case in which Article 8, relating to the non-renunciation of rights, applies." *Fourth Geneva Convention (IV) Relative to the Protection of Civilians*, 12 August 1949, Article 45 and commentary. Similarly, the *1990 Turku Declaration* declares in Article 7: "Persons or groups thus displaced shall be allowed to return to their homes as soon as the conditions which made their displacement imperative have ceased." *Declaration of Minimum Humanitarian Standards*, UN Doc. E/CN.4/Sub.2/1991/55, December 2, 1990, Article 7 in Sassoli, Marco and A. Bouvier, *How Does Law Protect in War?* Geneva: International Committee of the Red Cross, 1999, p. 519.
- <sup>33</sup> *Fourth Geneva Convention (IV) Relative to the Protection of Civilians*, 12 August 1949, Article 49.
- <sup>34</sup> *Protocol Additional to the Geneva Conventions*, 12 August 1949, and relating to the *Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, Articles, 74, 85 (4)(a).
- <sup>35</sup> See Article 13(2) of the *Universal Declaration of Human Rights*, 1948; Article 12(4) of the *International Covenant on Civil and Political Rights*, 16 December 1966; and Article 5 (d)(ii) of the *Convention on the Elimination of All Forms of Racial Discrimination*, 4 January 1969.
- <sup>36</sup> *International Covenant on Civil and Political Rights*, 16 December 1966, Article 12.
- <sup>37</sup> *Conclusion on Voluntary Repatriation*, UNHCR, Executive Committee, No. 40 (XXXVI), 1985; and *Conclusion on Voluntary Repatriation*, UNHCR, Executive Committee, No. 18 (XXXI), 1980.
- <sup>38</sup> Mallison, W. Thomas and Sally V. Mallison, *An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question*. United Nations, New York, 1979, p. 31. UN Doc. ST/SG/SER.F/4. Also see Zedalis, Rex J., "Right to Return: A Closer Look," 6 *Georgetown Immigration Law Journal* 413, 1992, pp. 507–508. Generally, see *A Study on Statelessness*, United Nations Department of Social Affairs, UN Doc. E/1112, UN Sales Pub. 1949. XIV.2, August 1949.
- <sup>39</sup> *Compensation to Refugees for Loss of or Damage to Property to be Made Good Under Principles of International Law or in Equity*. UN Doc. W/30, 31 October 1949, para. 8.
- <sup>40</sup> UNCCP, *Analysis of Paragraph 11 of the General Assembly's Resolution of 11 December 1948*. UN Doc. W/45, 15 May 1950.
- <sup>41</sup> UNCCP, *Analysis of Paragraph 11 of the General Assembly's Resolution of 11 December 1948*. UN Doc. W/45, 15 May 1950.
- <sup>42</sup> For a detailed legal analysis, see, e.g., Boling, Gail J., "Absentees' Property Laws and Israel's Confiscation of Palestinian Property: A Violation of UN General Assembly Resolution 194 and International Law," 11/12 *Palestine Yearbook of International Law* (2000–2001): pp. 73–130. Also see the *Pinheiro Principles (Principles on Housing and Property Restitution for Refugees and Displaced Persons)*, E/CN.4/Sub.2/2005/17, 28 June 2005.
- <sup>43</sup> *Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles)*, Principle 2.2.
- <sup>44</sup> *Legal Safety Issues in the Context of Voluntary Repatriation of Refugees*, UNHCR Executive Committee No. 101 (LV), 2004.
- <sup>45</sup> UNHCR, Inter-Office/Field Office Memorandum No. 104/2001, "Checklist on the Restitution of Housing and Property," 28 November 2001.
- <sup>46</sup> UNHCR, Inter-Office/Field Office Memorandum No. 104/2001, "Checklist on the Restitution of Housing and Property," 28 November 2001.
- <sup>47</sup> *Guiding Principles on Internal Displacement*, 1998, principle 29.
- <sup>48</sup> *Historical Precedents for Restitution of Property or Payment of Compensation to Refugees*. UN Doc. W/41, 18 March 1950, para 1.
- <sup>49</sup> *Letter and Memorandum dated 22 November 1949. Concerning Compensation*, received by the Chairman of the Conciliation Commission from Gordon R. Clapp, Chairman, United Nations Economic Survey Mission for the Middle East. UN Doc. W/32, 19 January 1950.
- <sup>50</sup> *Text of Suggestions Presented by the United Nations Mediator on Palestine to the Two Parties on 28 June 1948*, UN Doc. S/863, 3 July 1948.
- <sup>51</sup> *Progress Report of the United Nations Mediator on Palestine, submitted to the Secretary General for Transmission to the Members of the United Nations*. UN GAOR, 3rd Sess., Supp. No. 11, UN Doc. A/648, 16 September 1948, Part One: The Mediation Effort, V. Refugees, para. 6.
- <sup>52</sup> International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, para. 153.

- <sup>53</sup> For a detailed analysis, see, e.g., Lynk, Michael, "Compensation for Palestinian Refugees: An International Law Perspective," 11 *Palestine Yearbook of International Law* (2000–2001): pp. 155–183. Also see the *Pinheiro Principles (Principles on Housing and Property Restitution for Refugees and Displaced Persons)*, E/CN.4/Sub.2/2005/17, 28 June 2005.
- <sup>54</sup> *Legal Safety Issues in the Context of Voluntary Repatriation of Refugees*, UNHCR Executive Committee No. 101 (LV), 2004.
- <sup>55</sup> *Guiding Principles on Internal Displacement*, 1998, principle 29.
- <sup>56</sup> The General Assembly rejected draft resolutions and amendments that did not include provisions for payment for loss of or damage to property. See amendments submitted by the United States (A/C.1.351/Rev. 1 and 2), Guatemala (A/C.1/398/Rev. 1 and 2) and Colombia (A/C.1/399).
- <sup>57</sup> *Letter and Memorandum dated 22 November 1949. Concerning Compensation*, received by the Chairman of the Conciliation Commission from Gordon R. Clapp, Chairman, United Nations Economic Survey Mission for the Middle East. UN Doc. W/32, 19 January 1950.
- <sup>58</sup> *Progress Report of the United Nations Mediator on Palestine*, submitted to the Secretary General for transmission to the Members of the United Nations. UN GAOR, 3rd Sess., Supp. No. 11, UN Doc. A/648, 16 September 1948, Part One: The Mediation Effort, V. Refugees, para. 8., Part One: The Mediation Effort, VIII. Conclusions, para. 3(e).
- <sup>59</sup> *Progress Report of the United Nations Mediator on Palestine*, Part One: The Mediation Effort, V. Refugees, para 7.
- <sup>60</sup> *Progress Report of the United Nations Mediator on Palestine*, Part One: The Mediation Effort, V. Refugees, para 7.
- <sup>61</sup> International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, paras. 119–120, 9 July 2004, para. 153.
- <sup>62</sup> *International Convention on the Elimination of All Forms of Racial Discrimination*, 1969, article 6.
- <sup>63</sup> International consensus affirms the *de jure* applicability of the *Fourth Geneva Convention* to the 1967-occupied Palestinian territory. Israel argues that because Jordan's annexation of the West Bank and Egyptian control of the Gaza Strip never received international recognition, these territory do not meet the requirements for application of the *Geneva Convention*, as they were not the territory of a High Contracting Party. Moreover, Israel affirms that the occupied Palestinian territory are not occupied, but are "disputed territory".
- <sup>64</sup> The Jewish character of the state is defined by three inter-related components: (1) that Jews form the majority of the state; (2) that Jews are entitled to certain preferential treatment (for example, the Law of Return); and (3) that a reciprocal relationship exists between the state and Jews outside of Israel. *Ben Shalom vs. Central Election Committee*, 43 P.D. IV 221 (1988), in 25 *Israel Law Review* 219 (1991); *Legal Violations of Arab Minority Rights in Israel*, Shafr Amr: Adalah – The Legal Center for Arab Minority Rights in Israel, 1998, pp. 44–45.
- <sup>65</sup> *Citizenship Law* (1952).
- <sup>66</sup> "We'll expel illegal Arabs from Israel", *Ha'aretz*, 2 April 2004.
- <sup>67</sup> Land (Acquisition for Public Purposes) Ordinance (1943); Defense (Emergency) Regulations (1945); Abandoned Areas Ordinance (1948); Emergency Regulations Concerning Absentee Property (1948); Emergency Regulations (Security Zones) (1949); Emergency Regulations (Cultivation of Waste [Uncultivated] Lands) (1949); Absentees' Property Law (1950); Development Authority (Transfer of Property) Law (1950); Absentees' Property (Amendment) Law (1956); State Property Law (1951); Prescription Law (No. 38) (1958); Absentees' Property (Amendment No. 3) (Release and Use of Endowment Property) Law (1965); Absentees' Property (Compensation) (Amendment) Law (1976); and Negev Land Acquisition (Peace Treaty with Egypt) Law (1980).
- <sup>68</sup> The Jewish National Fund (JNF) was established by the fifth Zionist Congress (1901) to purchase land in Palestine and Syria for Jewish colonization. The JNF was incorporated as an Israeli company in 1953. According to its Memorandum of Association, the JNF is forbidden to sell national land to non-Jews. For further discussion, see Lehn, Walter, *The Jewish National Fund*. London: Kegan, Paul, 1988. No land classified as "Israel Lands" under the 1960 Basic Law: Israel Lands (Section 1) may be transferred either by sale or in any other manner.
- <sup>69</sup> *State Education Law* (1953). See also Compulsory Education Law (1949). For more details, see *Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools*. New York: Human Rights Watch, 2001.
- <sup>70</sup> Basic Law: Freedom of Occupation (1992). Also see Employment (Equal Opportunities) Law (1981) and Equality of Opportunities in Labour Law (1988).
- <sup>71</sup> UN OCHA *Humanitarian Monitor*, Number 8, December 2006, p. 23.
- <sup>72</sup> UN OCHA *Humanitarian Monitor*, Number 8, December 2006, p. 5.
- <sup>73</sup> Data covering the period of September 2000 until January 2007. "Report: over 5,000 Palestinians killed by the Israeli army since 2000", *Maan News*, 21 February 2007.
- <sup>74</sup> "Two Children Shot Inside UNRWA School", UNRWA Press Release, No. HQ/18/2006, Gaza, 18 November 2006.
- <sup>75</sup> UN OCHA, West Bank Closure Count and Analysis, September 2006, p.1.
- <sup>76</sup> Similar orders were issued in the occupied Gaza Strip. Only those Palestinians registered in the 1967 Israeli census and their descendants are considered to be legal residents of the 1967-occupied Palestinian territory. Jordan and Egypt regulated the residency status of Palestinians in the West Bank (including eastern Jerusalem) and the Gaza Strip until 1967, when relevant legislation was replaced by Israeli military law in the West Bank and Gaza Strip and civilian law in eastern Jerusalem. Palestinians in the occupied West Bank and Gaza Strip hold green ID cards that must be approved by Israel. For the occupied West Bank, see Order No. 234 Relating to Identity Cards

- and Population Registry (1968); and Order No. 297 Relating to Identity Cards and Population Registry (1969).
- <sup>77</sup> Under the Oslo agreements, residency issues are handled jointly by the Israeli District Co-ordination Office (DCO) and the Civil Affairs Committee of the Palestinian Authority (CAC). Agreements between Israel and the PLO eliminated extended residence abroad as a criterion for revocation of residency rights, and provided for a joint Israeli-Palestinian committee to find solutions for those persons from the occupied West Bank and Gaza Strip whose residency rights were revoked by Israel. This committee was never established, however, and the issue remains unresolved. For further discussion, see Jamal, Manal and Darwish, Buthaina, *Exposed Realities: Palestinian Residency Rights in the "Self Rule Areas" Three Years After Partial Israeli Redeployment*. Bethlehem: BADIL Alternative Information Center, 1997.
- <sup>78</sup> Between 1967 and 1994, Israel revoked the residency status of some 100,000 Palestinian residents of these territory. Kadman, Noga, *Families Torn Apart: Separation of Palestinian Families in the Occupied Territory*. Jerusalem: Btselem – Israeli Center for Human Rights in the Occupied Territory, 1999, p. 18.
- <sup>79</sup> On 28 June 1967, Israel annexed the Old City of Jerusalem on the decision of the Ministry of Interior. On 30 June 1980, the Knesset [Israeli Parliament] adopted the "Jerusalem Basic Law", officially annexing the pre-1967 Palestinian eastern part of the city of Jerusalem and additional occupied West Bank areas.
- <sup>80</sup> For eastern Jerusalem, see *Entry to Israel Law* (1952). Palestinians residing in occupied eastern Jerusalem hold blue Israeli-issued ID cards. In eastern Jerusalem, Israel revoked the residency status of some 6,000 Palestinians between 1967 and 1999, affecting more than 25,000 persons. Table III, "Confiscation of Jerusalem ID Cards, 1967–1998", *Eviction from Jerusalem: Restitution and the Protection of Palestinian Rights*. Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 1999, p. 19.
- <sup>81</sup> Military Order No. 25 Concerning Transactions in Real Property (1967); Military Order No. 58 Concerning Abandoned Property (Private Property) (1967) (the Gaza version of the military order is identical but differently numbered); Military Order No. 59 Concerning Government Properties (1967); Military Order No. 150 Concerning Abandoned Property of Private Individuals [in the West Bank] (Additional Provisions) (1967); Military Order No. 321 Regarding the Lands Law (Acquisition for Public Needs) (1969) (amending the 1953 Jordanian Land Law – Acquisition for Public Needs, Law No. 2 for 1953); Military Order No. 364 Concerning Government Properties (Amendment No. 4) (1969); Military Order 569 Concerning the Registration of Special Transactions in Land (1974); Military Order No. 949 Regarding the Lands Law (Acquisition for Public Needs) (1981); Military Order 1060 Concerning Law on Registration of Unregistered Immovable Property (Amendment No. 2) (1983). In addition, Israeli military commanders have at times issued orders for the requisition of privately owned Palestinian land for military purposes.
- <sup>82</sup> See *Progress Report of the United Nations Mediator on Palestine*, submitted to the Secretary General for Transmission to the Members of the United Nations. UN GAOR, 3rd Sess., Supp. No. 11, UN Doc. A/648, 16 September 1948, Part One: The Mediation Effort, V. Refugees.
- <sup>83</sup> Article VI(1)(d), *Agreement on the Gaza Strip and the Jericho Area*, 4 May 1994. The front cover of the "passport" includes the phrase "travel document". The passport is issued jointly by the Palestinian Authority and the Israeli military administration. However, restrictions on freedom of movement in the 1967-occupied Palestinian territory may prevent Palestinians from reaching exit crossings in the occupied West Bank and Gaza Strip. For further discussion of these changes, see Jamal, Manal and Darwish, Buthaina, *Exposed Realities: Palestinian Residency Rights in the "Self Rule Areas" Three Years After Partial Israeli Redeployment*. Bethlehem: BADIL Alternative Information Center, 1997.
- <sup>84</sup> Prior to 1995, Palestinians were issued two-year documents. Between 1948 and 1967, Palestinian residents of the West Bank were able to travel abroad on passports issued by the Jordanian government. After 1967, Israel required Palestinian residents of the occupied territory to obtain special permits to travel abroad. In July 1988, the King of Jordan announced that "legal and administrative links" between the East and West Bank would be severed. West Bank Palestinians who held Jordanian passports thus lost their right to citizenship and residence in Jordan. Palestinian residents of the occupied Gaza Strip were able to travel abroad on special travel documents issued by the All Palestine Government until 1960, when they were replaced with Egyptian travel documents. After 1967, they also required special Israeli-issued permits.
- <sup>85</sup> Palestinians seeking to leave and return via land crossings with Jordan and Egypt face frequent restrictions and delays upon exit and entry.
- <sup>86</sup> During the 1990s, Arab human rights and refugee law experts in the region participated in a joint process with the UNHCR and the San Remo Institute for Humanitarian Law, resulting in the draft 1992 *Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World*. The draft *Cairo Declaration* delineates principles for the protection of refugees and displaced persons in the Arab world, but does not have the legal status of a Convention. The declaration emphasizes the need to ensure international protection for Palestinian refugees, encourages Arab states that have not done so to accede to the 1951 *Refugee Convention*, and calls upon Arab states to provide the League of Arab States with relevant information concerning the status of Palestinian refugees in host countries. It also calls upon Arab states to adopt an Arab convention on refugees that includes broad definitions of "refugee" and "displaced person".
- <sup>87</sup> Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen are signatories, but host only small numbers of Palestinian refugees. According to UNHCR statistical reports for 2004, there were 4,000 Palestinian refugees of concern to UNHCR in Algeria, 70,200 in Egypt, 810 in Morocco and 440 in Yemen. Table of Estimated number of Palestinians of Concern to UNHCR at the end of 2004, statistics provided by the UNHCR.



- <sup>88</sup> Pact of the League of Arab States, effective 10 May 1945, 22 March 1945, 70 UNTS, 248, 252. The 21 members of the League of Arab States are Algeria, Bahrain, Djibouti, Egypt, Jordan, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen. The League comprises three main bodies: the Council of Ministers; the General Secretariat; and the Permanent Committees for each field of co-operation between members.
- <sup>89</sup> *Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention)*, effective 20 June 1974, 10 September 1969, 1001 UNTS 1945, Article 1.
- <sup>90</sup> These states include Algeria, Egypt, Libya, Mauritania, Sudan and Tunisia. According to UNHCR statistical reports for 2004, there were 4,000 Palestinian refugees of concern to UNHCR in Algeria, 70,200 in Egypt and 8,900 in Libya. Table of Estimated number of Palestinians of Concern to UNHCR at the end of 2004, statistics provided by the UNHCR.
- <sup>91</sup> *Declaration on the Protection of Refugees and Displaced Persons in the Arab World*, The Group of Arab Experts, meeting in Cairo from 16–19 November 1992 at the Fourth Arab Seminar on Asylum and Refugee Law in the Arab World, organized by the International Institute of Humanitarian Law in collaboration with the Faculty of Law of Cairo University, under the sponsorship of the UNHCR.
- <sup>92</sup> Resolutions are based on proposals and suggestions submitted to the League by the permanent Palestinian representative, the General Administration for Palestine Affairs at the General Secretariat, and the Supervisory Council on Palestinian Refugees Affairs in Arab host states.
- <sup>93</sup> *Protocol on the Treatment of Palestinians*, 11 September 1965 (*Casablanca Protocol*).
- <sup>94</sup> *Casablanca Protocol*, Article 1. “Whilst retaining their Palestinian nationality, Palestinians currently residing in the land of [...] have the right to employment on par with its citizens.”
- <sup>95</sup> *Casablanca Protocol*, Article 2. “Palestinians residing at the moment in [...] in accordance with the dictates of their interests, have the right to leave and return to this state. Their right of entry only gives them the right to stay for the permitted period and for the purpose they entered for, so long as the authorities do not agree to the contrary.”
- <sup>96</sup> *Casablanca Protocol*, Article 3. “Palestinians residing in other Arab states have the right to enter the land of [...] and to depart from it, in accordance with their interests. Their right of entry only gives them the right to stay for the permitted period and for the purpose they entered for, so long as the authorities do not agree to the contrary.”
- <sup>97</sup> *Casablanca Protocol*, Article 4. “Palestinians who are at the moment in [...] as well as those who were residing and left to the Diaspora, are given, upon request, valid travel documents. The concerned authorities must, wherever they be, issue these documents or review them without delay.”
- <sup>98</sup> *Casablanca Protocol*, Article 5. “Bearers of the travel documents residing in LAS states receive the same treatment as all other LAS state citizens, regarding visa and residency applications.”
- <sup>99</sup> For discussion, see Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press, 1998, p. 149.
- <sup>100</sup> Co-operation Agreement between the League of Arab States and the UNHCR, 27 June 2000. (On file at BADIL.)
- <sup>101</sup> The 1967-occupied Palestinian territory are included as an Arab host state due to the fact that Palestinian refugees residing there originate from areas inside the state of Israel. While there is no *de jure* international border, the 1949 armistice line (“Green Line”) constitutes a *de facto* international border between Israel and the occupied West Bank.
- <sup>102</sup> Kuwait reserves the right to interpret Article 1 of the Protocol as excluding the right to conduct “private business” on par with Kuwaiti citizens. Lebanon reserves the right to interpret Article 1 of the Protocol in accordance with prevailing social and economic conditions in Lebanon, and the right of Palestinians to maintain their nationality. It further reserves the right to interpret Article 2 with the added phrase “on equal terms with Lebanese citizens and in accordance with the laws and regulations in operation”; and Article 3 with the added phrases “whenever their interests demand it” and “allowing Palestinians into Lebanon is conditional upon their obtaining an entry visa issued by the concerned Lebanese authorities.” It has also submitted reservations on Articles 4 and 5. Libya submitted reservations to Article 1 “since dealing with Palestinian citizens in Libya is on par with and equal to dealing with other Arab citizens residing in Libya.” Shibliak, Abbas, *The League of Arab States and Palestinian Refugees’ Residency Rights*. Monograph 11. Ramallah: Palestinian Diaspora and Refugee Centre Shaml, 1998, pp. 35–36.
- <sup>103</sup> *Nationality Law* (No. 6) (1954). Jordanian law, however, does not provide automatic citizenship to Palestinians who took up residency in Jordan after 1954.
- <sup>104</sup> *Passport Law* (No. 2) (1969). In 1968, Jordan issued ex-Gazans a one-year temporary passport, which serves as a residency card. At the beginning of the 1980s, the government issued a three-year passport to ex-Gazans. This regulation was revoked after the failure of the 1985 *Amman Agreement*. In 1990, the government issued 80,000 two-year passports. More restrictive measures were introduced after the signing of a peace agreement between the PLO and Israel. See al-Abed, Oroub, *Stateless Gazans: Temporary Passports in Jordan*, unpublished manuscript on file at BADIL. It is estimated that 3% (approximately 150,000 persons) of the total refugee population in Jordan originates from the Gaza Strip. See Arneberg, Marie, *Living Conditions Among Palestinian Refugees and Displaced in Jordan*. Oslo: FAFO, Institute for Applied Social Science, 1997, p. 16.
- <sup>105</sup> On 1 June 1983, the Jordanian government created a dual card system to facilitate distinction between Palestinian citizens living in Jordan and Palestinians living in the occupied West Bank. Palestinians who were living in and citizens of Jordan on that date were provided with a yellow card, which represents full residency and citizenship status. Green cards were provided to Palestinians living in the occupied West



- Bank and to those who left the occupied West Bank after 1 June 1983. Green card holders have no right of residence in Jordan. They are, however, entitled to visit Jordan for short periods.
- <sup>106</sup> *Nationality Law* (No. 43) (1963).
- <sup>107</sup> UNHCR, Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country, Aide-Memoire, UNHCR Geneva, December 2006, pp. 1–2.
- <sup>108</sup> *Nationality Law* (No. 98) (1951).
- <sup>109</sup> Decree No. 319 (1962). Between 1969 and 1987, residency status was regulated by the *Cairo Agreement* between the PLO and the Lebanese government; the agreement was unilaterally abrogated by the Lebanese parliament in 1987. After the expulsion of the PLO from Lebanon in 1982, the right of Palestinian refugees to reside in Lebanon was severely curtailed. It is estimated that 12,000 refugees who were assumed to have acquired residency or citizenship abroad were removed from the population registry. Natour, Suheil “The Legal Status of Palestinians in Lebanon,” *Journal of Refugee Studies* 3, 1997, pp. 12–16.
- <sup>110</sup> Decree No. 136 (1969). See also Jaber Suleiman, “Marginalised Community: The case of Palestinian Refugees in Lebanon”, United Kingdom: Development Research Centre on Migration, Globalisation and Poverty, April 2006, p. 8.
- <sup>111</sup> Most of them arrived to Lebanon in the 1970s. Some of them were registered with UNRWA in their first host country, but their registration file was not transferred to UNRWA in Lebanon. The Danish Refugee Council currently works with local NGOs, UNWRA and the Lebanese authorities to help non-ID Palestinians acquire some form of registration with UNRWA. Danish Refugee Council, *Survey report on the situation of non-ID Palestinian refugees in Lebanon compared to registered and non-registered refugees residing in camps and gatherings*, Beirut, March 2005. See also Jaber Suleiman, “Marginalised Community: The case of Palestinian Refugees in Lebanon”, United Kingdom: Development Research Centre on Migration, Globalisation and Poverty, April 2006, p. 9.
- <sup>112</sup> Danish Refugee Council, *Focus on Legal Aid*, Lebanon Newsletter, March 2006, p. 2.
- <sup>113</sup> This includes mostly Christian refugees who were granted citizenship in the 1950s under the presidency of Camille Chamoun to keep the balance between Christians and Muslims in Lebanon. Lex Takkenberg, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press, 1998, p. 164.
- <sup>114</sup> Prior to the 1991 Gulf War, an estimated 700,000 Palestinians lived in the Gulf States, including 400,000 in Kuwait. See also Hallaj, Muhammad, *The Palestinians and the War in the Gulf*. Washington, DC: The Center for Policy Analysis on Palestine, February 1991, p. 17.
- <sup>115</sup> UNHCR, 2007 *Country Operations Plan, Kingdom of Saudi Arabia and Gulf Countries*, Executive Committee Summary, pp. 2–3.
- <sup>116</sup> Palestinians living in the Gulf usually fled their homes and took up residence in one of the neighbouring countries of Palestine before relocating to the Gulf region. Palestinian refugees in the Gulf states, including Saudi Arabia, generally hold various types of travel documents: Egyptian, Lebanese, Syrian and Jordanian passports, valid for two years, and Palestinian passports. A few hold Iraqi travel documents. UNHCR, 2007 *Country Operations Plan, Kingdom of Saudi Arabia and Gulf Countries*, Executive Committee Summary, pp. 2–3. Many Palestinians residing in the Gulf States with Egyptian travel documents were not able to renew their residence permits. They found themselves in a legal limbo because they had lost their residency rights both in the Gaza Strip (due to their absence during Israel’s 1967 census) and in Egypt (because their temporary residency in Egypt had expired).
- <sup>117</sup> *Nationality Law* (1959) as amended by Decree No. 40 (1987), Statute No. 1 (1982), Decree No. 100 (1980) and Statute No. 30 (1970). Palestinian refugees are eligible for residency, which can only be obtained at the request of a Kuwaiti national through the Ministry of the Interior or the Ministry of Social Affairs and Labour. Brand, Laurie, *Palestinians in the Arab World, Institution Building and the Search for State*. New York: Columbia University Press, 1988, p. 113. “Kuwait Restricts Stay of Non-GCC Arabs,” *4 Middle East New Line* 472, 12 December 2002. Under the new regulations, Jordanians, Palestinians, Sudanese and Yemenis are given one-month visas for family visits in Kuwait. These visas may be extended for up to three months. These nationals arriving on business trips are issued one-month non-renewable visas.
- <sup>118</sup> UNHCR, 2007 *Country Operations Plan, Kingdom of Saudi Arabia and Gulf Countries*, Executive Committee Summary, pp. 2–3.
- <sup>119</sup> See *Flight from Iraq: Attacks on Refugees and other Foreigners and Their Treatment in Jordan*. New York: Human Rights Watch, 2003, p. 17.
- <sup>120</sup> Until 2003, Palestinian refugees in Iraq were allowed to leave the country twice a year, once for purposes of pilgrimage (*hajj*), and once for purposes of a personal visit. Refugees were required to obtain an exit visa. *Flight from Iraq: Attacks on Refugees and other Foreigners and Their Treatment in Jordan*. New York: Human Rights Watch, 2003, p. 17.
- <sup>121</sup> Jaber Suleiman, “Marginalised Community: The case of Palestinian Refugees in Lebanon”, United Kingdom: Development Research Centre on Migration Globalisation and Poverty, April 2006, p. 15. It is estimated that as many as 100,000 Palestinians were unable to return to Lebanon as a result of this procedure. Lex Takkenberg, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press, 1998, p. 153.
- <sup>122</sup> This includes Palestinian refugees who entered Syria and Jordan as a result of the 1948 and 1967 wars, excepting those refugees from the Gaza Strip who entered Jordan during and after the 1967 war. For Syria, see Law No. 260, 10 July 1956. Refugees in Syria are exempt from legislation that requires civil servants to hold Syrian nationality for at least five years prior to government service (Decree No. 37 [1949]). Also see Law No. 65 (1950), Law No. 119 (1951), Law No. 162 (1952) and Law No. 250 (1952), cited in *Annual Report of*

the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period 1 July 1951–30 June 1952. UN GAOR, 7<sup>th</sup> Sess., Supp. No. 13 (A/2171), 30 June 1952. Palestinian refugees displaced in 1948 hold Jordanian citizenship and have the same right to employment as Jordanian nationals. The Iraqi government upgraded the status of Palestinian refugees vis-à-vis public sector employment in 1965, except with regard to retirement benefits (Decision 15108 (1964)). Since 1969, Palestinian refugees employed in the public sector have received retirement benefits (Decree No. 336 (1969)). *Palestinian Refugees in Iraq*. Jerusalem: PLO Refugee Affairs Department, 1999. (On file at BADIL.)

- <sup>123</sup> There are an estimated 40,000 unregistered Palestinian refugees in Syria. In addition, there are an estimated 15,000 additional Palestinian refugees who entered Syria, primarily from Jordan and Lebanon in the 1970s, and from Kuwait in the early 1990s. Jacobsen, Laurie Blome, *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Volume I: Socio-economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Oslo: FAFO, Institute for Applied Social Science, 2003, p. 198. Palestinian refugees who entered Jordan during or immediately after 1967 must obtain approval from state security officials before they can take up employment. al-Abed, Oroub, *Stateless Gazans: Temporary Passports in Jordan*, unpublished manuscript on file at BADIL. al-Abed cites a figure of 150,000 Gazans in Jordan.
- <sup>124</sup> Law No. 48 (1978). During the early years of exile in Egypt, Palestinian refugees were forbidden to work for or without wages, based on the assumption that refugees would soon return to their homes of origin, and because of the serious unemployment situation in Egypt. Egyptian President Gamal Abdel Nasser introduced more favourable employment laws in 1954 and 1962. For further discussion and relevant legislation, see Brand, Laurie, *Palestinians in the Arab World, Institution Building and the Search for State*. New York: Columbia University Press, 1988, pp. 52–53. The present restrictions on employment in professions were put in place after the death of Egyptian President Gamal Abdel Nasser. al-Abed, Oroub, *The Palestinians in Egypt: An Investigation of Livelihoods and Coping Strategies*. Cairo: Forced Migration Studies Program, American University of Cairo, 2003, p. 8.
- <sup>125</sup> Palestinians working in the private sector do not have to pay a work permit fee, and their employers are exempt from the obligation to submit a request to the Head of the Central Department for Regulation of Recruitment. Moreover, Palestinians with an Egyptian mother, or married to an Egyptian, or residing in Egypt for five years have preferential treatment. They are exempted from work permit fees, do not have to provide certificates stating previous experience, and their permits are automatically renewed (other Palestinians may have their permits renewed for only 1 or 2 years, after an initial period of 3 years).
- <sup>126</sup> Certain kinds of employment are barred to foreign workers, including work in export and customs clearance, and tourism work such as guiding and belly dancing. Foreigners are also not allowed to work as lawyers. However, Palestinians are exempted from these restrictions.
- <sup>127</sup> Some Palestinians are exempted from this condition: these include Palestinian men who have been married to an Egyptian woman for at least five years, or have children with her; Palestinian women married to Egyptian nationals, provided that the marital relation is ongoing; business owners or partners and their children; any Palestinian widow once married to an Egyptian; any Palestinian woman divorced from an Egyptian national, who has children by him; any child of an Egyptian woman whose Palestinian husband has died, left the marriage, or the country.
- <sup>128</sup> The *Law Regarding Entry to, Residency in and Exit from Lebanon* (1962) prohibits non-citizens from engaging in work in Lebanon without a license from the Ministry of Labour and Social Affairs. Also see Law No. 17561 (1964) as amended by Decision No. 289/2 (1982) and Decision No. 621/1 (1995). Under the 1969 *Cairo Agreement* between the PLO and the Lebanese government, Palestinian refugees were accorded the right to work; this agreement was unilaterally abrogated by the Lebanese parliament in 1987. For an overview of the situation in Lebanon, see Natour, Suheil "The Legal Status of Palestinians in Lebanon," *Journal of Refugee Studies* 3, 1997. The government of Kuwait maintains strict control over foreign employment. Employers must obtain work permits for foreign employees through the Ministry of the Interior or the Ministry of Social Affairs and Labour. Lex Takkenberg, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press, 1998, pp. 158–59.
- <sup>129</sup> Kuwait reserves the right to exclude Palestinian refugees from employment in private business on a par with Kuwaiti citizens.
- <sup>130</sup> Shibliak, Abbas, *The League of Arab States and Palestinian Refugees' Residency Rights*. Monograph 11. Ramallah: Palestinian Diaspora and Refugee Centre Shaml, 1998, p. 36.
- <sup>131</sup> Shibliak, Abbas, *The League of Arab States and Palestinian Refugees' Residency Rights*, 1998, p. 36.
- <sup>132</sup> Jaber Suleiman, "Marginalised Community: The case of Palestinian Refugees in Lebanon," United Kingdom: Development Research Centre on Migration Globalisation and Poverty, April 2006, pp. 15–16. *Law Regarding Entry to, Residency in and Exit from Lebanon* (1962). The law prohibits non-Lebanese persons from engaging in work in Lebanon without a license from the Ministry of Labour and Social Affairs. Also see Law No. 17561 (1964) as amended by Decision No. 289/2 (1982) and Decision No. 621/1 (1995).
- <sup>133</sup> Decree No. 621/1 (1995). For a list of these professions, see Aasheim, Petter, "The Palestinian Refugees and the Right to Work in Lebanon," Graduate Thesis, Faculty of Law, University of Lund (September 2000). (On file at BADIL.) Some refugees may receive special exemption under the law. This includes persons who have resided in Lebanon since birth, who are of Lebanese origin in cases of mixed marriages, or who are married to a Lebanese woman.
- <sup>134</sup> Law No. 8/79 (1970). Also see Decree No. 1658 (1979), which permits foreigners to practice medicine, pharmacy and engineering if they are nationals of states that apply reciprocal treatment to Lebanese nationals. see Aasheim, Petter, "The Palestinian Refugees and the

- Right to Work in Lebanon,” A Minor Field Study. Graduate Thesis, Faculty of Law, University of Lund (September 2000). (On file at BADIL.)
- <sup>135</sup> On 27 June 2005, the Lebanese Ministry of Labour enacted Decision No.1/67. This excludes Palestinians born in Lebanon and registered with the Ministry of Interior from the provisions of Article 1 of Decision No.1/79 (2 June 2005), which restricts certain professions to Lebanese citizens. According to Jaber Suleiman, “[I]t is no more than a ministerial decision to organize by law the work of thousands of Palestinians who are illegally working in these manual clerical jobs. However, this move has economic motives, as it is proposed that Palestinians can fill the cheap-labour vacuum left by the withdrawal of the Syrian labour force.” Jaber Suleiman, ‘Marginalised Community: The case of Palestinian Refugees in Lebanon’, United Kingdom: Development Research Centre on Migration Globalisation and Poverty, April 2006, p. 17.
- <sup>136</sup> Non-ID refugees can receive medical care if they can afford to pay for health services from the Palestine Red Crescent Society.
- <sup>137</sup> According to the Arab Ministers of Education, Palestinian students are to be treated the same as children of the host state. Brand, Laurie, *Palestinians in the Arab World, Institution Building and the Search for State*. New York: Columbia University Press, 1988, p. 119.
- <sup>138</sup> UNHCR, *Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country*, Aide-Memoire, UNHCR Geneva, December 2006, p. 2.
- <sup>139</sup> Decision No. 28 (1960), al-Abed, Oroub, *Stateless Gazans: Temporary Passports in Jordan*, unpublished manuscript on file at BADIL.
- <sup>140</sup> Many students were expelled, and the General Union of Palestine Students was closed after student demonstrations against Sadat’s decision to visit Jerusalem in 1977. Scholarships and subsidies for universities were terminated and entry to universities was restricted. al-Abed, Oroub, *Stateless Gazans: Temporary Passports in Jordan*, unpublished manuscript on file at BADIL, p. 9.
- <sup>141</sup> Decree 12, 6 July 1978. Since 1992, Palestinian children have been allowed to attend government schools if their parents work for the Egyptian government, in the public sector or the military in Egypt, or are retired. Moreover, children of Egyptian mothers, including those who married foreign nationals and were subsequently divorced or widowed, and Palestinian students whose area of residence does not have private schools, are also permitted to attend government schools. See Decree 24, 1992.
- <sup>142</sup> Decrees 87, 1983 and 75, 1984. These decrees did not apply to students whose parents were working with the ‘Ayn Jaloot units, and in public sectors in Gaza.
- <sup>143</sup> al-Abed, Oroub, *Stateless Gazans: Temporary Passports in Jordan*, unpublished manuscript on file at BADIL, p. 10. This exemption applies to the children of Palestinians employed by the Egyptian government, the PLO and the Administrative Office of the Governor of Gaza, and children who attend public schools because no private schools exist in their areas of residence.
- <sup>144</sup> These include the children of government employees (including retirees), children of Egyptian widows and divorcees, children of mothers who passed their Egyptian high school exams, continuous residents of Egypt, and students in need of financial assistance. Letter from the Ministry of Higher Education to the Palestinian Embassy, 30 October 1993.
- <sup>145</sup> El-Abed, Oroub, *The Palestinians in Egypt: An Investigation of Livelihoods and Coping Strategies*. Cairo: Forced Migration Studies Program, American University of Cairo, 2003, p. 9.
- <sup>146</sup> Few Palestinian refugees can afford private schools, which generally offer a better education than state institutions. The UNRWA thus operates five secondary schools in Lebanon for Palestinian refugees. Natour, Suheil “The Legal Status of Palestinians in Lebanon,” *Journal of Refugee Studies* 3, 1997, p. 45. Brand, Laurie, *Palestinians in the Arab World, Institution Building and the Search for State*. New York: Columbia University Press, 1988, pp. 119–121.
- <sup>147</sup> For Jordan, see Law No. 40 (1953) as amended by Law No. 12 (1960), Law No. 20 (1970), Law No. 31 (1977), Law No. 29 (1980) and Law No. 2 (1980). Also see Law No. 25 (1968). Natour, Suheil, *The Palestinians in Lebanon: New Restrictions on Property Ownership* (2003), p. 19. (On file at BADIL.) Palestinian refugees who entered Iraq between 1948 and 1950 are excluded from 1994 legislation (Decision No. 23) that annulled all laws allowing foreigners to possess real estate, or to invest in companies inside Iraq (Decision No. 133 [1997]). Mus’ab, Jamil, “Palestinian Diaspora in Iraq”, paper presented at the conference “Future of Expelled Palestinians,” Amman, Jordan, 11–13 September 2000, p. 10; Natour, as above, p. 19. In early 2000, the Iraqi government announced that Palestinians who had resided in the country since 1948 would be granted the right to own property in Baghdad. However, many refugees stated that legal restrictions prohibiting them from registering homes, cars or telephone accounts in their own name remained in force. *Flight from Iraq: Attacks on Refugees and other Foreigners and Their Treatment in Jordan*. New York: Human Rights Watch, 2003, p. 18.
- <sup>148</sup> UNHCR, *Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country*, Aide-Memoire, UNHCR Geneva, December 2006, p. 2.
- <sup>149</sup> Law No. 230 of 1996. Also see Cassation Court Decision No. 1930/1966 (30 March 1997), which confirmed that Palestinian holders of two-year passports were non-Jordanian citizens and could not rent or sell immovable property without a permit from the Ministerial Council.
- <sup>150</sup> Law No. 81 (1976), as amended in 1981. At least 51% of a business investment must be Egyptian-owned, with government approval. Total area of the business is limited to 3,000 m<sup>2</sup> (Law No. 56 [1988]). *Guarantees and Investment Incentives Law* (No. 8) (1997).
- <sup>151</sup> On agricultural and desert land, see Law No. 104 (1985). Palestinian refugees were originally exempt from legislation barring foreigners from owning agricultural land (Law No. 15 [1963]). al-Abed, Oroub, *Stateless Gazans: Temporary Passports in Jordan*, unpublished manuscript on file at BADIL, p. 11.

- <sup>152</sup> In Kuwait, see Law No. 74 (1979). Natour, Suheil, *The Palestinians in Lebanon: New Restrictions on Property Ownership* (2003), p. 20. In Lebanon, see Decree No. 296 (2001). Jaber Suleiman, "Marginalised Community: The case of Palestinian Refugees in Lebanon", United Kingdom: Development Research Centre on Migration Globalisation and Poverty, April 2006, p. 18.
- <sup>153</sup> This section is based on Sondergaard, Elna, *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, BADIL, August 2005.
- <sup>154</sup> *Convention Relating to the Status of Stateless Persons* (1954 Stateless Convention), effective 6 June 1960, Sept 28, 1954, 360 UNTS 117.
- <sup>155</sup> This survey draws on Akram, Susan M. and Goodwin Gill, Guy, *Brief Amicus Curaie*, Board of Immigration Appeals, Falls Church, Virginia, published in 11/12 *Palestine Yearbook of International Law* (2000/2001), pp. 185–260; and Takkenberg, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press, 1998, p. 16.
- <sup>156</sup> Under Article 1(C), refugee status ceases if the refugee (1) has voluntarily re-availed him- or herself of the protection of the country of his or her nationality; (2) having lost his or her nationality, s/he has voluntarily re-acquired it; (3) s/he has acquired a new nationality, and enjoys the protection of the country of his or her new nationality; (4) s/he has voluntarily re-established him- or herself in the country which s/he left or outside which s/he remained owing to fear of persecution; or (5) s/he can no longer, because the circumstances in connection with which s/he has been recognized as a refugee have ceased to exist, continue to refuse to avail him- or herself of the protection of the country of his or her nationality.
- <sup>157</sup> See BADIL *Handbook on Protection*, pp. 336–343.
- <sup>158</sup> This may also include Mexico, Nigeria and South Africa, but the small numbers of cases do not permit assessment of application by national authorities.
- <sup>159</sup> Israel rejected appeals by the ICRC to extend the time limit to enable the return of all refugees who wished to do so.
- <sup>160</sup> *International Review of the Red Cross – 10<sup>th</sup> Year*, June 1967–June 1970, p. 449.
- <sup>161</sup> The United Nations has also recommended various types of monitoring activities in the 1967-occupied Palestinian territory to enhance protection of the Palestinian population. Other UN organs have also addressed the issue of international protection for Palestinians. In 1987, at the beginning of the first *intifada* in the 1967-occupied Palestinian territory, the UN Security Council (Resolution 605, 22 December 1987) called upon the Secretary General to submit recommendations on the "ways and means for ensuring the safety and protection of Palestinian civilians under Israeli occupation." The recommendations specifically suggested that the UN Relief and Works Agency (UNRWA) employ additional international staff; that the UN consider the appointment of an ombudsman for the occupied Palestinian territory; and that the High Contracting Parties to the Fourth Geneva Convention use all means at their disposal to persuade Israel to respect the Convention in all circumstances. In 1990, the UN Security Council (Resolution 681, 20 December 1990) requested the Secretary General to monitor the situation of Palestinians under Israeli occupation and submit a tri-annual report to the General Assembly. The initiative was suspended in 1991 at the request of the United States, which argued that the programme might interfere with the political process started in Madrid in 1991. The UN General Assembly has also issued numerous resolutions calling for the protection of Palestinian refugees and cessation of attacks on refugee camps.
- <sup>162</sup> ICRC statement sent by e-mail to BADIL, Ref. JER07E3110, ICRC Jerusalem, Wednesday, 9 May 2007.
- <sup>163</sup> ICRC, *Annual Report 2004*, ICRC: Geneva, p. 285.
- <sup>164</sup> *ICRC activities in Israel and the occupied and autonomous territory: July 2006*, Operational Update, 31 July 2006.
- <sup>165</sup> ICRC *Annual Report 2005*, 1 June 2006, p. 313.
- <sup>166</sup> Report of the United Nations Conciliation Commission for Palestine, 60th Report, A/61/172, 21 July 2006.
- <sup>167</sup> "Establishes a Conciliation Commission consisting of three States members of the United Nations which shall have the following functions: (a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948; (b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council; (c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated." UNGA Resolution 194(III), 11 December 1948, para. 2.
- <sup>168</sup> UNGA Resolution 194(III), 11 December 1948, para. 11.
- <sup>169</sup> UNGA Resolution 394(V), 14 December 1950, A/RES/394(V), para. 2(c).
- <sup>170</sup> UNCCP, Analysis of Paragraph 11 of the General Assembly's Resolution of 11 December 1948. UN Doc. W/45, 15 May 1950.
- <sup>171</sup> The General Assembly rejected several amendments to Paragraph 11 intended to both limit and expand the functions of the Commission.
- <sup>172</sup> *United Nations General Progress Report and Supplementary Report of the United Nations Conciliation Commission for Palestine, Covering the period from 23 January to 19 November 1951*, A/1985, 20 November 1951, paras. 79 and 87. See Parvathaneni, Harish, "UNRWA's Role in Protecting Palestine Refugees." Working Paper No. 9, Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, December 2004, p. 15.
- <sup>173</sup> See UNGA Resolution 394(V), 14 December 1950 and UNGA Resolution 512(VI), 26 January 1952. On the reduction in the UNCCP



- budget, see UNGAOR, 6th Sess., Annexes, Agenda Item 24(a), UN Doc. A/2071 (1952), para. 1.
- <sup>174</sup> United Nations Conciliation Commission for Palestine, Fourteenth Progress Report, from 31 December 1953 to 31 December 1954, A/2897 3, March 1955, para. 1.
- <sup>175</sup> For more details, see Rempel, Terry, *The United Nations Conciliation Commission for Palestine (UNCCP) and a Durable Solution for Palestinian Refugees*. Information and Discussion Brief No. 5. Bethlehem: BADIL Resource Centre for Palestinian Residency and Refugee Rights, 2000.
- <sup>176</sup> The Technical Committee visited refugee camps in the West Bank (Jericho, Hebron and Bethlehem), Lebanon (Homs, Gourard, Wavell and Anjar), and five camps in Gaza, in order to ascertain the wishes and opinions of the refugees. Members of the Committee also consulted with experts from the American University of Beirut, former Mandate officials, and other significant persons in the Middle East.
- <sup>177</sup> Refugees were defined according to Article 1: "Are to be considered as refugees under paragraph 11 of the General Assembly resolution of 11 December 1948 persons of Arab origin who, after 29 November 1947, left territory at present under the control of the Israel authorities and who were Palestinian citizens at that date. Are also to be considered as refugees under the said paragraph stateless persons of Arab origin who after 29 November 1947 left the aforementioned territory where they had been settled up to that date.[...]" and also Article 2: "The following shall be considered as covered by the provisions of Article 1 above: 1. Persons of Arab origin who left the said territory after 6 August 1924 and before 29 November 1947 and who at that latter date were Palestinian citizens; 2. Persons of Arab origin who left the territory in question before 6 August 1924 and who, having opted for Palestinian citizenship, retained that citizenship up to 29 November 1947, Articles 1-2." Addendum to Definition of a "Refugee" under Paragraph 11 of General Assembly Resolution of 11 December 1948 (Prepared by the Legal Advisor), UN Doc. W/61/Add.1, 29 May 1951.
- <sup>178</sup> United Nations Conciliation Commission for Palestine, Historical Survey of Efforts of the United Nations Conciliation Commission for Palestine to Secure the Implementation of Paragraph 11 of the General Assembly Resolution 194 (III), A/AC.25/W.81/Rev.2, 2 October 1961, para. 39. Report of the Commissioner General of the United Nations Relief and Work Agency for Palestine Refugees in the Near East, 21<sup>st</sup> progress report of the United Nations Conciliation Commission for Palestine, 8 December 1962–31 October 1963, A/5545, 1 November 1963. See also BADIL Resource Center, "The United Nations Conciliation Commission for Palestine and a Durable Solution for Palestine Refugees," working paper prepared for UN Conference on Palestine Refugees, 26–27 April 2000, p. 3.
- <sup>179</sup> These included microphotographs of registers of title supplemented by the original registers when the microfilm was missing or defective; Registers of Deeds; Tax Distribution Lists and, failing these, taxpayers' registers; Field Valuation Sheets, and, failing these, valuation lists and taxpayers' registers; schedules of rights (in respect of blocks for which no registers of title had been prepared); parcel classification schedules; land registrars' returns of depositions; and village maps and block plans. For a comprehensive study, see Fischbach, Michael, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*. New York: Columbia University Press, 2003.
- <sup>180</sup> For a more detailed discussion of the records and associated problems, see Hadawi, Sami, *Palestinian Rights and Losses in 1948*. London: Saqi Books, 1988; and Abdelrazek, Adnan, "Modernizing the Refugee Land Records: Advantages and Pitfalls," *Reinterpreting the Historical Record: The uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis*. Tamari, Salim and Elia Zureik (eds.) Jerusalem: Institute of Jerusalem Studies/Institute of Palestine Studies, 2001, pp. 173–181.
- <sup>181</sup> Abu Sitta, Salman, *The Palestinian Right to Return: Sacred, Legal and Possible*. 2<sup>nd</sup> edition. London: The Palestinian Return Centre, 1999, p. 17.
- <sup>182</sup> The UNCCP established the Economic Survey Mission to examine the economic situation in the countries affected by the 1948 war, and make recommendations for an integrated programme to enable concerned governments to: overcome economic dislocations caused by the war; facilitate the repatriation, resettlement, and economic and social rehabilitation of refugees; and make payment of compensation and promote economic conditions conducive to the maintenance of peace and security in the region.
- <sup>183</sup> Fischbach, Michael, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*. New York: Columbia University Press, 2003.
- <sup>184</sup> *Historical Survey of Efforts of the United Nations Conciliation Commission for Palestine to Secure the Implementation of Paragraph 11 of General Assembly Resolution 194(III): The Question of Reintegration by Repatriation or Resettlement*, Working Paper Prepared by the Secretariat, UN Doc. A/AC.25/W.82/Rev. 1, 2 October 1961, para. 31.
- <sup>185</sup> UNRWA and UNHCR, *The United Nations and Palestinian Refugees*, January 2007, p. 5.
- <sup>186</sup> See UN, Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 January–31 December 2005, General Assembly, Sixty-first Session, Suppl. No. 13(A/61/13), New York, 2006, pp. xi, 1.
- <sup>187</sup> UN, Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 January–31 December 2005, General Assembly, Sixty-first Session, Suppl. No. 13(A/61/13), New York, 2006, p. 1.
- <sup>188</sup> "Palestine refugee" is the working definition of 1948 Palestinian refugees registered with the UNRWA. It serves to distinguish UNRWA registered refugees from non-registered refugees. According to UNRWA, Palestine refugees "shall mean any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict." "Consolidated Registration Instructions" (CRI), 1 January, 1993, Annex 2, para. 2.13.
- <sup>189</sup> UNRWA, figures as of 31 March 2006. Available at: <http://www.un.org/unrwa/publications/index.html>
- <sup>190</sup> It should be noted that UNRWA's database is not statistically valid, as reporting is voluntary. UNRWA collects statistics for internal



management purposes and to facilitate certification of refugees' eligibility to receive education, health, and relief and social services. New information on births, deaths and change in place of residence is recorded only when a refugee requests the updating of a family registration card issued by the Agency. UNRWA does not carry out a census, house-to-house survey, or any other means to ascertain whether the place of residence is the actual place of residence; refugees will normally report births, deaths and marriages when they obtain a service from the Agency.

- <sup>191</sup> During the initial six years of its operations, while providing relief, primary health care and education services, UNRWA initiated four types of programmes aimed at reintegrating the refugees into the economic life of the region: (1) "Work Relief", i.e., small-scale training and employment creation; (2) "Works Projects", i.e., medium-sized public sector government-controlled projects such as road-building and tree-planting, aimed at employment creation; (3) assistance to and subsidization for small numbers of Palestine refugees willing to resettle in places such as Argentina, Brazil, Bolivia, Canada, Columbia, Chile, Egypt, Honduras, Iran, Iraq, Kuwait, Libya, Qatar, Sierra Leone, Saudi Arabia, the United States, Venezuela, Germany and Yemen; (4) large-scale regional development projects with regional governments.
- <sup>192</sup> Refugees refused to co-operate, wrote letters of protest and organized demonstrations against economic development/reintegration projects.
- <sup>193</sup> See UNGA Resolution 614 (VII), 6 November 1952.
- <sup>194</sup> Proposals for the Continuation of United Nations Assistance to Palestine Refugees, Document Submitted by the Secretary-General. UN Doc. A/4121, 15 June 1959, para. 17.
- <sup>195</sup> UNGA Resolution 37/120(A-K), 16 December 1982, Section J, para. 1.
- <sup>196</sup> See UNGA Resolution 38/83 (I), A/RES/38/83(I), 15 December 1983, UNGA Resolution 48/40(H), A/RES/48/40 (A-J), 10 December 1993.
- <sup>197</sup> UNSC Resolution 605, 22 December 1987.
- <sup>198</sup> Peter Hansen, "From Humanitarian Crisis to Human Development – The Evolution of UNRWA's Mandate to the Palestine Refugees", Commissioner-General of UNRWA, address to the American University of Cairo, 21 September 2003.
- <sup>199</sup> RAO Guidelines, 3rd ed., 15 March 1989, p. 2 cited in Harish Parvathaneni, "UNRWA's Role in Protecting Palestine Refugees". Working Paper No. 9, Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, December 2004, p. 17.
- <sup>200</sup> Harish Parvathaneni, "UNRWA's Role in Protecting Palestine Refugees". Working Paper No. 9, Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, December 2004, pp. 17, 18.
- <sup>201</sup> Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 2000–30 June 2001, A/56/13, 18 October 2001, para. 150.
- <sup>202</sup> Operations Support Officer, job description, May 2006. Available at: <http://www.reliefweb.int/rw/res.nsf/db900SID/OCHA-6NXXJ9?OpenDocument&rc=3&cc=pse>.
- <sup>203</sup> The limited protection activities of the programme may be imputable to the increasing attacks against UNRWA as a partial organization allegedly having links with resistant groups or fighters. Hence support officers spend the majority of their time monitoring UNRWA's installations to ensure that they are not being used by armed groups.
- <sup>204</sup> Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 30 June–1 July 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005, para. 261, p. 62.
- <sup>205</sup> UN, Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 January–31 December 2005, General Assembly, Sixty-first Session, Suppl. No. 13(A/61/13), New York, 2006, p. vi.
- <sup>206</sup> Operations of the United Nations Relief and Work Agency for Palestine Refugees in the Near East, UNGA A/RES/60/102, Sixtieth Session, 16 January 2006, para. 6.
- <sup>207</sup> UNGA Resolution 319 (IV), 3 December 1949.
- <sup>208</sup> "At the field level, the clusters would provide support to the Humanitarian Co-ordinators who are able to call upon cluster leads for support as required. The cluster lead would not carry out all of the activities itself, but would be responsible for ensuring that these activities are carried out and would act as the provider of last resort. The cluster lead would take all necessary actions to ensure fulfilment of commonly accepted standards for timely, adequate and effective humanitarian action that achieves the required impact in relation to the specific cluster area. [...] The cluster lead would be responsible for: (a) predictable action within the cluster for analysis of needs, addressing priorities and identifying gaps in the cluster area; (b) securing and following up on commitments from the cluster to contribute to responding to needs and filling the gaps; and (c) sustaining mechanisms through which the cluster as a whole, and individual participants, can both assess its performance and deliver effectively". Discussion and Outcomes of the IASC Meeting in New York on Humanitarian Reform and Initiatives, Informal Consultative Meeting, 20 September 2005, para. 6.
- <sup>209</sup> UNHCR, *The state of the World's Refugees*, 2006, p. 172.
- <sup>210</sup> *Internal Displacement, Global Overview of Trends and Developments in 2006*, Norwegian Refugee Council and Internal Displacement Monitoring Centre, April 2007, p. 19.
- <sup>211</sup> UNRWA and UNHCR, *The United Nations and Palestinian Refugees*, January 2007, p. 3.
- <sup>212</sup> See "Note on the Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees." UNHCR, October 2002.

- <sup>213</sup> UNHCR, *2005 UNHCR Statistical Yearbook*, pp. 448–9. See also Chapter Two.
- <sup>214</sup> Executive Committee Conclusion No. 27 (XXXIII) – 1982, “Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere.”
- <sup>215</sup> Executive Committee Conclusion No. 46 (XXXVIII) – 1987. See also Executive Committee Conclusion No. 50 (XXXIX) – 1988; Executive Committee Conclusion No. 55 (XL) – 1989; Executive Committee General Conclusion on International Protection (XLI) – 1990; Executive Committee General Conclusion on International Protection (XLII) – 1991; Executive Committee Conclusion No. 68 (XLIII) – 1992; and Executive Committee Conclusion No. 71 (XLIV) – 1993. These conclusions ceased after the Oslo process began in 1993, despite the continued protection gap affecting 1948 and 1967 Palestinian refugees.
- <sup>216</sup> UNHCR, *Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country*, Aide-Memoire, UNHCR Geneva, December 2006, p. 1.
- <sup>217</sup> The lack of information about assistance and protection to Palestinian refugees fleeing Iraq is largely due to the difficulties of gaining accurate data in Iraq at present, as well as financial constraints.
- <sup>218</sup> UNHCR, “Palestinians in Iraq”, summary of what was said by the UNHCR spokesperson at the Palais des Nations press briefing in Geneva, 24 January 2007.
- <sup>219</sup> UNHCR, “Palestinians/Iraq”, summary of what was said by the UNHCR spokesperson at the Palais des Nations briefing in Geneva, 30 January 2007.
- <sup>220</sup> Human rights violations arising from Israeli military incursions into the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun, Human Rights Council Special Session Resolution S-3/1, 15 November 2006.
- <sup>221</sup> UN, Report by the Special Rapporteur on Adequate Housing, Miloon Khotari, Commission on Human Rights, Fifty-ninth session (E/CN.4/2003/5), 10 June 2002, pp. 4–5.
- <sup>222</sup> *Question of the Violation of Human Rights in the Occupied Arab Territory, Including Palestine*, Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, on the Situation of Human Rights in the Palestinian Territory Occupied since 1967, Commission on Human Rights, Sixty-second session, E/CN.4/2006/29, 17 January 2006, p. 5, para. 2.
- <sup>223</sup> Report of the Special Rapporteur on the Situation of Human rights in the Palestinian Territory Occupied Since 1967, Human Rights Council, A/HRC/2/5, 5 September 2006, p. 10.
- <sup>224</sup> Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel, E/C.12/1/Add. 90, 23 May 2003, para. 18.
- <sup>225</sup> UN Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination, Lebanon, CERD/C/64/CO/3, 28 April 2004, para. 12.
- <sup>226</sup> UN Committee on the Rights of the Child, Concluding observations: Lebanon, CRC/C/LBN/CO/3, 8 June 2006.
- <sup>227</sup> UN Committee on the Elimination of All Forms of Discrimination Against Women, Concluding Comments: Israel, CEDAW/C/ISR/CO/3, 22 July 2005, paras. 24, 34, 36, 38, 40.
- <sup>228</sup> The monthly humanitarian update/monitor in 2006 used «UN Security Council resolutions, The Universal Declaration of Human Rights and international standard of humanitarian law (IHL) as the standard for monitoring. See for instance, OCHA Humanitarian Update, Access and Protection, Jerusalem: UN OCHA, August 2006, p.1.
- <sup>229</sup> For statistics on the number of IDPs, see *Internal Displacement, Global Overview of Trends and Developments in 2006*, Norwegian Refugee Council and Internal Displacement Monitoring Centre, April 2007, p. 9.
- <sup>230</sup> The Inter-Agency Internal Displacement Division within OCHA has been established to promote a predictable and concerted response and assist country teams in the field to develop a clear action plan. OCHA is responsible for gaining access to IDPs and other vulnerable groups; collecting, analysing and disseminating IDP-relevant information; supporting the development of the Common Humanitarian Action Plan and Consolidated Appeal, and ensuring the inclusion of IDP concerns therein; organizing and participating in inter-agency assessments; and convening co-ordination forums.
- <sup>231</sup> Only two agencies have a specific legal mandate to carry out protection work: the UNHCR (at the UN level) and the ICRC. See *The State of the World's Refugees 2005*, Geneva: UNHCR, 2006, chapter 7, p. 169.
- <sup>232</sup> At the local level, there should be a Humanitarian and/or Resident Co-ordinator (HC/RC) who strategically ensures protection and assistance to IDPs. More specifically, some of the HC/RC responsibilities are to consult with national and local authorities in order to evaluate their capacity to respond to the needs of IDPs; suggest to government and local authorities the appointment of a focal point within their structures on issues of internal displacement; lead the process of full consultation between different agencies in order to establish a procedural road map so as to avoid gaps; oversee the implementation of the Action Plan by the country team; and emphasize protection.
- <sup>233</sup> “Despite agreements on putting the Collaborative Approach into practice, the results failed to match expectations, marked as they were with large gaps in delivery of essential goods and services combined with some areas of duplication, and an ad hoc approach by the system as a whole to the level and comprehensiveness of response. In 2003, an IDP protection survey and response matrix found that there were systematic gaps in protection and some other sectors, that agencies took unilateral and mandate-based decisions on their involvement and lacked accountability, and that Humanitarian Co-ordinators were not clear on their responsibilities or accountability to assess and

- co-ordinate a comprehensive response. At a workshop hosted by Canada in February 2004 on the future of the international response to internal displacement, frustration was expressed by many at the failings of the Collaborative approach, the unpredictability of response, and the apparent inability of agencies to collectively overcome mandate gaps and turf battles.” UNHCR, UNHCR’s Role in IASC Humanitarian Reform Initiatives and in the Strengthening of the Inter-Agency Collaborative Response to Internally Displaced Situations, Discussion Paper, 20 September 2005, p. 1.
- <sup>234</sup> *Internal Displacement, Global Overview of Trends and Developments in 2006*, Norwegian Refugee Council and Internal Displacement Monitoring Centre, April 2007, p. 17.
- <sup>235</sup> *Illegal Israeli Actions in the Occupied East Jerusalem and the rest of the Occupied Palestinian Territory*, UNGA Res. ES-10/13, 21 October 2003.
- <sup>236</sup> *Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory*, UNGA Res. A/RES/ES-10/14, 12 December 2003.
- <sup>237</sup> International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, para. 142.
- <sup>238</sup> International Court of Justice, *Legal Consequences*, Advisory Opinion, 9 July 2004, paras. 119–120.
- <sup>239</sup> International Court of Justice, *Legal Consequences*, Advisory Opinion, 9 July 2004, para. 121.
- <sup>240</sup> International Court of Justice, *Legal Consequences*, Advisory Opinion, 9 July 2004, para. 133.
- <sup>241</sup> International Court of Justice, *Legal Consequences*, Advisory Opinion, 9 July 2004, paras. 151, 153.
- <sup>242</sup> International Court of Justice, *Legal Consequences*, Advisory Opinion, 9 July 2004, para 163 (3)(D).
- <sup>243</sup> International Court of Justice, *Legal Consequences*, Advisory Opinion, 9 July 2004.
- <sup>244</sup> UNGA Resolution ES-10/15, 20 July 2004. 150 votes in favour and six against (United States, Israel, Australia, Marshall Islands, Micronesia and Palau). Abstaining were Cameroon, Canada, El Salvador, Nauru, Papua New Guinea, the Solomon Islands, Tonga, Uganda, Uruguay and Vanuatu.
- <sup>245</sup> Letter dated 11 January 2005 from the Secretary-General to the President of the General Assembly, UNGA Doc. A/ES-10/294, 13 January 2005, section I, para. 1.
- <sup>246</sup> UNGA Resolution A/ES-10/L.20/Rev.1, 15 December 2006, para. 3.
- <sup>247</sup> The Board will be responsible for establishing the rules and regulations governing the work of the registry, and for its establishment and maintenance. It will establish eligibility criteria, categories of damage and the process of registration. On the recommendation of the experts, the Board will have the ultimate authority in determining the inclusion of damage in the register. The secretariat will service the members of the Board and the experts. It will be responsible for the administration of the registry and the compilation of the database. See Letter dated 11 January 2005 from the Secretary-General to the President of the General Assembly, UNGA Doc. A/ES-10/294, 13 January 2005, section II, para. 2.
- <sup>248</sup> UNGA Resolution A/ES-10/L.20/Rev.1, 15 December 2006, para. 5.
- <sup>249</sup> UNGA Resolution A/ES-10/L.20/Rev.1, 15 December 2006, paras. 11–12.
- <sup>250</sup> Maria Lahood, “Fight Against Impunity”, *Al Majdal*, No. 33, Spring 2007, pp. 56–57.
- <sup>251</sup> “Avi Dichter has been sued in a United States court for his role in the Al-Daraj, Gaza bombing that killed fifteen people and injured approximately 150 others. The Center for Constitutional Rights (CCR), along with CCR co-operating attorneys and the Palestinian Center for Human Rights (PCHR), represent the survivors of the July 2002 bombing in a class action lawsuit against Dichter for war crimes, crimes against humanity and extrajudicial killings.” See *The Matar v. Dichter* complaint and other documents are available at [http://www.ccrny.org/v2/legal/human\\_rights/rightsArticle.asp?ObjID=ccDzL2NjXs&Content=678](http://www.ccrny.org/v2/legal/human_rights/rightsArticle.asp?ObjID=ccDzL2NjXs&Content=678) and Maria Lahood, “Fight Against Impunity”, *Al Majdal*, No. 33, Spring 2007, p. 56.





Al-'Aqaba, a Palestinian village threatened by Israeli demolition orders, August 2006. © Anne Paq.

# Politics and the Question of Palestinian Refugees and IDPs

## Preface

*Resolving the plight of refugees and internally displaced persons in accordance with international law has become an integral part of peace agreements. A rights-based approach to refugees and IDPs includes acknowledging the right to return, property restitution and compensation, and has been recognized as one of the pillars of just and durable peace.*

*However, peace negotiations between Israel and Arab states, and later the Palestine Liberation Organization (PLO), have not followed a rights-based approach. Official efforts to find a solution to the Palestinian refugee question have been politically driven, and this has sidelined Palestinian refugees and IDPs, as well as their rights to return, restitution and compensation.*

*A first round of official negotiations on the question of 1948 Palestinian refugees was facilitated by the United Nations (1949–1952) and based on UN Resolution 194. A second round was conducted under the sponsorship of the United States and based on the 1993 Declaration of Principles (Madrid-Oslo process 1991–2001). The issue of 1967 Palestinian refugees was raised during the peace negotiations between Egypt and Israel in the late 1970s (at Camp David), as well as during the interim negotiations of the Madrid-Oslo process. Internally displaced Palestinians in Israel and the OPT, considered an internal matter by those taking part in the discussions, were not explicitly addressed during the negotiations of the Madrid-Oslo process.*

*These politically-driven efforts, however, have failed to bring about Israeli-Palestinian peace or indeed durable solutions for Palestinian refugees and IDPs. The gap between the positions of the negotiating parties has remained unbridgeable, as Israel rejects refugee return and restitution as a principle or right, so as to safeguard a Jewish majority among its population and retain control over land confiscated from Palestinian refugees. Regardless of persistent demands by Arab states and the PLO, no mechanism for enforcing international law, including UN Resolution 194, has been established in peace negotiations with Israel, due to the lack of political will on the part of powerful Western states, most recently the United States and the European Union within the framework of the United Nations Security Council and its “Quartet”.*

*In the absence of effective protection of their rights to return, restitution and compensation, Palestinian refugees and IDPs have attempted to protect these rights themselves. During the 1990s, marginalization by the Madrid-Oslo process set in motion a renaissance of organizing and protest by Palestinian refugees, exiles and civil society. This in turn created a Palestinian constituency for the right of return that could no longer be dismissed by Palestinian negotiators or ignored by the international community. In 2005, Palestinian refugee and IDP community organizations joined in a broad Palestinian civil society call for a strategic campaign of boycotts, divestment and sanctions (BDS) against Israel until it complied with international law on the right of return, including the right to return to homes and properties in Israel.*



## 5.1 Refugees/IDPs and Peace Agreements

The right of return has been recognized and respected in number of occasions as early as the 13<sup>th</sup> century with the Magna Carta. More recently, the first peace treaty between the Bolshevik government in Russia and Germany, Austria-Hungary, Bulgaria and Turkey, concerned the return of prisoners of war and interned civilians. The Treaty of Brest-Litovsk of 1918 included provisions guaranteeing that prisoners of war and interned or exiled civilians were to be returned to their countries of origin “as soon as possible;” that for ten years from the Treaty, all residents of the states parties coming from the territory of other parties would “have the right to return to their country of origin” upon agreement of the receiving state; and all parties agreed to complete immunity of prisoners of war and of all civilians for any acts committed during the occupation period.<sup>1</sup>

Recent peace agreements to conflicts involving situations of mass displacement continue to explicitly affirm the rights of return of refugees and displaced persons, as well as their rights to property restitution and compensation. These include agreements in Cambodia (1991), Mozambique (1992), Georgia (1992), Rwanda (1993), Croatia (1995), Bosnia-Herzegovina (1995), Guatemala (1996), Tajikistan (1997), Northern Ireland (1998), Kosovo (1999), Sierra Leone (1999), Burundi (2000), Macedonia (2001), Liberia (2003) and Darfur (2006). The 1995 Dayton Peace Agreement, which resolved the conflict in Bosnia-Herzegovina, for instance, included Annex 7, “Agreement on Refugees and Displaced Persons”, which stated:

All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.<sup>2</sup>

Annex 7 of the Dayton Peace Agreement also included detailed provisions setting up a framework that guaranteed respect for the rights and needs of refugees and displaced persons, including those choosing to return, and the establishment of a repatriation plan by the UN High Commissioner for Refugees. Respect for the rights of refugees and IDPs is an intrinsic component of peace agreements.

### **Why is a rights-based solution for Palestinian refugees and IDPs so important for sustainable peace?**

A rights-based solution to the question of Palestinian refugee and IDPs that allows refugees to choose their preferred durable solution, including voluntary return and property restitution, is crucial for sustainable peace. It is also an appropriate response to the demands for justice of the Palestinian people, 70% of whom are refugees and/or IDPs. The core of such a solution would involve acknowledgment by Israel of its responsibility for the displacement and dispossession of the Palestinian people, recognition of the right of return of Palestinian refugees, and implementation of a solution in accordance with UN Resolution 194 (see Chapter Four). Moreover, a rights-based solution would reverse violations of international law and lay the foundation for reconciliation and peace-building. Failure to apply a rights-based approach to the search for durable solutions for Palestinian refugees and IDPs is likely to undermine the prospects of sustainable peace; such failure would also carry the risk of implicitly sanctioning further mass displacements in the future.

## 5.2 Bilateral and Multilateral Negotiations on the Palestinian Refugee Question

The question of the 1948 Palestinian refugees been tabled for political negotiation only twice in 60 years, and neither round succeeded in reaching an agreement or solution. The first round of talks between Israel and Arab states was facilitated by the United Nations (1949–1952) and based on UN Resolution 194, while the second took place between Israel and the Palestine Liberation Organization (PLO) under the sponsorship of the United States, and was based on the 1993 *Declaration of Principles* (Madrid-Oslo process 1991–2001). The question of

1967 Palestinian refugees was raised in the peace negotiations between Egypt and Israel in the late 1970s, and in the interim negotiations of the Madrid-Oslo process, but remained unresolved.

It must also be noted that Palestinian refugees who remained in the territory that became Israel as a result of the 1948 war were integral to the “refugee question” addressed in the first round of UN-facilitated negotiations. Soon after these talks collapsed, UNRWA transferred their records to Israel in 1952.<sup>3</sup> One result was that refugees in Israel ceased to be considered refugees and thus part of the “Palestinian refugee question” by the United Nations and the international community. As “internally displaced persons”, they were excluded from negotiations in the Madrid-Oslo process.

Palestinians internally displaced in the OPT since 1967 as a result of war and occupation have not been recognized as a category of concern by the international community. During the peace negotiations in the late 1990s, the PLO demanded that Israel issue a block payment of compensation for damages incurred by Palestinians (including IDPs) in the OPT during decades of military occupation. However, the right of IDPs to return and restitution was considered a matter best addressed by the incumbent independent state of Palestine. Failure to achieve Palestinian sovereignty in the OPT, compounded by Israel’s regime of occupation and colonization, means that Palestinian displacement in the OPT remains ongoing, while the rights of IDPs have not yet been recognized.



Demonstration against Israel's War on Lebanon, Ramallah, August 2006. © Anne Paq/Activestills.

## 5.2.1 Negotiations concerning the 1948 Palestinian Refugees

### 1949–1952

Early peace negotiations between Israel and the Arab states began in 1949 and ended in 1952. Negotiations were facilitated by the UN Conciliation Commission for Palestine (UNCCP) and based on UN General Assembly Resolution 194(III). Two UNCCP-facilitated peace conferences in Lausanne (1949) and Paris (1951) aimed to achieve a permanent solution for Palestinian refugees and a comprehensive peace agreement. Although the question of Palestinian refugees featured centrally in these negotiations, Palestinians did not enjoy direct representation.

The 1949 conference in Lausanne was held to draw up details of a final and comprehensive peace agreement, and included territorial questions, the status of Jerusalem and the refugee issue. Arab delegates maintained that Israel’s recognition of the right of Palestinian refugees to return to their homes and receive

compensation, as provided for in Resolution 194, was a condition for comprehensive peace negotiations.<sup>4</sup> The UNCCP considered that it had a specific mandate to resolve the refugee question, and was willing to press Israel to accept the principles laid out in Resolution 194.<sup>5</sup> Israel, however, refused to accept these principles (the right of return, in particular) and insisted that the refugee question should be addressed only as part of the negotiations concerning an overall peace settlement.<sup>6</sup> Israel advised the conference that it could re-admit up to 100,000 refugees in the context of a comprehensive agreement, but reserved the right to resettle the repatriated refugees in locations of its choosing.<sup>7</sup> Both the UNCCP and the Arab representatives found the Israeli proposal unsatisfactory. A request by the Arab delegations for the immediate return of all refugees originating from territory allotted to the “Arab State” under the 1947 UN Partition Plan was also rejected by Israel.<sup>8</sup> The UNCCP subsequently tried to facilitate agreement by means of a memorandum that proposed that “the solution of the refugee problem should be sought in the repatriation of refugees in Israel-controlled territory and in the resettlement in Arab countries or in the area of Palestine not under Israel’s control of those not repatriated.”<sup>9</sup> While Arab delegates agreed to negotiate on this basis, the Israeli delegates said that they would discuss the proposal only if “the solution of the refugee problem was to be sought primarily in resettlement in Arab territory.”<sup>10</sup> In other words, while Arab states and the UNCCP agreed that the choice was between “repatriation and compensation for damages suffered, on the one hand, or no return and compensation for all property left behind, on the other”, Israel held that “the desirability of achieving demographic homogeneity in order to avoid minority problems was the principle which should govern the process of repatriation.”<sup>11</sup> According to the UNCCP, Israel’s position was a result of its “unwillingness to relinquish the land that belonged to the refugees.”<sup>12</sup>

In 1951, a second peace conference was convened in Paris. Israel argued that security, political and economic concerns made the return of refugees impossible, and that “the integration of the refugees in the national life of Israel was incompatible with present realities.”<sup>13</sup> Arab states maintained that “there could be no limitation on the return of the refugees” and linked Israel’s recognition of the right of return of Palestinian refugees to the prospects for peace in the Middle East.<sup>14</sup> The UNCCP continued to envisage both repatriation of refugees to Israel and integration in Arab countries as components of a solution of the refugee question.<sup>15</sup> However, the UNCCP now also argued that because the conditions in Israel had changed considerably since 1948, repatriation of refugees would have to take into consideration “the possibilities of the integration of the returning refugees into the national life of Israel”,<sup>16</sup> thereby adding absorption capacity as a new criteria for determining the number of Palestinian refugees eligible to return. Due to the incompatibility of the positions taken by the parties, the UNCCP further suggested that, even at the cost of straying from the letter of Resolution 194, the parties had “to depart from their original positions in order to make possible practical and realistic arrangements towards the solution of the refugee problem.”<sup>17</sup>

Soon thereafter, the UNCCP recognized that it had failed in its task. Probably as a result of the failure of the Paris conference, it concluded in 1951 that it had “been unable to make substantial progress in the task given to it by the General Assembly of assisting the parties to the Palestine dispute towards a final settlement of all questions outstanding between them.”<sup>18</sup>

### 1991–2001

Political negotiations on the question of Palestinian refugees were resumed, based on the Madrid Peace Conference of 1991 and the 1993 *Declaration of Principles on Interim Self-Government Arrangements*, which established, for the first time, direct Palestinian representation through the PLO. The Madrid-Oslo process set up two separate tracks to address the refugee issue: a political bilateral track, and a more technical multilateral track formed in 1992 to address regional issues such as water, regional economic development, arms control, and refugees. Under Article V of the *Declaration of Principles*, bilateral negotiations on the 1948 refugee issue were to be part of the negotiations concerning a final peace agreement (issues to be discussed at the final stage of the negotiations), and to begin no later than three years after the beginning of the interim period (focused on limited self-government).<sup>19</sup>

The Refugee Working Group (RWG) headed (“shepherded”) by Canada was established in the first round of multilateral

talks held in Moscow in January 1992. The RWG was accorded a mandate to: (1) improve the living conditions of Palestinian refugees and displaced persons without prejudicing final status deliberations on the refugee issue; (2) ease and extend access to family reunification; (3) support the process of achieving a viable and comprehensive solution to the refugee question. Israel, Egypt, Jordan, Lebanon, Syria and the PLO (as of 1993) were members of the RWG, although Syria and Lebanon soon withdrew from participation in RWG meetings in protest against the intransigent position of Israel's (Shamir) government in the Madrid negotiations.<sup>20</sup>

Seven main themes concerning the refugee issue were identified by the RWG, and a lead-country ("gavel-holder") was assigned to each theme: databases (Norway); family reunification (France); human resources development (US); job creation and vocational training (US); public health (Italy); child welfare (Sweden); economic and social infrastructure (EU); and the human dimension (Switzerland). RWG activities were conducted at two levels: plenary sessions were held to review ongoing work and set priorities for the future; and "inter-sessional" meetings brought together Arab and Israeli representatives, their extra-regional counterparts, and international experts for closer consideration of specific issues. Eight plenary sessions were held between 1992 and 1995.

Multilateral talks ground to a halt in 1996, when excavations conducted by Israel's Likud (Netanyahu) government near the Al-Aqsa mosque compound in occupied Eastern Jerusalem led to political crisis (the "tunnel crisis") and armed conflict between the Palestinian Authority and Israel in the OPT. In 1997, the Arab League called for a boycott of the multilateral talks, and no plenary sessions have been held since. RWG activities continued at the inter-sessional level until September 2000.<sup>21</sup> The multilateral process, as well as the broad format of the opening Madrid Peace Conference in 1991, were designed to meet Arab demand for an international forum for peace efforts, and to enable issues to be addressed at a regional level. Procedural rules required that the multilateral talks operate by consensus, and that the chairs of the working groups act as facilitators, rather than exercising procedural power or dictating direction. The main achievements of the RWG were humanitarian in nature, and included mobilization of some resources for the improvement of refugee living conditions, data collection and research (primarily on living conditions), as well as support for improvements, albeit temporary, of Israel's family reunification procedures. While consensus rule allowed the RWG to operate for five years, it prevented substantial and wide-ranging talks about all matters related to means of solving the Palestinian refugee question.

Specific provisions concerning Palestinians refugees of 1948 and 1967 were included in the *Treaty of Peace* signed between the Hashemite Kingdom of Jordan and the State of Israel in 1994. Article 8 of the treaty stated that the parties would resolve the refugee issue in accordance with international law and "in the framework of the Multilateral Working Group" or "in negotiations, in a framework to be agreed bilaterally or otherwise."<sup>22</sup> As Jordan ceased to be enemy territory, Israel amended its 1950 *Absentees' Property Law* so that property of Jordanian residents or citizens would no longer be defined as "absentee property" subject to confiscation under Israeli law. However, the amendment did not apply retroactively and was carefully worded to preclude claims for housing and property restitution by Palestinian refugees in Jordan and residents of the OPT.

Official bilateral negotiations concerning a final peace agreement between Israel and the PLO did not begin in earnest until 2000, as implementation of numerous interim agreements was delayed by Israel because it resisted transferring some powers to the Palestinian Authority. The first peace summit was convened by the United States at Camp David in July 2000, but no substantive negotiations were entered into concerning a solution to the Palestinian refugee issue. While the PLO demanded recognition, in principle, of the right of return as enshrined in international law and affirmed by UN Resolution 194, Israel was unwilling to engage in negotiations on this basis. Israel also refused to recognize its moral responsibility for causing the refugee problem. US bridging proposals were general, focused on resettlement rather than return, and included an offer of financial compensation (which was rejected by the PLO).

The first substantive US proposal was advanced by President Bill Clinton in December 2000. The "Clinton Parameters" were presented as guidelines for accelerated peace negotiations to be concluded before the end of his presidential term. With regard to Palestinian refugees, the Parameters stated that "under the two-state solution, the guiding principle



should be that the Palestinian state will be the focal point for Palestinians who choose to return to the area, without ruling out that Israel will accept some of these refugees.”<sup>23</sup> The proposed agreement would recognize a right to return to historic Palestine or a homeland consistent with the two-state solution, with five possible final homes for the refugees: (1) the state of Palestine; (2) areas in Israel to be transferred to Palestine in a land swap; (3) rehabilitation in a host country; (4) resettlement in a third country; (5) admission to Israel.<sup>24</sup> The agreement would “make clear that the return to the West Bank, Gaza Strip, and the areas acquired in the land swap would be a right to all Palestinian refugees; while rehabilitation in host countries, resettlement in third countries and absorption into Israel will depend upon the policies of those countries.”<sup>25</sup> Hence, while a general right of return to historic Palestine would be recognized, the right of refugees to return to their homes in Israel would not be recognized, and would be subject to “Israel’s sovereign decision.”<sup>26</sup> The PLO insisted that “the essence of the right of return is choice: Palestinians should be given the option to choose where they wish to settle, including return to the homes from which they were driven.”<sup>27</sup> According to the PLO, “the United States’ proposal reflected a wholesale adoption of the Israeli position that the implementation of the right of return be subject entirely to Israel’s discretion.” They also argued that the Parameters in fact constituted a setback compared to the principles acknowledged in previous negotiations.<sup>28</sup> The Clinton Parameters failed to bring about agreement among the parties, and the subsequent Bush regime did not pursue the initiative.

In the last round of peace negotiations at Taba, Egypt, in January 2001, the PLO initiated an exchange of “non-papers” with the Israeli delegation. The PLO presented a schematic framework for durable solutions for Palestinian refugees,<sup>29</sup> which was generally consistent with international law, the terms of UN General Assembly Resolution 194(III), and best practice concerning durable solutions for refugees. Israel’s “private response” confirmed that a just settlement would necessarily lead to the implementation of UN Resolution 194, but did not recognize a right of return. It laid out a primarily politically-driven framework, which provided for implementation of a “wish to return ... in a manner consistent with the existence of the state of Israel as the homeland for Jewish people”, components of which were inconsistent with Resolution 194(III), as well as international law and practice.<sup>30</sup> The Taba negotiations ended inconclusively, and peace negotiations came to a halt in 2001 with the election of Ariel Sharon as Israel’s new Prime Minister, and the subsequent efforts to quell the second Palestinian uprising by military means.

In early 2002, the EU Special Representative to the Middle East Peace Process, Miguel Moratinos, released another “non-paper” summarizing the general content of the Taba negotiations and the positions of both parties on the question of Palestinian refugees.<sup>31</sup> It adds some detail to the papers presented by Israel and the PLO at Taba. According to Moratinos, for example, Israel proposed a 15-year absorption program to facilitate a limited return of Palestinian refugees to Israel. The absorption quota suggested by Israel ranged from 25,000 refugees over three years to 40,000 over five years; i.e., less than one per cent of the



Palestinian refugee children from 'Azza refugee camp commemorating the anniversary of the *Nakba*, Bethlehem, occupied West Bank, 2003. © BADIL.

total Palestinian refugee population, while the right of the remaining 99% to exercise their individual right of return would be withheld. Israeli negotiators also rejected the right of Palestinian refugees to restitution of their properties.



### 5.2.2 Negotiations Concerning the 1967 Refugees

Early negotiations concerning a solution to the plight of Palestinians displaced in the June 1967 war began in August 1967 between Jordan, host of the majority of Palestinians displaced in 1967, and Israel, which had military control of the newly occupied West Bank and Gaza Strip. The negotiations were facilitated by the International Committee of the Red Cross (ICRC); neither Palestinians nor the PLO were officially represented at these talks. The two parties agreed to a process whereby refugees could submit applications for return to their places of origin in the OPT. Israel, however, retained overall control of the admission of refugees. Few were able to return and re-establish residence under this short-lived process (see Chapter Four).

More than a decade later, the issue of the 1967 Palestinian refugees re-emerged in the context of peace negotiations between Israel and Egypt. The peace agreement concluded in 1978 (Camp David Agreement) includes provisions for a “Continuing Committee” composed of representatives of Egypt, Israel, Jordan and the Palestinians to discuss the “modalities of admission of persons displaced from the West Bank and Gaza in 1967.”<sup>32</sup> However, this Committee was not established. Egypt and Israel also agreed to work with each other and interested parties towards a “prompt, just and permanent implementation of the resolution of the refugee problem.”<sup>33</sup> The Camp David Agreement did not include explicit provisions on the Palestinian refugees displaced in 1948. The UN Commission on Human Rights subsequently declared that “the validity of agreements purporting to solve the problem of Palestine requires that they be within the framework of the United Nations and its Charter and its resolutions” and rejected “those provisions of the accords which ignore, infringe upon, violate or deny the inalienable rights of the Palestinian people, including the right to self-determination and the right of return.”<sup>34</sup>

Fifteen years later, the 1993 *Declaration of Principles* between Israel and the PLO reiterated the provisions for a Continuing Committee stipulated in the Camp David Agreement to discuss the admission of persons displaced from the West Bank and Gaza Strip in 1967.<sup>35</sup> This was reaffirmed by the 1994 peace agreement between Israel and Jordan, which provided that the matter be resolved “in a quadripartite committee together with Egypt and the Palestinians” in accordance with international law.<sup>36</sup> The Continuing Committee (“Quadripartite Committee”), composed of Israel, the PLO, Jordan and Egypt, was subsequently established under the 1994 *Agreement on the Gaza Strip and Jericho Area* to “decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder.”<sup>37</sup> The 1993 *Declaration of Principles* and the 1994 *Agreement on the Gaza Strip and Jericho Area* do not, however, refer to relevant resolutions of the United Nations, such as UN Security Council Resolution 237, nor do they affirm that the refugee issue should be resolved in accordance with international law.

During early meetings of the Continuing Committee, delegates of the PLO and Arab states were optimistic that Israel would agree to repatriation of the “1967 Displaced Persons” (the term was carefully chosen to distinguish the latter from the “more complex” category of the 1948 Palestinian refugees), as the former group would return to the OPT only – i.e., the area reserved for Palestinian sovereignty. However, the Committee was unable to agree upon a definition of “displaced persons” and consequently on the number of returnees among this group of Palestinian refugees. Israel did not appear eager to resolve the issue of 1967 refugees through the Continuing Committee,<sup>38</sup> mainly due to concerns about setting a precedent for the negotiations on the 1948 Palestinian refugees slated to follow in the final round of talks. Thus, the Committee first envisaged in 1978 and established only in 1994 had by 1997 practically ground to a halt. In 2000, in the shadow of the permanent status negotiations, it ceased to exist.<sup>39</sup> The issue of the 1967 Palestinian refugees, which was supposed to be resolved during the interim period of the Madrid-Oslo process, remains unresolved.

### Why have negotiations on the Palestinian refugee question failed?

Negotiations on the Palestinian refugee question have failed mainly because no impartial third-party mediation or binding enforcement mechanisms have been included in peace negotiations between Arab states, the PLO and Israel. Such a mechanism, if based on principles established by international and UN resolutions, would level the playing fields of power politics and bring the parties, Israel in particular, closer to a rights-based approach. Israel has persistently rejected impartial third-party monitoring and international peace conferences under the auspices of the UN, insisting instead on “direct negotiations among the parties.” Powerful states have lacked the political will to enforce international law and UN resolutions in political negotiations involving Israel. Rather, Israel’s position has been supported by Western governments, most recently the United States.

## 5.3 Political actors, peace, and the question of Palestinian refugees

### 5.3.1 The Palestine Liberation Organization (PLO)

The PLO, established in 1964, and recognized as the legitimate representative of the Palestinian people, has consistently called for the return of Palestinian refugees to their homes of origin in accordance with international law, relevant UN resolutions, and the choice of each refugee.<sup>40</sup> The PLO takes a rights-based approach to durable solutions.

#### A Rights-based Approach vs. a Politically-driven Approach to Palestinian Refugees and IDPs

A rights-based approach to peacemaking, peace-building, reconciliation and development emphasizes the role of legal norms and obligations.<sup>41</sup> Such an approach entails recognition of the rights of all parties; respect for the principles of accountability, justice and the rule of law; and the participation of the parties concerned. Negotiations undertaken by international organizations and states should aim to establish, safeguard and implement the rights of all parties to the conflict, most especially civilian victims of that conflict. Priority should be given to the rights and participation of the victims of violations of human rights and humanitarian law, such as the right to remedy and reparation in the case of refugees and IDPs. Victims are encouraged to organize themselves and advocate for their rights.

A rights-based approach to the question of Palestinian refugees and IDPs emphasizes the intrinsic value and function of durable solution rights, i.e., return, restitution and compensation, as well as the panoply of civil, economic and social rights to be accorded to displaced persons until they are able to realize durable solutions, whether these are voluntary return, or third country resettlement and integration.

However, efforts to resolve the Palestinian refugee question have placed greater emphasis on the national interests of states, the balance of power between them, and the give-and-take of an open-ended bargaining process. This approach is sometimes described as “politically-driven”, “pragmatic” or “realistic”, given that Israeli and Palestinian representatives do not agree on the interpretation or applicability of international law concerning the matter of Palestinian refugees.

While durable solutions for refugees are ultimately the result of political negotiation processes, a rights-based approach strengthens the role played by law; by contrast, in negotiations that are politically-driven, the status of refugee rights is determined by the balance of power between the parties. The two approaches are also distinguished by the fact that the starting point of a rights-based approach is the refugee her- or himself, while politically-driven approaches are state-centric.

### 5.3.2 Israel

The state of Israel is unwilling to accept return as a right or principle. Israel has continuously voted against UN Resolutions that affirm the rights of return and restitution of Palestinian refugees, and/or the right to self-determination of the Palestinian people.<sup>42</sup> Although Israel has accepted, in principle, the right of return to the occupied West Bank and Gaza Strip of those displaced for the first time in 1967,<sup>43</sup> successive Israeli governments have continued to insist on a politically-driven approach to the refugee question. On this basis Israel is prepared to permit, at most, the return of a limited number of Palestinian refugees, not as a matter of right, but as a humanitarian gesture within the framework of family reunification.<sup>44</sup>

Since the beginning of the construction of the Wall in the OPT in 2002, Israel has advanced plans to impose a unilateral solution to the conflict, including the status and borders of a Palestinian state.<sup>45</sup> Such measures prejudice not only a negotiated settlement of the conflict, but also the rights of Palestinian refugees and IDPs.

### **Israeli Arguments against Return and the Rights-based Approach**

Israel's primary problem with a rights-based approach is that it would lead to an unacceptable political outcome. The return of Palestinian refugees would negate Israel's *raison d'état* as a Jewish state. Israel would no longer be able to guarantee a permanent Jewish demographic majority; it would have to return and share the land, and enshrine equality as a basic principle of law. Arguments about security (e.g., physical, psychological, material, cultural, etc.) and the state's capacity to absorb the refugees (e.g., physical space, material resources, etc.) are raised by Israel in order to prevent the application of a rights-based approach to the Palestinian refugee question.

Israel's arguments raise fundamental questions. Should Israel, as a democracy, grant equal rights to all of its citizens? And would this include Palestinian refugees who were displaced from villages and towns that are now part of Israel? If so, can Israel deviate from these legal obligations on the basis of public order and/or security? UN human rights committees have addressed each of these questions, both in general and specific terms (see also Chapter Four).

The committee overseeing the implementation of the Convention on the Elimination of All Forms of Discrimination (CERD) recently recommended that Israel incorporate the "prohibition of racial discrimination and the principle of equality" as "general norms of high status in [Israeli] domestic law."<sup>46</sup> A number of committees have also recommended legislative reforms that would allow Palestinian refugees to resume domicile in Israel and repossess or receive compensation for their properties.<sup>47</sup> Some of these committees have also called upon Arab states to respect the basic rights of refugees until durable solutions can be realized.

More generally, the committee overseeing the Convention on the Elimination of Racial Discrimination (CERD) has concluded that all refugees and displaced persons "have the right freely to return to their homes of origin under conditions of safety in cases of massive displacement due to foreign military, non-military and/or ethnic conflicts" and in situations where individuals are displaced "on the basis of ethnic criteria."<sup>48</sup> According to the Committee overseeing the International Covenant on Civil and Political Rights (ICCPR), the return of a person to "his/her own country" is not limited to nationals in a formal sense and would include "nationals of a country who have there been stripped of their nationality in violation of international law, and of individuals whose country of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them", as well as those born outside the country.<sup>49</sup> The Committee also concluded that the ICCPR applies to situations of mass displacement and "implies prohibition of enforced population transfers or mass expulsions to other countries."<sup>50</sup> In 1999 it narrowed the range of possible interpretations of what might constitute permissible grounds for depriving persons of their right to return by ruling that "there are few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable"; and that a state "must not, by stripping a person of nationality or by expelling an individual to a third country, arbitrarily prevent this person from returning to his or her own country."<sup>51</sup>

Some Israeli arguments against the return of Palestinian refugees raise important questions about space and natural resources available for absorbing returning refugees. These are practical questions that are being tackled in the context of refugee return worldwide; but they are often raised by Israel in order to evade debate, given that Israel has absorbed more than one million Jewish immigrants since 1990 alone. Independent research findings suggest that approximately 78% of the Jewish population today occupies 15% of the land of Israel, and that Palestinian villages depopulated in 1948 whose land has become part of new Israeli urban infrastructure account for less than 10% of the total number of the villages from which Palestinian refugees originate.<sup>52</sup> More rights-based research about development and planning in the Israeli context could provide useful answers and guidelines for repatriation, especially since refugee return is not so much about restoring the past as it is about building a future.

### **5.3.3 The Quartet**

The "Performance-based *Road Map* to a Permanent Two-State Solution to the Israeli-Palestinian Conflict" reflects the official position of the Quartet (composed of the United States, European Union, Russia and the United Nations). Its declared goal is the creation through peaceful negotiations of an independent, sovereign and viable Palestinian state living in peace and security with Israel. The *Road Map* includes three phases which, if implemented, would have put an end to the Israeli-Palestinian conflict in 2005.<sup>53</sup> In 2006, the Quartet reiterated that a permanent solution could be reached only through the realization of the goal of two democratic states: Israel and Palestine.<sup>54</sup> There was, however, no significant diplomatic process based on the *Road Map* in 2006.

The *Road Map* provides an ambiguous set of guidelines for resolving the refugee issue. It calls for “an agreed, just, fair and realistic solution”, but does not define what is meant by these terms. According to the *Road Map*, final settlement issues, including borders and refugees, should be negotiated on the basis of “Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), and 1515 (2003), the terms of reference of the Madrid peace process, the principle of land for peace, previous agreements, and the initiative of Saudi Crown Prince Abdullah endorsed by the Beirut Arab League Summit.”<sup>55</sup> UN General Assembly Resolution 194 is not expressly mentioned, although reference is made to the Beirut Arab League Summit (*Beirut Declaration*), which calls for a just solution to the Palestinian refugee problem in accordance with UN Resolution 194. The *Road Map* was endorsed by the PLO, while Israel’s endorsement was qualified by 14 conditions, including the stipulations that “references must be made to Israel’s right to exist as a Jewish state and to the waiver of any right of return for Palestinian refugees to the State of Israel.”<sup>56</sup>



Workshop on durable solutions for Palestinian refugees, BADIL study group program, Bethlehem, occupied West Bank, 2006. © BADIL.

### 5.3.4 The United States

While the United States actively supported implementation of UN Resolution 194 during the 1950s, this position changed as their strategic alliance with Israel deepened, in particular after the 1967 war. Since then, the United States has endorsed a politically-driven solution to the refugee issue that would preserve the Jewish character of the state of Israel. The United States, like Israel, continues to vote against UN General Assembly resolutions that reaffirm Palestinian refugees’ right of return and the right to self-determination of the Palestinian people.<sup>57</sup>

In April 2004, US President George W. Bush affirmed in a letter to then Israeli Prime Minister, Ariel Sharon, that:

[t]he United States is strongly committed to Israel’s security and well-being as a Jewish state. It seems clear that an agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel.<sup>58</sup>



Meeting between British Prime Minister Tony Blair and Palestinian President of the Palestinian Authority Mahmoud Abbas, Ramallah, occupied West Bank, September 2006. © Anne Paq/Activestills.

This letter, which reflects the official position of the Bush administration, also recognizes as a *fait accompli* the colonial regime in the occupied West Bank and its implications for a future Palestinian state. It states that “in light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949.”<sup>59</sup>

### 5.3.5 The United Nations

The United Nations has long been a “divided house” over the issue of Palestinian refugees and IDPs.<sup>60</sup> On the one hand, the UN General Assembly has taken a rights-based approach, reiterating the right of return, as well as rights to restitution and compensation of Palestinian refugees numerous times since it first passed Resolution 194 in December 1948.<sup>61</sup> It has emphasized Israel’s obligation to facilitate the return of all refugee women and children to their homes and properties,<sup>62</sup> and expresses annual regret that the repatriation of Palestinian refugees has still not occurred. In 2006, the General Assembly also condemned the ongoing internal displacement of civilians in the OPT.<sup>63</sup>

On the other hand, the UN Security Council has never passed a resolution outlining its position on what a solution to the question of 1948 Palestinian refugees should entail. With regard to the 1967 Palestinian refugees, Resolution 237 called upon Israel to “facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.”<sup>64</sup> However, this Resolution has been overshadowed by UN Security Council Resolution 242, which serves as the major reference for peace efforts between Israel, the Arab States, and the PLO. Resolution 242 simply calls for a “just settlement of the refugee problem”,<sup>65</sup> without providing further details. So in contrast to the General Assembly, within the Security Council and as a member of the Quartet, the UN seems to have adopted by default a politically-driven approach to resolving the Palestinian refugee question.

### 5.3.6 The European Union

The European Union has not formulated a clear policy regarding Palestinian refugees and IDPs, nor has it explicitly recognized the right of return, or rights to restitution and compensation of Palestinian refugees in accordance with UN Resolution 194.<sup>66</sup> In the 2002 Seville Declaration, the European Union stated that “a just, viable, and agreed solution to the problem of the Palestinian refugees” should be found.<sup>67</sup> However, the concrete terms of such a solution were not defined.

As a member of the Quartet, the European Union upholds the need to implement the *Road Map* in order to engage in meaningful final status negotiations, with the goal of achieving a two-state solution. The European Council has meanwhile stressed its concern about Israeli activities that contravene international law, including the construction of the Wall and the establishment of colonies (settlements).<sup>68</sup> The European Union has moreover stated that it will not recognize changes to Israel’s pre-1967 borders unless these are agreed to by both parties.<sup>69</sup> The European Parliament has “take[n] an extremely critical view of the European Council’s inability to take appropriate action” towards moving the peace process away from total political and diplomatic deadlock,<sup>70</sup> but has also passed resolutions that ignore the right of return of the 1948 Palestinian refugees.<sup>71</sup>



### 5.3.7 The League of Arab States

The League of Arab States (LAS), the primary regional organization in the Middle East and North Africa, has consistently called for the return of Palestinian refugees to their homes and properties.<sup>72</sup> The LAS framework for peace negotiations refers to UN Security Council Resolutions 242, 338, and 425, UN General Assembly Resolution 194, the Madrid-Oslo agreements, and the principle of land for peace. In March 2002, the LAS adopted the Arab Peace Initiative (*Beirut Declaration*). This calls for Israel to: (1) withdraw fully from the occupied Arab territory; (2) arrive at a



General view of the Security Council meeting on the question of Palestine, New York, United States. April 1948. © UN Archives.

just solution to the Palestine refugee problem in accordance with United Nations General Assembly Resolution 194(III); (3) accept the establishment of a Palestinian state in the occupied Palestinian territory. In exchange, Arab states shall: (1) consider the Arab-Israeli conflict at an end; (2) establish normal relations with Israel.<sup>73</sup>

### 5.3.8 The Organization of Islamic Conference

In 2006, the Organization of Islamic Conference (OIC) reaffirmed the responsibility of the United Nations with regard to the question of Palestine, “until it is resolved in all its aspects on the basis of international law, including a just resolution to the plight of the refugees in accordance with General Assembly resolution 194(III) of 11 December 1948.”<sup>74</sup> The OIC supports the *Beirut Declaration* and the *Road Map*, but has warned against “any guarantees or promises undermining the ... rights of the Palestinian people and rewarding the Israeli occupation which seeks to impose its conditions through the policy of *fait accompli*.”<sup>75</sup>

### 5.3.9 The African Union and the Non-Aligned Movement

The African Union supports the Beirut Declaration and states that no peace can be possible in the Middle East unless Israel fully withdraws from the occupied territory and enables the Palestinians to exercise their rights, in particular their right of return to their homes and property. In 2004, the Non-Aligned Movement reaffirmed its support for the inalienable rights of the Palestinian people.<sup>76</sup>

## 5.4 Civil Society Initiatives for Refugee and IDP Rights

### 5.4.1 Participation by Palestinian refugees and IDPs

In the absence of effective protection of their rights to return, restitution and compensation on the part of much of the international community and the United Nations, Palestinian refugees and IDPs have attempted to effect these rights by themselves.

A small group of Palestinians, owners of properties confiscated by Israel in 1948, tried to raise their claims during the first round of peace conferences in Lausanne (1949) and Paris (1951), but were not given



Writing on the wall, 'Aida refugee camp, Bethlehem, occupied West Bank, March 2007. © Anne Paq/Activestills.

formal standing or a substantive hearing. Ordinary refugees have sent thousands of letters and petitions to UNRWA and other international organizations insisting on their right of return to homes and properties, but to no avail. They have also joined the organizations, institutions and activities of the Arab national movement, the PLO and Islamic movements in order to liberate their homeland and return to it.

The 1991 Madrid-Oslo peace process provided, for the first time, direct Palestinian representation through

the PLO. However, this came at a time when the latter's democratic institutions and mechanisms for popular participation had largely been destroyed.<sup>77</sup> Neither the negotiating parties nor their international sponsors consulted Palestinian refugees and IDPs about their vision and ideas for a solution, as negotiations were conducted in secrecy. In this context, refugees were generally seen as an "obstacle" to peace and a political problem; their opinions, perceptions and needs were surveyed, quantified and classified in the hope that their demand for a just solution based on their rights to return, restitution and compensation could be defused by means of humanitarian and development aid.

The fact that the Madrid-Oslo process nevertheless brought the refugee question back onto the Palestinian, Israeli and international agenda, compounded by the lack of transparency of the political negotiations, gave rise in the 1990s to a new wave of refugee/IDP community mobilization in Israel, the OPT, and the diaspora. This broad-based movement has demanded better political representation and democratization of the peacemaking process.

#### **Excerpt from the *Civitas Report***

"Britain and the United States today, want to offer the Palestinians a partial and weak solution: a self-governing region in the West Bank and Gaza provided that the Palestinians renounce three-quarters of their country to the Israeli occupation, and three-quarters of their people who live in the diaspora and the Arab asylum countries. This is a great injustice and a historical scandal for those who praise democracy, civilization and the human right of anyone to live in his country and his house.... When the Palestinians realized the threat ... to the right of return to their country, they started to form assemblies and committees in the hope that they will support the rights of the Palestinian people, and that they will advocate based on international legitimacy and laws, supported by the free people of this world, whether Muslims, nationalists, or others, to stand in the face of the biggest crime in human history against the resisting Palestinian people."

*Participant, public meeting, Stavanger, Norway. Cited in Karma Nabulsi, "Palestinians Register: Laying Foundations and Setting Directions," Report of the Civitas Project, University of Oxford, August 2006, p. 217.*

Popular refugee conferences were first launched among IDPs in Israel in 1991 in protest against their exclusion from the refugee portfolio presented in the negotiations by the PLO. Similar conferences followed among refugees in the OPT and in exile during the mid-1990s. These set out the basic principles, structures and mechanisms of a popular campaign for refugee/IDP rights, with a focus on the right of return. Refugees emphasized that the campaign should be led by a broad-based, non-sectarian and independent movement comprised of Palestinian popular organizations and initiatives (both refugee and non-refugee) in the homeland and in exile to lobby and advocate for the protection of Palestinian refugee rights and durable solutions based on international law as affirmed in relevant UN resolutions. "It should be clear that popular refugee support for parties – elected or not, official or

not – and for any negotiating team, will depend on their respect for democracy, national and human rights.”<sup>78</sup>

The renaissance of community mobilization resulted in the establishment of the Association for the Defence of the Rights of the Internally Displaced in Israel (ADRID) in 1995, and in the re-activation of old and the formation of new refugee grass-roots organizations, unions (such as the Union of Youth Activity Centers) and professional organizations (such as Badil) in the OPT. This mobilization led to the organization of strategy debates, public awareness-raising campaigns and protests. The PLO (including the Department for Refugee Affairs, Popular Service Committees, and the Palestinian National Council), the Palestinian Authority’s Legislative Council and members of Palestinian unions, political parties and national institutions were lobbied to join the campaign. Community-based right of return initiatives in Palestine connected with similar initiatives in exile, and recruited professional support among the academia and media. More recently, refugee rights initiatives were launched in Lebanon, Syria, Europe and North America in 2000. Global networks, among them the Palestine Right of Return Coalition, organized their first co-ordinated activities, including annual commemorations of the *Nakba*, both within Palestine and abroad. By the time the Camp David summit was convened by the United States in 2000 to negotiate a final peace agreement between Israel and the PLO, including a solution to the Palestinian refugee question, community organizing had built a Palestinian constituency demanding the right to return. This call could no longer be dismissed by Palestinian negotiators or ignored by the international community.

#### Excerpt from the *Civitas Report*

“The right of return is under significant threat at this stage because of the decline of the institutions of the PLO, the retreat of the priorities of the struggle, and the international pressures that aim to harm the right of return. We are therefore obliged, as refugees, to make our voice heard to preserve the right to return to our country, specifically to 1948 territory, and not just to the 1967 territory as is suggested now.”

*Participant, Preparatory Workshop, Homs ('A'idee) camp, Syria. Cited in Karma Nabulsi, "Palestinians Register: Laying Foundations and Setting Directions," Report of the Civitas Project, University of Oxford, August 2006, p. 208.*

### 5.4.2 Civil Society Initiatives

As refugee and IDP community mobilization continued to grow throughout the second Palestinian *intifada*, most Palestinian civil society organizations in the OPT adopted the agenda of the refugee rights campaign, and several unofficial proposals for non-rights-based solutions to the Palestinian refugee question (the Nusseibeh-Ayalon Plan and the Geneva Initiative, for instance) were publicly rejected.

The exposure of Jewish Israeli society to renewed armed conflict with the Palestinian people, together with public debate about the failure of the peace negotiations, triggered new interest in the events of 1948 and the Palestinian refugee question. This led, for the first time in decades, to a number of small but persistent Jewish Israeli organizations (such as *Zochrot*) tackling Israel’s responsibility for the Palestinian *Nakba* in 1948, and advocating for a rights-based solution to the problem of Palestinian refugees and IDPs.

The 2001 recommendations of a British Joint Parliamentary Middle East Councils’ Commission of Inquiry into Refugee Choice,<sup>79</sup> which included the need to bring Palestinians in exile back into the Palestinian body politic in order to boost successful peacemaking, received the support of the European Commission, and resulted in a Palestinian-led research project hosted by the University of Oxford. Between 2004 and 2006, the Civitas project organized dozens of community meetings among Palestinians in exile worldwide, and recorded the concerns, needs and suggestions raised in the process. The final project report presents the voices of refugees in exile on the topic of the right to return, as well as their recommendations for improving access to social, economic, civil and political rights, including political participation and representation through the PLO, and protection and assistance provided by host states and the United Nations.<sup>80</sup>

Annual commemorations of the Palestinian *Nakba* each May have seen growing public participation and media attention in the post-negotiations era, and a call for early preparation and co-operation for the 60<sup>th</sup> anniversary of the Palestinian *Nakba* in 2008 has found support and raised interest not only among Palestinians, but also among civil society in Israel and abroad.

On 9 July 2005, the first anniversary of the ICJ Advisory Opinion on Israel's Wall in the OPT, over 170 Palestinian civil society organizations and networks in the OPT, Israel and the exile community issued a call for a global Boycott, Divestment and Sanctions (BDS) campaign against Israel until it complies with international law, and (1) ends its occupation and colonization of all Arab lands and dismantles the Wall; (2) recognizes the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; (3) respects, protects and promotes the right of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.<sup>81</sup>



Badil's summer camp, 'Aida Refugee camp, Bethlehem, July 2007. © Anne Paq/Activestills.

#### Excerpt from the *Civitas Report*

"I want to go to Palestine as a Palestinian citizen who has rights, and who knows that she has a land with people around her who feel her pain. I don't want to be a stranger in Palestine. This is an important issue. I want to go there as a Palestinian citizen recognized by everyone. I don't want to face problems with the Authority treating me like a third-class citizen. I don't want to face cultural problems with internal Palestinian society. I have had enough with the special status thing. I don't want to have special status. I want to be a normal citizen in my country who exercises her rights there."

Participant □

the Civitas Project, University of Oxford, August 2006, p. 208.)

Inspired by the campaign against apartheid in South Africa, numerous BDS motions and activities were launched in 2006 by student bodies, churches, unions, political parties, community organizations and solidarity committees in various countries, including Belgium, Canada, Ireland, the Netherlands, Norway, Scotland, South Africa, Sweden, Switzerland, the United Kingdom and the United States,<sup>82</sup> as well as in Israel.<sup>83</sup> While all these initiatives call for boycotts, divestment and/or sanctions in order to end Israel's occupation of the West Bank and the Gaza Strip, not all of them include an explicit demand for implementing the right of return of Palestinian refugees.

In 2006, the National Committee of the Heads of the Arab Local Authorities in Israel published a proposal demanding that the status and relationship of Palestinian citizens of Israel to the state be re-defined. *The Future Vision of the Palestinian-Arabs in Israel* demands the democratization of the state of Israel, including: equality





Demonstration, London, 9 June 2007 © Enough Occupation Campaign.

between Jews and Palestinians; Israel's recognition of its responsibility for the *Nakba*; acknowledgement of the status and rights of Palestinians as an indigenous people and national minority; and respect for the right to social, religious, cultural and national ties with the rest of the Palestinian people.<sup>84</sup> Similar proposals are being informally debated among civil society organizations and networks in the OPT and Israel. The Israeli organization *Zochrot*, for example, believes that any solution to the conflict "must include equal rights for all the peoples of this land, including the right of Palestinians to return to their homes."<sup>85</sup>

### 5.4.3 International Human Rights Organizations

Human rights organizations continue to remind the parties to the conflict and states of their obligations under international law. In 2005, for instance, Human Rights Watch noted in a letter to US President George W. Bush that despite international condemnation, "the international community, including the United States, has failed to hold Israel accountable to its obligations under the Fourth Geneva Convention to cease Israeli settlement activity."<sup>86</sup>

In 2006, Amnesty International reaffirmed that "the right to return to one's own country is based in international law and is the most obvious way to redress the situation of those who are in exile."<sup>87</sup> In a statement to the Quartet, it also noted that:

[t]he history of the conflict and the repeated failure of previous peace initiatives, in which human rights were subordinated to political considerations, stand as compelling evidence that such an approach will bring neither durable peace nor security and, indeed, may further exacerbate the divisions and hamper the search for peace. A durable resolution, one which guarantees peace and security to both Israelis and Palestinians, can only be achieved if key problems which have been left to fester are addressed in a constructive manner, on the basis of respect for human rights and international law.<sup>88</sup>

The organization also recommended that the Quartet "not continue to subordinate fundamental human rights to political considerations, and ... put in place concrete mechanisms to ensure that all parties comply with their obligations under international human rights and humanitarian law."<sup>89</sup>



## Endnotes

- <sup>1</sup> Treaty of Brest-Litovsk, 3 March 1918 cited in “Voluntary Repatriation: A Background Study,” Unpublished Study Prepared for the Round Table on Voluntary Repatriation convened by UNHCR & the International Institute of Humanitarian Law, San Remo, 16-19 July 1985. (“Coles study”) and Akram, Susan and Rempel, Terry. *Out of Place, Out of Time: Palestinian Refugees and the Search for Durable Solutions* [upcoming book].
- <sup>2</sup> The General Framework Agreement for Peace in Bosnia and Herzegovina, 14 December 1995, Annex 7.
- <sup>3</sup> Most Palestinians displaced during the 1948 war, including those displaced within what became the state of Israel, registered with UNRWA. In other words, all those displaced were initially considered refugees. Israel, however, had an interest in erasing acknowledgement of refugees within its territory to prevent the return of refugees to their homes and villages of origin. In 1952, Israel suggested to UNRWA that it would take over responsibility for Palestinian refugees within its territory. Under financial pressure and seeking resettlement opportunities, UNRWA accepted and ceased to operate in Israel. UNRWA also allowed the files of Palestinian refugees within Israel who had registered for assistance to become dormant. However, UNRWA has informed Badil Resource Center that they preserved the names of refugees located in Israel in their archives, even though these names were officially deleted from UNRWA’s register.
- <sup>4</sup> United Nations Conciliation Commission for Palestine, Second Progress Report, A/838, 19 April 1949, Part I, para. 4; “Stand taken by the Governments of the Arab States and the Government of Israel with regard to the task entrusted to the Conciliation Commission by the General Assembly,” Working paper, W/1, 1 March 1949, p. 2, para. B(1).
- <sup>5</sup> United Nations Conciliation Commission for Palestine, “Stand taken by the Governments of the Arab States and the Government of Israel,” Working paper, W/1, 1 March 1949, p. 11.
- <sup>6</sup> See United Nations General Progress Report and Supplementary Report of the United Nations Conciliation Commission for Palestine, 11 December 1949 to 23 October 1950, A/1367/Rev.1, 23 October 1950, Chapter 3.
- <sup>7</sup> See United Nations General Progress Report, from 11 December 1949 to 23 October 1950, A/1367/Rev.1, 23 October 1950, Chapter 3, para. 20.
- <sup>8</sup> See United Nations General Progress Report, from 11 December 1949 to 23 October 1950, A/1367/Rev.1, 23 October 1950, Chapter 3, para. 22.
- <sup>9</sup> See United Nations General Progress Report, from 11 December 1949 to 23 October 1950, A/1367/Rev.1, 23 October 1950, Chapter 3, para. 23(a).
- <sup>10</sup> See United Nations General Progress Report, from 11 December 1949 to 23 October 1950, A/1367/Rev.1, 23 October 1950, Chapter 3, para. 27.
- <sup>11</sup> United Nations Conciliation Commission for Palestine, Analysis of Paragraph 11 of the General Assembly’s Resolution of 11 December 1948, Part One, A/AC.25/W.45, 15 May 1950, Principle 2.
- <sup>12</sup> United Nations Conciliation Commission for Palestine, “The Refugee Problem in Concrete Terms,” Working paper, A/AC.25/W/3, 17 March 1949, Section IV, para. D(3).
- <sup>13</sup> United Nations General Progress Report and Supplementary Report of the United Nations Conciliation Commission for Palestine, from 23 January to 19 November 1951, A/1985, 20 November 1951, para. 64.
- <sup>14</sup> United Nations General Progress Report, from 23 January to 19 November 1951, A/1985, 20 November 1951, para. 70.
- <sup>15</sup> United Nations General Progress Report, from 23 January to 19 November 1951, A/1985, 20 November 1951, para. 21.
- <sup>16</sup> United Nations General Progress Report, from 23 January to 19 November 1951, A/1985, 20 November 1951, paras. 29–33.
- <sup>17</sup> United Nations General Progress Report, from 23 January to 19 November 1951, A/1985, 20 November 1951, para. 34. The UNCCP stated that “Nothing in the instructions given to the Commission states that in this undertaking it is obligated to comply to the letter with the terms of the preceding subparagraph of paragraph 11, e.g., that it is compelled to facilitate the granting of permission to return for all refugees wishing to do so.” United Nations Conciliation Commission for Palestine, Analysis of Paragraph 11 of the General Assembly’s Resolution of 11 December 1948, Part One, A/AC.25/W.45, 15 May 1950, Principle 2.
- <sup>18</sup> United Nations General Progress Report, from 23 January to 19 November 1951, A/1985, 20 November 1951, para. 79.
- <sup>19</sup> “It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and co-operation with other neighbours, and other issues of common interest.” Article V(3), *Declaration of Principles on Interim Self-Government Arrangements*, 13 September 1993.
- <sup>20</sup> He was a member of the Irgun Zvai Laumi et the Stern Gang and led a militant Jewish militia (the Lehi) responsible for high-level assassinations during the 1940s. For more, see Yitzhak Shamir, entry in *Wikipedia*.
- <sup>21</sup> Despite the end of the multilateral track, “Canada and the various RWG gavel holders continued to use the RWG ‘chapeau’ to encourage a range of research, dialogue, technical, and other projects aimed at addressing both the immediate needs of the refugees and enhancing the prospects for eventually achieving a negotiated, mutually-acceptable resolution of the refugee issue.” Brynen, Rex, “Addressing the Palestinian Refugee Issue: A Brief Overview,” background paper prepared for a meeting of the Refugee Co-ordination Forum, Berlin, April 2007, p. 2.

- <sup>22</sup> “Recognizing the massive human problems caused to both Parties by the conflict in the Middle East, as well as the contribution made by them towards the alleviation of human suffering, the Parties will seek to further alleviate those problems arising on a bilateral level. Recognizing that the above human problems caused by the conflict in the Middle East cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following: In the case of refugees, (1) In the framework of the Multilateral Working Group on Refugees; (2) In negotiations, in a framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations pertaining to the Territory referred to in Article 3 of this Treaty.” Article 8, para. 1(b), *Treaty of Peace between the Hashemite Kingdom of Jordan and the State of Israel*, 26 October 1994.
- <sup>23</sup> *The Clinton Parameters*, 23 December 2000, refugee section.
- <sup>24</sup> *The Clinton Parameters*, 23 December 2000, refugee section.
- <sup>25</sup> *The Clinton Parameters*, 23 December 2000, refugee section.
- <sup>26</sup> *The Clinton Parameters*, 23 December 2000, refugee section.
- <sup>27</sup> PLO Negotiations Affairs Unit, “Remarks and Questions from the Palestinian Negotiating Team Regarding the United States Proposal”, 1 January 2001.
- <sup>28</sup> “Recognition of the right of return and the provision of choice to refugees is a pre-requisite for the closure of the conflict. The Palestinians are prepared to think flexibly and creatively about the mechanisms for implementing the right of return. In many discussions with Israel, mechanisms for implementing this right in such a way so as to end the refugee status and refugee problem, as well as to otherwise accommodate Israeli concerns, have been identified and elaborated in some detail. The United States proposal fails to make reference to any of these advances and refers back to earlier Israeli negotiating positions. In addition, the United States proposal fails to provide any assurance that refugees’ rights to restitution and compensation will be fulfilled.” PLO Negotiations Affairs Unit, “Remarks and Questions from the Palestinian Negotiating Team Regarding the United States Proposal”, 1 January 2001.
- <sup>29</sup> Palestinian Proposal on Palestinian Refugees, 22 January 2001. Reprinted as an annex to *Principles and Mechanisms for Durable Solutions for Palestinian Refugees: The Taba Proposals*, Occasional Bulletin No. 10. Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2001.
- <sup>30</sup> Private response to Proposal on Palestinian Refugees, “Non-Paper”, Taba, 23 January 2001.
- <sup>31</sup> The full text of the EU “non-paper” concerning refugees (as published in *Ha’aretz*) was reprinted in *al-Majdal*, Issue 13 (March 2002) and is available at: [www.badil.org/Publications/Press/2002/press224-02.htm](http://www.badil.org/Publications/Press/2002/press224-02.htm)
- <sup>32</sup> *Camp David Accords*, 17 September 1978, Section A, para. (e).
- <sup>33</sup> *Camp David Accords*, 17 September 1978, Section A. West Bank, para. (f).
- <sup>34</sup> Commission on Human Rights Resolution No. 2 (XXXVI), 14 February 1980.
- <sup>35</sup> “The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and co-operation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other hand, to promote co-operation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this Committee.” *Declaration of Principles on Interim Self-Government Arrangements*, 13 September 1993, Article XII.
- <sup>36</sup> *Treaty of Peace between the Hashemite Kingdom of Jordan and the State of Israel*, 26 October 1994, Article 8, para. 2.
- <sup>37</sup> “Pursuant to Article XII of the Declaration of Principles, the two Parties shall invite the Governments of Jordan and Egypt to participate in establishing further liaison and co-operation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote co-operation between them. These arrangements shall include the constitution of a Continuing Committee.” *Agreement on the Gaza Strip and Jericho Area*, May 1994, Article XVI, paras. 1, 2 and 4.
- <sup>38</sup> See Rex Brynen, “Addressing the Palestinian Refugee Issue: A Brief Overview,” background paper prepared for a meeting of the Refugee Co-ordination Forum, Berlin, April 2007, p. 3.
- <sup>39</sup> See Rex Brynen, “Addressing the Palestinian Refugee Issue,” p. 3.
- <sup>40</sup> The 1968 National Charter of the PLO, for example, affirms the right of all Palestinians to return to their homeland. The Charter is reprinted in *Documents on Palestine: From the Pre-Ottoman/Ottoman Period to the Prelude of the Madrid Middle East Peace Conference*. Vol. II. Jerusalem: PASSIA, 1997, pp. 213–15. On the eve of final status negotiations under the Oslo process, the PLO Department of Refugee Affairs affirmed that a just solution to the Palestinian refugee issue “w[ould] be defined as the Israeli acceptance of the Palestinian refugees’ right of return to their homes and to receive compensation, as outlined in UN General Assembly Resolution 194 and subsequently relevant UN resolutions.” Reprinted in *The Palestinian Refugees, FACTFILE*. Jerusalem: PLO Department of Refugee Affairs, 2000, p. 18.
- <sup>41</sup> For a useful overview of rights-based approaches, see William Schabas and Peter Fitzmaurice, *Respect, Protect and Fulfil: A Human*

- Rights-Based Approach to Peacebuilding and Reconciliation*. Monaghan: Border Action, 2007.
- <sup>42</sup> See, for instance, UN Resolutions 61/113, 61/115, 61/118, 61/152 in Resolutions and Decisions of the General Assembly and the Security Council Relating to the Question of Palestine, 2006, A/AC.183/L.2/Add.28, 21 May 2007.
- <sup>43</sup> The decision to prevent the return of Palestinian refugees was taken at a June 1948 Israeli cabinet meeting and confirmed in the *Reply of the Provisional Government of Israel to the Proposal Regarding the Return of Arab Refugees*, 1 August 1948. Annexed to the *Progress Report of the UN Mediator on Palestine*, *supra* note 22, Part One: The Mediation Effort, V. Refugees, para 8. Also see, e.g., Labour and Likud Knesset Members, National Agreement Regarding the Negotiations on Permanent Settlement with the Palestinians, 1 January 1997, reprinted in the *Journal of Palestine Studies*, Vol. XXVI, Issue 103 (Spring 1997), p. 160. The agreement states that Israel has a right to prevent the entry of Palestinian refugees into its sovereign territory, and includes Bill 1220, which bans the right of return. English translation in Sultany, Nimer, *Citizens without Citizenship: Mada's First Annual Political Monitoring Report: Israel and the Palestinian Minority 2000–2002*. Haifa: Mada, 2003, p. 19.
- <sup>44</sup> For a summary of Israeli arguments advanced during the Madrid-Oslo peace process, see “The Right of Return – An Analysis of Recent Debate in the Israeli Press,” BADIL Bulletin 5, April 2001.
- <sup>45</sup> Benn, Aluf, “Israel’s new frontier,” *Ha’aretz* 25 February 2005.
- <sup>46</sup> *Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel*. CERD/C/ISR/CO/13 (2007), para. 16.
- <sup>47</sup> *Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel*. CERD/C/304/Add.45 (1998), para. 18. See also the 1998 concluding observations of the Committee on Social, Economic and Cultural Rights.
- <sup>48</sup> Committee on the Elimination of Racial Discrimination, General Recommendation 22, Refugees and displaced persons (Forty-ninth session, 1996), UN Doc. A/51/18, annex VIII at 126 (1996), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI/GEN/1/Rev.6 at 211 (2003).
- <sup>49</sup> Human Rights Committee General Comment No. 27, Freedom of movement (Art.12), (Sixty-seventh session, 1999), UN Doc. CCPR/C/21/Rev.1/Add.9 (1999), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI/GEN/1/Rev.6 at 174 (2003), para. 20.
- <sup>50</sup> Human Rights Committee General Comment No. 27, Freedom of movement (Art.12), para. 19.
- <sup>51</sup> Human Rights Committee General Comment No. 27, Freedom of movement (Art.12), para. 21.
- <sup>52</sup> See, for e.g., Salman Abu Sitta, *From Refugees to Citizens at Home*, Palestine Land Society and Palestinian Return Center, London, 2001; and Salman Abu Sitta, “The feasibility of the right of return” at [www.arts.mcgill.ca/MEPP/PRRN/papers/abusitta.html](http://www.arts.mcgill.ca/MEPP/PRRN/papers/abusitta.html).
- <sup>53</sup> These three phases were envisaged as follows: (1) ending terror and violence, normalizing Palestinian life, and building Palestinian institutions; (2) a period of transition towards creating an independent Palestinian state; (3) Israeli-Palestinian negotiations aimed at a permanent status agreement. For more information, see “A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict.” Available at: <http://www.un.org/media/main/roadmap122002.html>.
- <sup>54</sup> “Middle East Quartet, Taking Stock of Recent Developments, Stresses Urgent Need for Progress Towards Just, Comprehensive Peace,” Department of Public Information, Secretary-General, SG/2116, 20 September 2006.
- <sup>55</sup> Letter dated 19 May 2004 from the Secretary-General to the President of the Security Council, Annex, Quartet Statement, New York, 4 May 2004, UNSC S/2004/421, 24 May 2004.
- <sup>56</sup> “Israel’s Response to the Road Map,” 25 May 2003.
- <sup>57</sup> See Resolutions 61/113, 61/115, 61/118, 61/152 in Resolutions and Decisions of the General Assembly and the Security Council Relating to the Question of Palestine, 2006, A/AC.183/L.2/Add.28, 21 May 2007. Also see United Nations and Relief Work Agency for Palestine in the Near East, *Report of the Special Political and Decolonization Committee* (Fourth Committee), A/60/476, 1 December 2005; Palestinian Self-Determination, Human Rights in Democratic People’s Republic of Korea, Addressed in Texts Approved by Third Committee, Sixtieth General Assembly, 42nd Meeting, GA/SHC/3840; and *The Right of the Palestinian People to Self-Determination*, Sixtieth Session, A/C.3/60/L.62, 8 November 2005.
- <sup>58</sup> “Ariel Sharon and George W. Bush’s letters in full,” *Ha’aretz*, 7 April 2004.
- <sup>59</sup> “Ariel Sharon and George W. Bush’s letters in full,” *Ha’aretz*, 7 April 2004.
- <sup>60</sup> For further details, see Rempel, Terry, “‘Known Knowns’ and ‘Unknown Unknowns’: the UN and Israeli-Palestinian Conflict,” *al Majdal*, No. 33, Spring 2007, Bethlehem: Badil Resource Center, pp. 9–15.
- <sup>61</sup> See Resolutions 61/112, 61/113, 61/115 in Resolutions and Decisions of the General Assembly and the Security Council Relating to the Question of Palestine, 2006, A/AC.183/L.2/Add.28, 21 May 2007.
- <sup>62</sup> *Situation of and Assistance to Palestinian Women*, Economic and Social Council, E/RES/2005/43, 10 August 2005, para. 4.
- <sup>63</sup> UN GA Resolution 61/119, “Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem,” cited in Resolutions and Decisions of the General Assembly and the Security Council Relating to the Question of Palestine, 2006, A/AC.183/L.2/Add. 28, 21 May 2007.
- <sup>64</sup> UNSC Resolution 237, 14 June 1967.
- <sup>65</sup> UNSC Resolution 242, 22 November 1967.
- <sup>66</sup> See Dumper, Mick, “The return of Palestinian refugees and displaced persons: the evolution of a European policy on the Mid-

- dle East Peace Process” in Rex Brynen and Roula El-Rifa (eds), *Palestinian Refugees: Challenges of Repatriation and Development*, International Development Research Center, e-book (ISBN 978-1-55250-231-0), 2007.
- <sup>67</sup> See Karma Nabulsi, “Palestinians Register: Laying Foundations and Setting Directions,” *Report of the Civitas Project*, University of Oxford, August 2006, p. 9.
- <sup>68</sup> The Council concluded that Israeli activities “reduce the possibility of reaching a final status agreement on Jerusalem, threaten to make any solution based on the co-existence of two viable states physically impossible, and are contrary to international law.” European Council conclusions on Middle East Peace Process, 2691st External Relations Council meeting, Brussels, 21 November 2005, para. 7.
- <sup>69</sup> Declaration on the Middle East Peace Process, 16879/06, European Council, Brussels, 15 December 2006.
- <sup>70</sup> European Parliament Resolution on the situation in Gaza, 13 November 2006.
- <sup>71</sup> The European Parliament has not affirmed the right of return in its resolutions on the Middle East. The Council of Europe (CoE), a regional network that precedes the EU, has also passed resolutions that violate Palestinian refugees’ right of return, proposing instead solutions based on involuntary resettlement in the host countries (for example, Resolution 1338/2003).
- <sup>72</sup> In 1949, LAS member states emphasized that “the lasting and just solution to the problem of refugees would be their repatriation and the safeguarding of all their rights to their properties, lives and liberty, and that these should be guaranteed by the United Nations” (LASC Resolution 231, 17 March 1949). During the 1950s and 1960s, Arab states set out a variety of plans for durable solutions for Palestinian refugees. LASC resolutions taken after 1967 continue to emphasize the right of Palestinian refugees displaced from the occupied Palestinian territory to return to their homes of origin.
- <sup>73</sup> *Beirut Declaration*, The Arab Peace Initiative on Recognition of Israel in Return for Israeli-Palestinian Peace, UN GA Resolution A/56/1026, 15 August 2002.
- <sup>74</sup> Final Communiqué of the Annual Co-ordination Meeting of Ministers of Foreign Affairs of Member States of the Organization of the Islamic Conference, United Nations Headquarters, New York, 25 September 2006, 3 Ramadan 1427; Annex to the letter, dated 8 December 2006, from the Permanent Representative of Azerbaijan to the United Nations to the Secretary-General, UNGA A/62/622, 11 December 2006.
- <sup>75</sup> Resolutions on the Cause of Palestine, Al-Quds Al-Sharif, The Arab-Israeli Conflict and the Islamic Boycott of Israel, Thirty-second Session of the Islamic Conference of Foreign Ministers, 28–30 June 2005, Sana’a: Organization of Islamic Conference, 30 June 2005, para. 8.
- <sup>76</sup> Declaration on Palestine, XIV Ministerial Conference of the Non-Aligned Movement, 19 August 2004.
- <sup>77</sup> The PLO had at that stage suffered a number of setbacks, leading to the destruction of its infrastructure and popular bases in Jordan (1970) and Lebanon (1982 and 1985). The PLO was also weakened by the first Gulf War (1990/91). These events led to ruptures between the PLO and its constituencies, and “undercut its organically developed democratic mechanisms.” For more, see Nabulsi, Karma, “Popular Sovereignty, Collective Rights, Participation and Crafting Durable Solutions for Palestinian Refugees,” Working Paper 4, Badil Resource Center, April 2003, p. 8.
- <sup>78</sup> Declaration issued by the First Popular Refugee Conference in Deheishe Refugee Camp, 13 September 1996. [On file with BADIL]
- <sup>79</sup> *The Right of Return*. Report of the Joint Parliamentary Middle East Councils’ Commission of Enquiry, Labour Middle East Council (LMEC), London, 2001; also at [www.badil.org/Publications/Other/Refugees/returnbook.PDF](http://www.badil.org/Publications/Other/Refugees/returnbook.PDF).
- <sup>80</sup> See Karma Nabulsi, “Palestinians Register: Laying Foundations and Setting Directions,” *Report of the Civitas Project*, University of Oxford, August 2006.
- <sup>81</sup> For the full text and signatories of the 2005 Call, see [www.bds-palestine.net](http://www.bds-palestine.net)
- <sup>82</sup> See Omar Barghouti, “The Light at the End of the Gaza-Ramallah Tunnel,” *The Electronic Intifada*, 20 June 2007. For more on BDS, visit, for example, <http://www.pacbi.org/> or [www.stopthewall.org](http://www.stopthewall.org).
- <sup>83</sup> See “Sanctions Against the Israeli Occupation: It’s Time,” Israeli Committee Against House Demolitions, Jerusalem, 27 January 2005.
- <sup>84</sup> See “The Future Vision of Palestinian Arabs in Israel,” the National Committee for the Heads of the Arab Local Authorities in Israel, Nazareth, 2006, pp. 9–11.
- <sup>85</sup> For more information, see the *Zochrot* website at <http://www.nakbainhebrew.org/index.php>.
- <sup>86</sup> Letter to President Bush, Human Rights Watch, 11 April 2005.
- <sup>87</sup> Limitation on the Rights of Palestinian Refugee Children, Lebanon, Amnesty International, 5 June 2006.
- <sup>88</sup> “Israel-Occupied Palestinian Territory Quartet Meeting: New Approach Needed to Break Deadlock,” Public Statement, Amnesty International, 1 February 2007.
- <sup>89</sup> “Israel-Occupied Palestinian Territory Quartet Meeting: New Approach Needed to Break Deadlock, Public Statement,” Amnesty International, 1 February 2007.







In 2006-2007, there were approximately 7 million Palestinian refugees and 450,000 internally displaced Palestinians representing 70 percent of the entire Palestinian population worldwide (10.1 million). The legal status of some 400,000 additional Palestinians is unclear, but they too are likely to be refugees.

The Survey provides an overview of the case of Palestinian refugees and IDPs, which constitutes the largest and longest-standing unresolved case of refugees and displaced persons in the world today.

The Survey endeavors to address the lack of information or misinformation about Palestinian refugees and internally displaced persons, and to counter political arguments that suggest that the issue of Palestinian refugees and internally displaced persons can be resolved outside the realm of international law and practice applicable to all other refugee and displaced populations.