

# al majdal

ISSUES NO.16-17 ~ March 2003



*a quarterly magazine of*  
**BADIL Resource Center for Palestinian Residency & Refugee Rights**

## **Can Israel Separate from the Palestinians?**



**REFUGEES, A TWO-STATE SOLUTION,  
AND AN END TO CONFLICT**

**BADIL** aims to provide a resource pool of alternative, critical and progressive information and analysis on the question of Palestinian refugees in our quest to achieve a just and lasting solution for exiled Palestinians based on the right of return.

**BADIL** was established in January 1998 and is registered with the Palestinian Authority and legally owned by the refugee community represented by a General Assembly composed of activists in Palestinian national institutions and refugee community organizations.

\* Issue No. 16-17 is a double issue for December 2002 and March 2003.

**Printer:** Al-Resalah Press, Jerusalem

**Cover Photo:** Israel's New 'Apartheid Wall' at Qaliqilya. Palestine Monitor ([www.palestinemonitor.org](http://www.palestinemonitor.org))

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BADIL welcomes comments, criticism, and suggestions for al-Majdal. Please send all correspondence to the editor at, [resource@badil.org](mailto:resource@badil.org).

The views expressed by independent writers in this publication do not necessarily reflect the views of BADIL.

**al- Majdal** is a quarterly magazine of BADIL Resource Center that aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues

[www.badil.org/majdal/al\\_majdal.htm](http://www.badil.org/majdal/al_majdal.htm)

**Annual Subscription**  
**(4 issues)**  
**US\$ 20**

**Published by**  
BADIL Resource Center for Palestinian  
Residency and Refugee Rights  
PO Box 728  
Bethlehem, Palestine  
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**ISSN 1726-7277**

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# Can Israel Separate from the Palestinians? Refugees, a Two-state Solution, and an End to Conflict



Qalandia Checkpoint, October 2002

*One of the enduring questions that has confronted politicians and strategists of the Oslo process is how to resolve the Palestinian refugee issue within the confines of a two-state solution to the Israeli-Palestinian conflict. What happens to the more than 5 million Palestinian refugees whose homes of origin are located inside Israel?*

For most refugee experts and practitioners crafting durable solutions for Palestinian refugees within the context of two states the answer is quite simple. Individual Palestinian refugees should be permitted to exercise their basic rights to return to their homes and repossess their properties. Resettlement assistance should be provided to those refugees who choose not to return.

The answer is not so simple for those who conceived and nurtured the Oslo process. It also appears to elude the so-called Quartet (i.e., US, EU, Russia, and the UN), although their position is less credible, given the lead role played by individual member states (not to mention the United Nations itself) in facilitating return and restitution in other refugee cases - e.g., Bosnia, and Kosovo. According to these politicians, strategists, and the Quartet, a solution for Palestinian refugees must be found largely through resettlement in Arab host states (or third countries) and financial compensation. This solution is driven by the balance of power in the region,

which dictates that the refugee-generating state - i.e., Israel - will never allow refugees to return to their homes of origin because doing so would alter the 'Jewish character' of the state.

Recognition of the historic position of the PLO, vocal demands for return from refugees themselves, an admission among some that the refugees do indeed have a right to return to their homes inside Israel, and the need "to sell" a resettlement/compensation package to the Palestinian people has triggered new ideas for 'practical' and 'policy-relevant' solutions. These include: symbolic recognition of the right of return and UN General Assembly Resolution 194 but no return in practice; incorporation of the principle of refugee choice, accompanied by a series of incentives/disincentives to limit the number of refugees choosing to return; and relocation of refugees to border areas inside Israel, which will then be transferred to a Palestinian state, in exchange for the transfer of Palestinian land and Jewish colonies in the 1967 occupied Palestinian territories (OPTs) to Israel.

4 March 2003



## Rethinking the two-state solution

Ongoing confiscation of Palestinian land, house demolition, and the constant expansion of Jewish colonies in the 1967 OPTs - not to mention inside Israel - suggests, however, that the real question to be pondered is not how to resolve the Palestinian refugee issue within the context of a two-state solution, but, whether a two-state solution will actually resolve the more than 50-year-old Palestinian/Arab-Israeli conflict itself. Few policymakers, especially those whose careers are intimately bound to the Oslo process, are willing to engage in this type of critical assessment. Options other than a two-state solution based largely along ethnic/national/religious lines are still considered irrelevant and even destructive.

According to the UN Special Coordinator for the Occupied Territories, Terje Larson, for example, "two competing views found on both sides of the conflict - the constructionists and the destructionists. In simple terms, the constructionists believe in a two-state solution and the destructionists do not. Israeli and Palestinian constructionists have similar outlooks. They say the best way to foster peace, security and prosperity for both sides is through the creation of a democratic Palestinian state in the West Bank and Gaza Strip. This state would work for the benefit of its people, and in the process control and stop violence against Israel. In this scenario, both sides win. Israeli and Palestinian destructionists both seek total control of the land at the expense of their adversaries, and are in a kind of unholy embrace that is fueling today's downward spiral. For them, only one state can emerge west of the Jordan River: Israel or Palestine. It is a zero-sum game." (*Ha'aretz*, 18-10-02)

For Palestinians, however, especially at the grassroots and among those in exile (and for a very small number of Israelis) this debate is neither simple nor new. Setting aside the more philosophical, political, and legal elements of the debate, the current situation facing Palestinians and Israelis alike raises a number of practical questions. Is it possible to physically separate Jews and Palestinians into two states largely along ethnic/national/religious lines? Is Israel able to separate from the Palestinians? And, perhaps most importantly, is a two-state solution even practical or realistic in the context of the current regional and international balance of power and the

absence of international political will to enforce such a solution? Amid the literal ruins of the Oslo process this debate merits renewed attention.

Despite more than 50 years of displacement and dispossession, the Palestinian population remains dispersed throughout all areas of historic Mandate Palestine. Although the majority of the Jewish population inside Israel continues to be concentrated in the same areas where Jews lived before 1948, the establishment of Jewish colonies throughout historic Mandate Palestine over the past five decades means that the Jewish population is even more geographically diffused than it was 50 years ago. This is particularly true in the 1967 OPTs where Israel has established some 150 Jewish colonies. Where does one draw the borders between the two peoples? This is not a new problem. Those who drafted the 1947 'Partition Plan' (UNGA 181) tried and failed, having concluded that "any feasible plan which

does not place the whole of Palestine under the present majority of the Arabs would inevitably result in an Arab state with an Arab majority, and a Jewish state with a considerable Arab minority." The mass displacement and expulsion of Palestinians in 1948 and again in 1967 provided no more than a temporary and partial 'solution' to this problem.

Irrespective of the fact that a faction of the Labor-Zionist movement has, for some time, identified 'political separation'

from the Palestinian people as a strategic interest and a vital need for the sustainability of the 'Jewish state', Israel has strengthened rather than diminished its presence in the 1967 OPTs. The number of Jewish settlers has increased by 50 percent since the beginning of the Oslo process nearly a decade ago. Massive investment in infrastructure has literally cemented the physical connection between the colonies in the 1967 OPTs and Israel proper. Under the pretext of security Israel's land-grab continues on both sides of the 'Green Line,' guided by an ideology that denies the Palestinian-Arab people's legal rights to their homeland and claims of a mythological religiously-based 'right of the Jewish people to *Eretz Yizrael*.' Current Israeli debate over the 'separation wall' under construction roughly parallel to the 1949 armistice line ('Green line'), but inside the West Bank, provides renewed evidence of the fact that 'political separation' is not synonymous with Israeli acceptance of a fully independent, sovereign Palestinian state in all of the 1967 OPTs. Is a two-state solution realistic, given the lack of political consensus and will to break with Israel's colonial

We have basically concluded that if the colonization continues at this pace, we are going to have to start questioning whether a two-state solution is even plausible. That is not to say that we are not committed to the two-state solution; the PLO has been committed to that since 1988. But given the facts on the ground, given the way that things have changed, one cannot unscramble an egg. The leadership is going to have to start reassessing whether it really should be pushing for a two-state solution or whether we should start pushing for equal citizenship and an anti-apartheid campaign along the same lines as South Africa.

**Diana Buttu, PLO Negotiations Affairs Department, Interview in Bitterlemons (28 October 2002)**



Projected eastern Israeli 'security' fence (April 2003)  
PLO Negotiations Affairs Department

tradition and policies? Moreover, how would the "Jewish state" separate itself from the 1 million Palestinians who are citizens of the state?

Finally, the experience of Oslo, and the post-Oslo period, seems to confirm the conclusion that a two-state solution is not possible under the current balance of power in the region. Two Palestinian intifadas, the collapse of the Soviet Union and the bi-polar world order, the 1991 Gulf War, and more than one decade of international backing of the Oslo process have not altered this fundamental balance of power. The decision by the United States and Britain to go to war against Iraq under the guise of Iraqi non-compliance with UN

Security Council resolutions, while refusing to enforce even limited measures with respect to Israel (such as the withdrawal of Israeli military forces to the positions they occupied prior to the second intifada) merely confirms this conclusion. Western powers, including members of the Quartet, remain unwilling to enforce international law and relevant UN resolutions concerning the Israeli-Palestinian conflict, irrespective of whether they call for the return of Palestinian refugees (UNGA 194) or for the withdrawal of Israeli military forces from the 1967 OPTs (UNSC242).

## An agenda for debate

In sum, durable solutions for Palestinian refugees consistent with international law and relevant UN resolutions can be crafted within the context of a two-state or single state solution. The real question that begs an answer, however, is whether or not the two-state solution is still relevant to a comprehensive solution to the conflict. If not, it will be upon the Palestinian people, together with those Israeli and international partners who recognize that a solution will only be durable if it is consistent with international law and UN resolutions, to revise the parameters of the struggle against the expansion of Israeli apartheid, and to re-define an inclusive agenda based on the individual and collective rights of those inside Israel, in the 1967 OPTs and in exile. The demand for recognition and implementation of the right of return of Palestinian refugees will represent a unifying call and key component in the mobilization for such new Palestinian agenda.

This debate is explored further in this issue by Awni al-Mashni, member of the Fatah Higher Council, and Amir Makhoul, Director of Ittijah, an umbrella association of NGOs inside 1948 Palestine/Israel. Paul Pretittore, legal advisor to the Organization for Security and Cooperation in Europe (OSCE) in Bosnia, reflects on the experience of return and real property restitution in Bosnia and its applicability to the Palestinian case. Additional contributions to this issue include a report by Mahmoud Issa, an independent researcher and member of the Palestine Right of Return Committee in Denmark, about the 3<sup>rd</sup> Annual Meeting of the Palestine Right of Return Coalition.

Members of Zochrot, an Israeli initiative to raise awareness about the *Nakba* and Palestinian refugees, report on recent activities. The issue also includes updates on protection issues, including an analysis of the new UNHCR interpretation of the of Palestinian refugees under the 1951 Convention relating to the Status of Refugees, the situation of Palestinian refugees in the 1967 occupied Palestinian territories in the context of the second *intifada*, and the growing problem of internal displacement in 1948 Palestine/Israel. ■

## UPDATE

# Campaign for the Defense of Palestinian Refugee Rights

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**2003** Year of *al-Nakba* Awareness and *al-Awda* Activism

### Third Annual Meeting of the Palestine Right-of-Return Coalition: Summary of Proceedings

by Mahmoud Issa

The third annual meeting of the Palestine Right of Return Coalition was held in Tisvildeleje (Copenhagen) between 12-15 December 2002. The meeting was convened at the invitation of BADIL Resource Center, in coordination with the *Danish-Palestinian Friendship Association* and the *Right-of-Return Committee-Denmark*, and in consultation with all Coalition members in Palestine, Syria, Lebanon, Jordan, Europe, and the United States.

Forty-seven Palestinian representatives and activists from 13 countries in the Middle East, Europe, and North America attended the meeting. Over four days, delegates from Palestine (1967 occupied West Bank and 1948 Palestine/Israel), Lebanon, Jordan, Germany, Holland, France, Britain, Norway, Denmark, Sweden, Poland, and the United States held detailed discussions on various issues of concern to Palestinian refugees inside Mandatory Palestine, neighboring countries, and other places of exile.

Guest speakers included Ole Olsen (Chairman of the Danish-Palestine Friendship Association), Mohammad Gelle (Chairman of INSEAM), Marc Paulson (*Euro-Mediterranean Human Rights Network* (EMHRN)), Gudrun Bertinussen (Norwegian People's Aid-Palestine), Sabine Maand (European Confederation Coalition), and Palestinian researcher Karma Nabulsi (Nuffield College-Oxford). The majority of the 2003 annual meeting (December 13-14) was dedicated to the presentation and discussion of reports submitted by the delegates of the Palestinian community and right-of-return initiatives, to follow-up issues raised and decisions adopted at the two previous annual meetings in Cyprus (2000) and Brussels (2001).

Participants screened two films during the meeting. "Experiencing the Right of Return" (BADIL 2002) documents the June 2002 study visit of a Palestinian refugee delegation to Bosnia-Herzegovina. The second film, "Our Ancestors' Land" (Danish TV 1995) follows the visit of an exiled Palestinian family to their ancestors'

land in the destroyed village of Lubya located in the Galilee. Participants also issued a statement in support of the Iraqi people and against U.S. and British plans for a military attack on Iraq. Delegates condemned the double standard of U.S. and British government policies in the region, which have remained silent about Israel's daily aggression and large arsenal of weapons of mass destruction, including nuclear, chemical, and biological weaponry.

The situation of Palestinians in Lebanon, and the necessity to speak out loudly against discriminatory legislation, was an issue of major concern and lengthy debate. There was a strong call to defend the refugees and their basic rights to employment, freedom of movement, and all other rights enshrined in international human rights conventions. Participants were especially outraged by the fact that discriminatory laws have been issued by the Lebanese parliament while our people is engaged in courageous steadfastness and resistance against Israel's occupation in Palestine.

Organizational matters were central to the debates at the 2002 annual meeting. Major points of critique were raised regarding the lack of clear procedures for the enlargement of the *Palestine Right-of-Return Coalition* and the selection of new participants for the 2002 meeting. Partners from Lebanon, for example, protested against the short and 'haphazard' preparations for the 2002 meeting and the invitation extended to new initiatives (such as Group 194 from Gaza and Lebanon) without prior approval of all Coalition members. The organizers explained that invitations for participation and presentations were issued in accordance with the policy of the Palestine Right-of-Return Coalition-Europe to invite any group, center, club, organization, or individual that deal specifically with the issue of the Palestinian right of return.

This policy was reaffirmed by the members of the *Palestine Right-of-Return Committee-Denmark*, who met

in late December 2002 in order to evaluate the third annual meeting, and to prepare its own meeting scheduled for 8 February 2003. (An invitation based on the same policy was also issued to the London-based Palestinian Return Center (PRC). The PRC, however, did not send its delegate and an apology was received after the meeting.) Eventually, most of the participants, including delegates from Lebanon, agreed that the level of discussion and the proceedings of the Conference were positive. Less than 40 days had been available for preparations due to a last-minute relocation of the annual meeting to Denmark from Spain, where difficulties of communication between the organizers and local hosts had caused major delays.

## Expanding the Coalition - Establishing Democratic Procedures

On the matter of enlargement of the Coalition, there was a call for broader outreach to other groups working for Palestinian refugee rights, both in Arab countries and in Europe. It was clear to all the participants that much remains to be done, in Europe, in the countries surrounding Palestine, and even in Palestine, until the convening of the fourth annual meeting in 2003. It was noted that our partners in North America (*Al-Awda*) maintain a broad organizational network, both in the United States and in Europe (Italy, Spain, a.o.). European delegates thus asked our North American partners to support efforts at Europe-wide coalition building. A common Europe-wide platform would facilitate the implementation of our joint agenda and strengthen our relations with numerous European bodies, groups, and institutions. These include: a) the official political level where the issue of the Palestinian refugees is almost completely absent; b) the popular and NGO level; c) the parliamentary level, especially parliamentary committees concerned with human and civil rights; and, d) professional organizations and practitioners working directly with refugees, such as UNHCR branches in Europe and refugee councils in Denmark, Norway, Sweden, and elsewhere. Our appreciation of the fact that the *Danish Refugee Council* had for the first time accepted our invitation to our annual meeting was noted in this context.

The relationship between right-of-return initiatives and Palestinian communities (*al-Jaliya*) in European countries represented a second major topic of debate. It was noted that this relationship is problematic, especially in countries where the Palestinian community lacks organization or is divided along factional lines. In Denmark we do not have such a problem, and in countries with an organized *Jaliya*, such as Norway, there are special *Jaliya* committees set up to deal with right of return activities. In Germany, on the other hand, there are many different Palestinian groups. While the head of *al-Jaliya* in Berlin has been strongly involved in right-of-return activities since the first international meeting in Copenhagen (1996), organizational issues Germany

remain unresolved. This matter must yet be debated and resolved in various countries where the relationship between the two types of organizations (*al-Jaliya* and right-of-return committees) has remained unclear. It should be resolved in democratic discussion, reflecting the diverse and concrete experience of Palestinian communities in exile and with proportional representation of all groups and committees concerned.

Participants to the 2002 annual meeting decided that the *Right-of-Return Committee-Denmark* and BADIL would be responsible for the preparation of the fourth annual meeting in 2003. Both parties will issue invitations to those groups and organizations already members of the Palestine Right-of-Return Coalition, as well as to new committees that would like to join. A cautious approach, and additional elaboration of clear and credible criteria for the selection of new Coalition members, has yet to be elaborated for this purpose. Bylaws adopted by our partners (e.g., *Al-Awda-North America*) can serve as a model. The *Right-of-Return Committee-Denmark* will follow-up this matter in order to identify an optimal procedure for opening up our Coalition to others who share our concern for the Palestinian right of return in accordance with UN General Assembly Resolution 194 and relevant international law. In addition, we call upon our partners to provide us with their views and suggestions, including criteria for membership in our Coalition.

## Media Outreach - a Missed Opportunity

Unfortunately one strategic objective of the 2002 annual meeting was not achieved. Although we invited many journalists, including Arab and Danish TV companies, the meeting remained almost unnoticed by the media. This may be attributed to the fact that the EU summit in Copenhagen coincided with our meeting, and the remote location of our conference center some 70-km away from the capital. Our decision to aim for maximum media coverage was guided by our wish to address the European public in a direct manner. We had hoped that the annual meeting would allow us to place Palestinian refugee rights in the center of discussion and to challenge a wave of statements by Palestinian officials and personalities who continue to sell out refugee rights. Participants discussed in detail recent speeches and statements of various Palestinian Authority officials and decided upon a number of steps to challenge and block this approach in the coming year.

## Final Statement and Recommendations

Participants adopted two documents: a document on the general situation and political aspects of the Palestinian refugee issue, and an organizational document specifying in detail all issues and motions approved by the 2002 annual meeting. Both documents will represent the program of the *Palestine Right-of-Return Coalition*

in 2003. These documents are published on the websites of BADIL, Palestine Remembered and other relevant websites and magazines. ([www.badil.org/campaign/coalition/statement2003.htm](http://www.badil.org/campaign/coalition/statement2003.htm) and [www.PalestineRemembered.com](http://www.PalestineRemembered.com))

The final political statement focused on the aggressive, Israeli policies against the physical existence of our people, the unconditional support provided to Israeli by the United States, and the paralysis of European governments and the European Union. These parties have remained unwilling to use their power in order to protect our civilian population in Palestine, including our refugee camps, which have been subject to daily, deliberate, and indiscriminate Israeli aggression.

Final organizational recommendations issued by the 2002 annual meeting include the following:

- The Right-of-Return Committees in Denmark and Sweden will contribute to the establishment of additional right-of-return committees in European countries.
- The Right-of-Return Committee-Denmark will establish and administer a special Return Fund and collect contributions towards the next (fourth) annual meeting.
- Material and non-material aid to Palestinian refugees will be guided by the principles consultation and coordination. Such coordination between Coalition partners in the sending and the receiving area is vital to needs identification and efficient delivery of emergency aid to the most needy refugee populations.
- All Coalition partners are called upon to work on organizing and coordinating visits of delegations, including youth, media, politicians and activists, in order to raise the level of awareness about the situation and rights of Palestinian refugees.
- All Coalition partners are encouraged to make efforts towards the training of Palestinian cadre in media and public relations work. They are also encourage to support campaigns to boycott and divest from Israel and the United States, and to increase information and education efforts in order to spread and unify our language about the right of return.
- All Coalition partners are called upon to recognize and act on common dates of commemoration, including Nakba Day (15 May) and to help make 2003 the Year of *Al-Nakba* Awareness and *Al-Awda* Activism.

*A complete copy of the final statement and list of endorsements is reprinted in this issue of al-Majdal, Documents.*

*Dr. Mahmoud Issa is an independent researcher and member of the Palestine Right-of-Return Committee-Denmark.  
email: [misc@drc.dk](mailto:misc@drc.dk)*

## Conference Feedback

The Palestine Right to Return Coalition (<http://al-awda.org>) is an international organization with chapters/committees in 20 countries and over 40 US cities and states. We were represented at the 2002 annual meeting in Copenhagen by two elected activists (one from Connecticut and one from Chicago). We were thrilled to meet a great group of grass-root activists especially those from Europe, Jordan, Lebanon, and Palestine. We exchanged information and committed to a program of action that was articulated at the end. For constructive suggestions, we recommend this group adopt democratic means of operation and of conducting meetings. This includes voting on moderators, on agenda items, on resolutions etc. using classic democratic procedures (motion, second, discussion, amendments, voting). Overall, we felt the biggest success of the meeting was our networking.

### Mazin Qumsiyeh, PhD

On behalf of The Palestine Right to Return Coalition  
e-mail: [info@Al-Awda.org](mailto:info@Al-Awda.org)

I was extremely happy to participate in this meeting. The warm and constructive atmosphere showed to me once more that we share a common fate, concerns and aims, although we live in different countries under very different circumstances.

### Daoud Badr, coordinator

Association for the Defense of the Rights of the Internally Displaced (ADRID)  
email: [ldpalestine48@yahoo.com](mailto:ldpalestine48@yahoo.com)

## Palestine Right-of-Return Committee-Denmark, 2003 Annual Meeting

On 16 February 2003, the Right of Return Committee-Denmark successfully convened its third annual meeting in Copenhagen. Representatives and activists from all the main cities and towns in Denmark arrived in Copenhagen, and discussed reports recommendations presented to the conference. Guest speakers were the Danish parliamentarians Kamal Kurashy and Unity Party Secretary Kenneth Haar, Rie Graesborg of the Danish Refugee Council and Terry Rempel, BADIL.

The meeting elected a nine-member Steering Committee for the coming year. A detailed report about topics discussed and proposals adopted will be issued following the first meeting of the newly elected Steering Committee at the end of March.

For more information contact the Palestine Right-of-Return Committee-Denmark, c/o Mahmoud Issa,  
email: [misc@drc.dk](mailto:misc@drc.dk).



### 'Palestine Right-of-Return Coalition:' The Search for an Organizational Model for Effective, Democratic, and Inclusive Coordination of Palestinian Refugee Community Initiatives

The 2002 annual meeting of the Palestinian Right of Return Coalition was convened while the Palestinian people are facing extremely difficult circumstances in the 1967 occupied Palestinian territories (OPTs) and inside 1948 Palestine/Israel. For some two years, the Israeli occupation has engaged in a campaign aimed at erasing the Palestinian cause in all its components-national, political, and human. This campaign has threatened both the physical existence of our people and the legitimacy of our political leadership. Moreover, it has succeeded to move international public perception of the struggle for the liberation of the people and the land into the realm of "terrorism." This move would not have succeeded without the international silence and complicity that prepared the ground for the acceptance of daily war crimes committed against the Palestinian people. The affects of these war crimes have been devastating. The resulting needs of our people are overwhelming. In this context, and in order to not lose sight of the strategic objectives of our struggle in the face of hardship caused by the Zionist occupation, it is vital to continue our popular movement for the refugees' right of return. BADIL and its partners convened the third annual meeting of the Palestine Right-of-Return Coalition for this purpose.

Daily hardship and suffering certainly had an impact on our meeting as expressed mainly in the opening speeches. Considerable emphasis was given to the fact that basic Palestinian rights, especially our refugees' right of return, are indivisible. International guest speakers highlighted the importance of the professional and practical relationship between Palestinian right-of-return activists and the solidarity and human rights movement in Europe, in order to encourage integration of the Palestinian-led initiative into the European agenda.

The third annual meeting was distinguished by the fact that organizational questions were central in the debate, a matter that was premature for discussion in the two previous meetings held in 2000 and 2001. Important questions were raised, such as: "Do we need organizational bylaws?" "What are the conditions for membership in the Coalition?" "Should Palestinian exile communities be represented in the Coalition as 'communities' (*al-Jaliya*) or by means of specialized right-of-return committees?" "What are adequate tools and mechanisms for transforming the Coalition into a successful pressure group in different countries and circumstances?"

Many of these questions remained without definite and detailed answers. This was largely due to the fact that past efforts, since the mid-1990s, had focused on planting the seeds of right-of-return activism. Networking and cooperation were based on informal and decentralized coordination. This approach reflected the understanding that local initiatives need to develop according to their needs, capacities, and specific circumstances. In addition to clarifying concepts and preparing common ground for future cooperation, the first annual meeting in Cyprus (2000) provided an opportunity for a first personal encounter among these decentralized initiatives. It added a human component to right-of-return networking.

Discussion at the second annual meeting (Brussels 2001) about an Arabic-language newsletter to be issued jointly by the collective raised the question - "Who are we?" This question triggered an important debate about the character of the collective. While some insisted that right-of-return mobilization could best be achieved via a centralized, political party-like initiative, the majority held that the initial decentralized form of coordination should be further developed and that centralization would block initiatives and activism. The second annual meeting dispersed without a consensus on this important matter. However, all delegates agreed that a common name had to be found for the loose collective, which already coordinated successful right-of-return activities in the Middle East and beyond. Thus the 'Palestine Right-of-Return Coalition' was born, while decisive organizational aspects remained for clarification at a later stage.

The same questions resurfaced even more strongly at the third annual meeting in Copenhagen in 2002. An additional component was added by the demand for a mechanism that could guarantee the financial sustainability and organizational independence of the Coalition's annual meetings. The Copenhagen meeting succeeded - for the first time - to formulate a joint organizational-administrative plan of action that provides answers to some of the immediate concerns (*See final statement in this issue, Documents*). However, the Coalition still fell short of defining an appropriate organizational model for efficient, democratic, and inclusive Palestinian community-coordination and mobilization around the globe. Additional and creative input from activists and experts inside and outside the Coalition is needed in order to formulate a comprehensive proposal and to facilitate the successful conclusion of this organizational debate at our fourth annual meeting in 2003.■

## Israelis Remembering the Nakba in Lod (Lydda)

by Yosef Mekyton

On 11 January 2003 some 50 women and men of various ages gathered in the yard near the old city mosque in Lod (Lydda) to remember the *Nakba*. Eitan Bronstein of Zochrot welcomed the participants.

Dr. Mahmud Muhareb, a history lecturer at Beersheva University described the political and historical background of the 1948 war. He also described the general pattern of action taken by the Zionist forces as they expelled the Palestinian population. He also explained the way this policy of depopulation was applied in the city of Lod. The Zionist army surrounded the city leaving one path - in the direction of Ramallah - open for the local inhabitants to escape. The army then went into the houses and forced the people out. Able-bodied men were sent to labor camps. The others were directed to the road to Ramallah, while soldiers shot over their heads to scare them away.

Mr. Faik Abu Mana', who was 20 years old at the time of the *Nakba*, shared his memories. During the occupation one of the soldiers brought a baby girl to his family. The soldier told them that the baby's mother had been raped and disappeared. His family found the mother, however, and returned the baby to her. He also remembered an incident in which a Palestinian man threw a grenade at a group of Zionist soldiers. Some were killed. A soldier, whose brother or friend was killed, ran to a mosque in the city where 70-80 people had gathered for shelter. He

shot and killed all of them. Mr. Abu Mana' and some men were told to take the bodies out for burial. When it became clear that the task was taking too long, they were told to burn the bodies.

Mr. 'Aref Muhareb, a member of the Lod city council, described the current discrimination in housing policy in the city and the struggle against house demolitions taking place in these days.

We also walked to the ruins of the olive-press. Norma, a member of Zochrot spoke about the relevance of commemorating the *Nakba* and its relationship with the current oppression of the Palestinians. A sign was posted on one of the walls: "This olive oil-press was destroyed during the expulsion of the Palestinians from Lod in 1948".

We continued our tour in Lod to visit a family whose house was demolished a few days prior to our visit.

In a tent near the demolished house we heard from Mr. 'Aref Muhareb and from the family members about their struggle to protect the new house currently under construction from being destroyed again.

*Josef Mekyton is a member of Zochrot, an Israeli organization established to raise awareness about the Palestinian Nakba among the Israeli public, especially the Jewish community. For more information see the Zochrot website: [www.nakbainhebrew.org](http://www.nakbainhebrew.org) email: [nakba@netscape.net](mailto:nakba@netscape.net)*

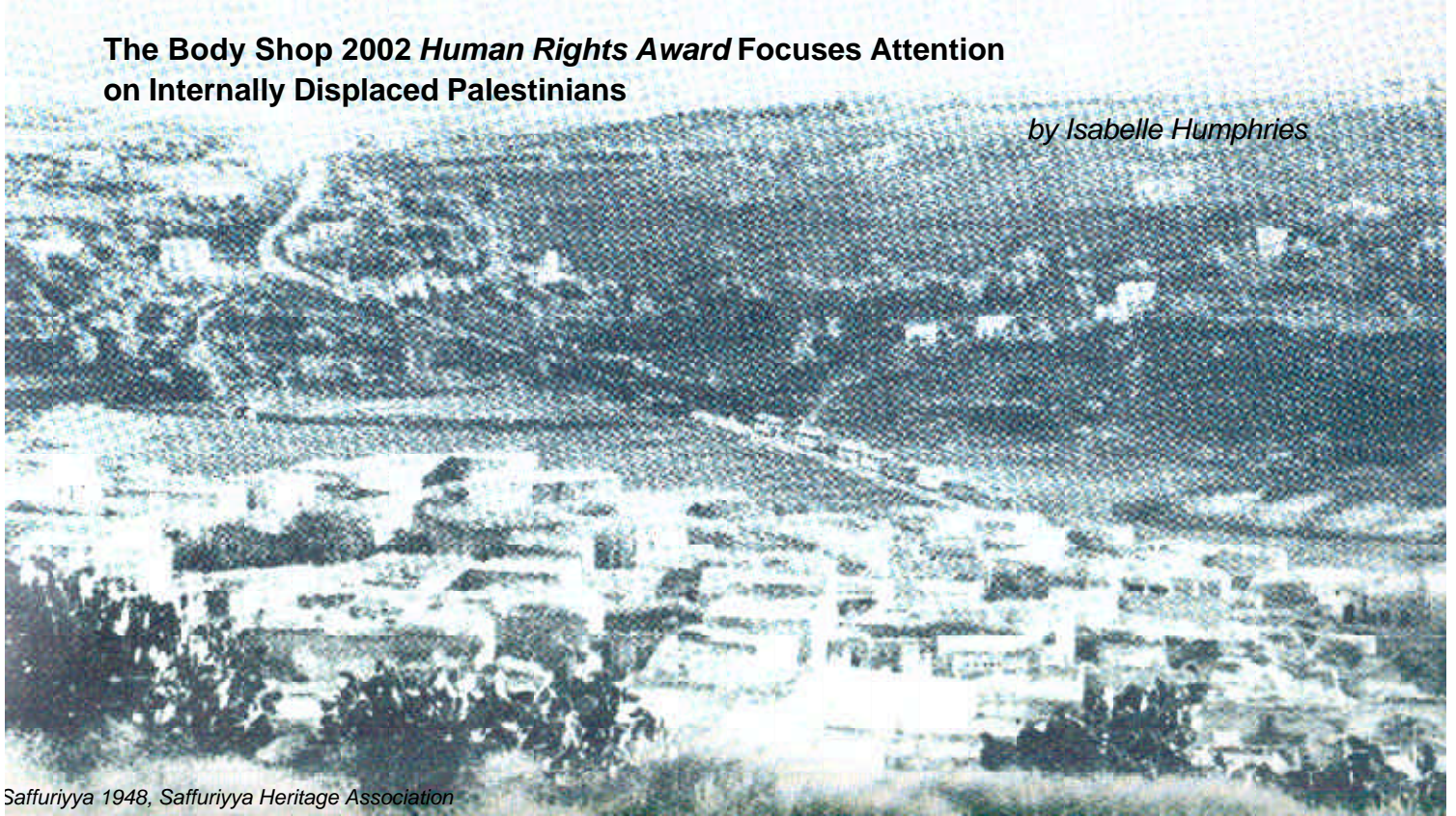


*Palestinian Refugees from Ramle, 1948  
ICRC Archives.*



## The Body Shop 2002 *Human Rights Award* Focuses Attention on Internally Displaced Palestinians

by Isabelle Humphries



Saffuriyya 1948, Saffuriyya Heritage Association

*A human rights award given by an international cosmetics company has focused attention on an oft-ignored group of Palestinian refugees: those living as exiles inside the land occupied by Israel in 1948. The Body Shop selected the Association for the Defence of the Rights of the Internally Displaced (ADRID), as one of four recipients of its annual international award in recognition of the work of human rights campaigners.*

The situation confronting the 250,000 refugees inside Israel, classified by the Israeli Absentee Property Law under the surreal oxymoron "Present Absentees," demonstrates that there can be no just solution for Palestinians without recognition of the rights of those inside the Green Line. The work of ADRID, and individual village-based societies like the *Saffuriyya Heritage Association* featured here, must be supported internationally as an integral part of the work of campaigning for the right of return.

Palestinian refugees inside the 1948 border began to take a more active role in campaigning for their rights following the 1991 Madrid conference. It became clear that official channels, both Palestinian and international negotiators, were not going to place the issue of 1948 Palestinians (refugees or not) on the agenda. ADRID was formed in the wake of this realization, and their efforts have recently received international recognition by *The Body Shop*.

The award has given their campaign a welcome boost. In October, members of the committee flew to London to receive the award before an audience of over 350 guests from the British media, parliament and NGOs. The honour was shared with groups from Honduras, Kenya and

Bulgaria, all of whom are campaigning for rights for indigenous peoples, demonstrating that this issue has the potential to reach an international audience.

ADRID is a grassroots network supporting community-based organisations campaigning for the right of return for refugees inside the 1948 borders. Providing moral and practical support, the group works to restore destroyed communal property and religious sites (graveyards, churches, mosques) and undertakes documentation of history, demography, and properties of internally displaced Palestinians.

### Saffuriyya

*Saffuriyya Heritage Association* in the Galilee is an example of an independent village based group supported by ADRID. The work of this particular committee clearly demonstrates the increased level of political activity amongst the 1948 refugees at both a village-based level and amongst the younger generation.

In 1948, the Galilean village of Saffuriyya was larger than the nearest district town of Nazareth. Famous in Roman times as Sepphoris, with the remains of a coliseum still



visible, Saffuriyya's hilltop is today covered with a pine forest planted by the Jewish National Fund (JNF) to commemorate such random events as Guatemalan Independence Day. The somewhat dilapidated fortress of Zahir al-'Umar al-Zaydani (ruler of northern Palestine for short period during the second half of the 18<sup>th</sup> century) still stands, but it is no longer surrounded by a Palestinian village. An Israeli moshav (farming settlement) named Tzippori now sits on the lands of Saffuriyya, its travel brochures welcome tourists to see its ancient Roman ruins, but never acknowledge the ethnic cleansing of an entire Palestinian village half a century ago.

Israeli forces occupied Saffuriyya, a town with over 4,000 Palestinian residents and 55 000 dunums of land, on 15 July 1948. Many people fled to Lebanon or farther afield, but a large number found themselves living just a few kilometers away in the Nazareth neighbourhood of Saffafra, on the edge of what is today the largest all-Palestinian city inside the Jewish state.

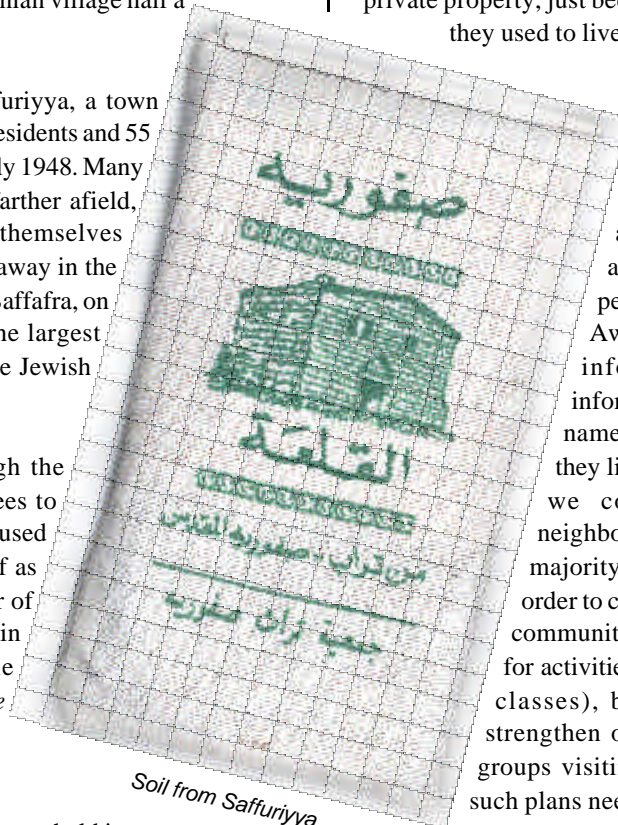
Ziad Awaisy points through the locked gate amongst the trees to the place where his family used to live. He describes himself as "pure Suffuri," since all four of his grandparents were born in the village. As part of the *Saffuriyya Heritage Association*, Ziad was on the organizing team in last October's festival for the residents of Saffuriya, which was held in Saffafra. The organizers decided to make a film of the testimonies of those members of the older generation who can still remember the days prior to exile in 1948.

"We brought people back here to the site of the village to film their reactions, and people remembered every little shape and detail, irrespective of how the landscape had changed," said 'Awaisy. "We visited the convent still working in the village that used to serve our people as a clinic and a girl's school."

The *Saffuriyya Heritage Association* began to work in 1993, with the aim of keeping the memory of the village alive in the memories of the second and third generation. With this goal in mind, a whole variety of activities emerged. After a long struggle with the Israeli authorities, villagers succeeded in fencing off and cleaning up one of the cemeteries (*al-maqbara al-ummumiyya*) that had been neglected and partly destroyed by Zionist forces and subsequent settlement. The group organized a demonstration by another

vandalized cemetery, the Ashraf cemetery, near the castle of Zahir al-'Umar.

Visits for the refugees are not trouble-free, with Jewish residents calling police three times in the filming of the recent festival documentary. "One Romanian living here started accusing us of trying to set fire to his house. But when we talked further, I saw that it was not this that he was afraid of. Looking at us, he was afraid that we wanted to come and take back our homes," 'Awaisy noted. People have been arrested trying to enter land classified as private property, just because they wanted to see where they used to live, or visit a family grave.



Soil from Saffuriyya

The internally displaced from Saffuriyya have big plans for the future. "We are trying to establish a small museum with all the instruments and tools and artifacts we've collected from people over the years," explained Awaisy. "We want to build a small information center to gather information about Suffuriya and the names of the people and places that they live in today. It would be ideal if we could hire a place in the neighbourhood in Nazareth where the majority of Saffuriyya people live, in order to continue our activities within the community. Not only would this be a base for activities (films, lectures, adult literacy classes), but this would enable us to strengthen our work with journalists and groups visiting Saffuriyya." But of course such plans need money.

Despite having no official premises, the organization has coordinated many visits to the site of their destroyed village, and organized activities from people's homes. Last year a team of woman ministers from the UK accompanied by Christian Aid visited Saffuriyya as part of a solidarity visit, and later in the year a BBC documentary team paid a visit. The group has already produced three books and magazines, and organized an annual festival. The Association is determined to keep the memory alive sending "to almost every house in the neighbourhood copies of old pictures and a small bag of sand from Saffuriyya."

### Israeli democracy?

Refugees inside the 1948 borders are part of the one million Palestinians living inside Israel that are labeled and classified by the Israeli state as 'Israeli Arabs.' The fact that many outside Israel do the same contributes to the perception that 1948 Palestinians are an Israeli 'domestic issue' - i.e. not worthy of international support.

The 2003 Israeli elections focused more attention than usual on the potential role of 'Arab-Israelis'. It seems that the only factor of interest about the community was which way they would vote, whether this 20% of the Israeli electorate would back the Labor Party and its new leader Amram Mitzna, Palestinian parties, or simply boycott the election.

For the 1948 Palestinian community inside Israel, the election brought little hope of change. "Some of us vote, some don't, but we try to unite people of all parties to work on the untouchable issue of the right of return." The furore over whether or not Israel would let Palestinian parliamentarians Azmi Bishara and Ahmed Tibi even stand for reelection, meant that there was little hope that any winners in the Israeli election would take a positive stand on the rights of any refugees, 'internal' or otherwise. Internally displaced refugees are struggling to keep their

issue on the agenda as part of the wider campaign for the right of return. "Our issue symbolizes the core of ethnic discrimination and the violation of Palestinian national rights," states ADRID. "Raising awareness of the issue of the internally displaced on the local and international levels will increase awareness of the historic international responsibility for one of the most critical issues which will never be outdated."

*To support or find more information about the Saffuriyya Heritage Association, please contact Ziad Awaisy, email: hanthala48@hotmail.com.*

*Isabelle Humphries is a freelance journalist working for the 1948 workers' rights NGO Sawt al-Amil, and is just embarking on PhD research focusing on the situation for 1948 Palestinians living in Nazareth. email: innazareth@yahoo.co.uk*



*'Abu Arab' from the Saffuriyya Heritage Association explains the history of the destroyed village, February 2003*



## Refugee Return and Restitution in Bosnia: BADIL Organizes Public Speaking Tour in 1967 Occupied Palestine and 1948 Palestine/Israel

*During January 2003, BADIL organized a series of public lectures and debates on the experience of refugee return and real property restitution in Bosnia-Herzegovina (BiH). The lectures/debates were hosted by Palestinian refugees, internally displaced Palestinians, the wider Palestinian community and interested Israelis, and followed an earlier study tour of Palestinian refugee activists to Bosnia-Herzegovina in June 2002. The guest speaker was Paul Prettitore, Legal Advisor to the Organization for Security and Cooperation in Europe (OSCE) in Bosnia-Herzegovina (BiH).*

### Why Not Palestine?

*by Paul Prettitore*

In January of this year I spent one week travelling through Israel and the West Bank with members of BADIL to participate in workshops on the issues of the return of refugees and displaced persons and property restitution. I had been invited because of my experience in Bosnia working on human rights issues, particularly those regarding refugees and displaced persons. Despite curfews and roadblocks, we were lucky enough to visit Bethlehem, Ramallah, Nazareth and Tel Aviv. During my trip we arranged a number of meetings with refugees and displaced persons to discuss the situation in Bosnia to see if any of the lessons learned there could be used in Israel and Palestine. While there are many similarities between the two situations, there are also vast differences.

In both places individuals were systematically driven from their property, which was later declared "abandoned" and allocated to other individuals. Also, housing was routinely destroyed to prevent refugees and displaced persons from returning. At the heart of this displacement laws were passed not only to reallocate property, but also to ensure previous owners would never get it back. The result has been millions of civilians living as refugees and displaced persons - with limited rights to their previous homes. And in both places the right to return to their properties seemed a priority for all those displaced. While in Palestine and Israel I was constantly amazed by the attachment refugees and displaced persons had to their land despite being displaced for such long periods of time. For me it was difficult to believe, in particular, that internally displaced persons had been prevented from returning to their land, despite the facts the land remains vacant and those displaced now live only several kilometers away. It is apparent that this issue must be adequately addressed in any final peace agreement.

Yet what was most striking to me during my trip was that the crimes the international community is trying to reverse in Bosnia are the same crimes that continue to this day in Israel and Palestine. The US brokered the final peace

agreement that ended the conflict in Bosnia, commonly known as the Dayton Peace Agreement. This Agreement provided that all refugees and displaced persons had the right to return to their homes and property, and set out the obligations of government officials to ensure all refugees and displaced persons could exercise their rights. But equally important to the peace agreement itself was the force by which the international community ensured the provisions of the agreement would be realized. This is particularly true of the US government and the European Union.

However, in Israel and Palestine neither seems to strongly support the rights of refugees and displaced persons to return to their property. The same countries that forced Bosnian officials to accept the return of refugees and displaced persons (minorities) have failed to apply the same standard to Israeli officials. In particular, the US position on a final peace agreement appears to be against the right of Palestinian refugees to return to their homes. This is, allegedly, to preserve the Jewish majority in Israel. Where I come from we call this "ethnic cleansing". The US government was the strongest supporter of refugee rights in Bosnia - I know this because I worked in the refugee office of the US Embassy in Sarajevo for eighteen months. The US spent tens of millions of dollars reconstructing homes of Bosnian refugees, and further financial assistance was often conditioned on Bosnian authorities allowing refugees to return to their property. The European Union has spent similar amounts. However, US assistance to Israel seems to come with few requirements, particularly humanitarian concerns.

During my visit I was very much impressed by the Palestinian NGOs I was able to meet. Not only are they organized, but they are also strongly involved in the issues affecting them - much more so than local NGOs in Bosnia. Hopefully this will one day allow them to achieve their goals. Since the Palestinians have been displaced from their property, the right of refugees and displaced persons to return to their homes has become clearer. Yet no one seems willing to apply this standard to the Palestinians. At a workshop held in the Kalandia refugee camp, a young man asked me why the US does not support Palestinian refugees and displaced persons.



*Housing reconstruction for returning refugees in Ravno, Bosnia, June 2002*

Unfortunately, I do not have an answer. But perhaps in the near future there will be some options. Our last meeting of the trip took place in Tel Aviv - a meeting with Israelis interested in this issue. It is obvious they continue to have certain concerns regarding return issues, but they did recognize the injustices taking place. Maybe this is a start.

*Paul Prettitore, Legal Advisor to the Organization for Security and Cooperation in Europe (OSCE) in Bosnia-Herzegovina (BiH), and a former legal advisor to the Office of the High Representative in BiH.*  
email: [PaulP@OSCEBIH.org](mailto:PaulP@OSCEBIH.org)

## **Reflections on the Right of Return** *by Eitan Bronstein*

On Saturday, 25 February 2003, approximately 20 people gathered in Tel Aviv to participate in a discussion about the return of refugees in Bosnia and its applicability to the situation of Palestinian refugees. Although the media and Israeli public do not speak about this issue, the attendance at the lecture by Paul Prettitore, legal advisor to the OSCE in Bosnia, demonstrated that there is interest in this issue among the Israeli public.

Paul Prettitore's lecture drew an interesting comparison between Bosnia and Israel/Palestine. Millions of refugees were expelled from Bosnia and millions were expelled from Palestine. In both cases others occupied the houses of those who were expelled. In Bosnia, the political atmosphere was not conducive to return. The same holds true for Israel. Importantly, international law supports the right of return: in Bosnia, in Israel/Palestine, as well as in other cases such as Mozambique. Similarities

between Bosnia and Israel/Palestine raise the question about the possibility for the right of return of Palestinian refugees to Israel. In fact, the similarity strengthens the existing belief among some Israelis and many Palestinians that the right of return is the condition for real reconciliation and the end of the Israeli-Palestinian conflict.

However, awareness about the difference between the two countries is important in order to advance the return of refugees to Israel. The Zionist Israeli state and the political

environment does not relate equally to Jews and Arabs. In Bosnia the political environment was different. There is also a significant difference in the attitude of the international community, and especially the United States that could facilitate the return of Palestinian refugees. The return of refugees to Bosnia could not have taken place if the United States and Europe did not support and work for its implementation. Israel is far from being obligated by the international community to make such a change in the structure of the Israeli state. The world is still absorbed by guilt towards the Jewish people; Israel takes advantage of this sentiment. Every time the Palestinian right of return is mentioned, Israelis express feelings of fear and danger of existence.

The right of return is still not seriously discussed in Israel. Perhaps this is where there is an opportunity to challenge Zionist closure on this issue. The debate in Tel Aviv does not take place in other parts of Israel. When mentioned, the right of return is totally rejected, either out of panic or with propaganda. During the small discussion in Tel Aviv, Israeli participants expressed their honest opinions about the right of return of Palestinians. The topic is problematic even among radical Israelis. A simple discussion about the right of return might be the opportunity to re-examine Israel's rejection of it, and it might just create the opportunity for reconciliation and historical justice.

*Eitan Bronstein is a member of Zochrot, an Israeli organization established to raise awareness about the Palestinian Nakba among the Israeli public, especially the Jewish community. For more information see the Zochrot website: [www.nakbainhebrew.org](http://www.nakbainhebrew.org)  
email: [nakba@netscape.net](mailto:nakba@netscape.net).*

## *Update on War Crimes*

### **The Case Against Sharon**

On 12 February 2003 Belgian's highest appeals court (Cour de Cassation) ruled that Israeli Prime Ministry Ariel Sharon can be tried for war crimes, including genocide, once he ceases to hold office. The court ruled, moreover, that the charges were so severe that the accused could be tried in absentia. The ruling also cleared the way for war crimes trials against Israeli General Amos Yaron (currently Defense Ministry director-general and former commander of the Israeli invasion forces in Beirut), former chief of staff Rafael Eitan, and Major General (res.) Amir Drori. These proceedings are likely to begin in the next two or three months. The ruling means that Belgian courts will conduct their own inquiry into the circumstances of the 1982 massacres in the Beirut camps and the degree of responsibility of Israeli officers and their commanders.

The Belgian court ruling is a landmark ruling, because it marks the end of a period of more than fifty years when Israel was permitted to stand above international law

and Israeli perpetrators of war crimes could expect impunity. The fact that Israel - in line with its policy of exempting itself from all international law enforcement mechanisms - has never made a commitment to accept advisory rulings issued by the International Court of Justice (ICJ) might effectively prevent the Israeli government from seeking redress with the ICJ.

### **The Israeli Response**

Confident that the case was closed by previous political pressure and legal appeals, Israel's legal delegation in Brussels, the Israeli government, politicians and media were equally shocked by this ruling. Immediate media statements by then Israeli Minister of Justice Meir Shitrit on Israel Channel One, who characterized the legal ruling as "a political plot against the whole free and enlightened world, just like Belgium's stand on the war against terror and Iraq," expressed fury, lack of understanding of the legal process involved, and total disregard of the independence of the Belgian judiciary. Likewise, then Foreign Minister Binyamin Netanyahu called the ruling

#### **The International Campaign for Justice for the Victims of Sabra and Shatila**

*An open letter to Foreign Minister Netanyahu from the Sabra and Shatila massacre survivors' legal team*

**13 February 2003**

**Mr. Benjamin Netanyahu  
Minister of Foreign Affairs  
Israel**

**Dear Mr. Netanyahu,**

On Thursday, you declared that the Belgian Supreme court made "a scandalous decision, which legitimizes terror and harms those who fight it. This turns the tables -- when those who fight terror turn into the accused and the terrorists are victorious."

As counsels of the plaintiffs, 28 Palestinian and Lebanese survivors of the Sabra and Shatila massacre, we cannot accept your language, tone, or the characterization of yesterday's landmark ruling. Our clients are not "terrorists," but ordinary people who were raped, tortured, and wounded; who were forced to witness -- and relive everyday since -- the slaughter of their children, parents, husbands and wives, or who had their close relatives "disappeared." By calling these victimized survivors "terrorists," after all that they have endured for over twenty years, you have brought shame upon yourself as Foreign Minister, and upon your country, which, to its great credit, acknowledged the responsibility of Israeli politicians and military in this crime against humanity two decades ago, yet has never gone one additional and crucial step further by legally prosecuting the perpetrators and compensating the victims.

As Minister of Foreign Affairs of Israel, you should not accuse the Belgian Supreme Court of legitimizing terrorism simply because it accepts the principle that Belgian courts have universal jurisdiction over perpetrators of war crimes, genocide, and crimes against humanity. Your country was the very first country in the world to endorse universal jurisdiction for such crimes in its national legislation. Israel arrested war criminals like Eichmann in other countries, or sought to have suspects extradited.

Israel has failed, however, in respecting and discharging its clear obligations under the Fourth Geneva Convention to arrest and prosecute those responsible for the Sabra and Shatila massacre, expressly qualified by the United Nations as an act of genocide and perpetrated in territory then under the control of the Israeli Defense Forces.

Your statement gratuitously inflicts additional pain and suffering on our clients. The Middle East has been plagued by violence and revenge for over half a century. Our clients' legal action constitutes the very first attempt by victims of mass violence in the region to seek redress through non-violent legal action before an independent court, and we expect any decent person in the world to respect this choice.

We are issuing this public request that you apologize for your cruel remarks.

Sincerely,  
**Luc Walley, Michael Verhaeghe, Chibli Mallat**  
Brussels/Beirut

"a renewed blood libel against the Jewish people" and stated that "we will not let them fuck the Jews."

Israeli spokespersons have announced retaliation by diplomatic, economic and non-diplomatic means with the help of the United States. To date, this has meant the temporary downgrading of diplomatic relations with Belgium (Ambassador Yehudi Kenar has been recalled to Israel for consultations and will not return to Brussels immediately) and the reprimanding of the Belgian ambassador to Israel. Very few voices in Israel recalled the crucial role of the Belgian government in the ratification of the preferential trade association agreement between Israel and the European Union. No one has yet reminded the Israeli public and politicians of the fact

that Israel was the first country in the world to endorse universal jurisdiction for war crimes in its national legislation in the context of the landmark case against the Nazi war criminal Adolf Eichman.

*For more information on the case against Ariel Sharon and other Israeli and Lebanese officials, contact the International Campaign for Justice for the Victims of Sabra and Shatila. Laurie King-Irani, North American Coordinator. email: coordinator@indictsharon.net.*

*The ruling of the Belgian Court of Cassation and commentary by the legal team representing the plaintiffs is available in the original French and English translation (unofficial) on the website of the International Campaign for Justice for the Victims of Sabra and Shatila, [www.indictsharon.org](http://www.indictsharon.org).*

## Upcoming Events

### BADIL Expert Forum on the Palestinian Refugee Question (2003 - 2004)

"The Role of International Law in  
Peacemaking and Crafting Durable Solutions for Palestinian Refugees"

Hosted by the University of Ghent  
Ghent, 22 - 23 May 2003

The Ghent Seminar is the first in a series of seminars to be held in the framework of BADIL's Expert Forum on the Palestinian Refugee Question. This Expert Forum aims to convene legal experts, academic researchers, practitioners of refugee law, politicians, human rights activists and media workers, in order to examine obstacles to and strategies for rights-based and durable solutions for Palestinian refugees.

The Ghent Seminar will re-visit a decade of failed efforts at Middle East peacemaking and the role, or non-role, of international law in crafting durable solutions for Palestinian refugees. It will examine questions, such as: "What are Palestinian refugee rights under international law?" "What has been the relation between the political Oslo process and international law?" "How can we strengthen the role of international law in future efforts for a solution of the Palestinian refugee issue and durable peace?"

*The Ghent Seminar is hosted by the Faculty of Political and Social Sciences, University of Ghent and sponsored by the Swiss Federal Department of Foreign Affairs (PD IV), Stichting Vluchteling/Netherlands, ICCO/Netherlands, Oxfam Solidarity/Belgium, the Flemish Palestine Solidarity Committee and the APRODEV NGO Network.*

Additional seminars/BADIL Expert Forum are scheduled as following:

■ Seminar-2: Geneva (October/November 2003):

Topic: Restitution (law, principles, mechanisms; comparative experience and the Palestinian case);

■ Seminar-3: Cairo (spring 2004):

Topic: International and Regional Mechanisms for Palestinian Refugee Protection (with focus on protection mechanism in the Arab world/Arab host countries)

■ Seminar-4: Britain (summer 2004):

Implementation of return, real property restitution and compensation for Palestinian Refugees (stocktaking of resources/mechanisms available vs. technical and political obstacles)

■ Closing Conference: Geneva (autumn 2004); topics to be determined.

*For additional information contact: [info@badil.org](mailto:info@badil.org)*

### First al-Awda International Convention

"The Palestine Right to Return Movement: Principles, Strategies and Programs"

Toronto, Canada, 20-22 June 2003

Al-Awda/The Palestine Right To Return Coalition will hold its first convention in Toronto, Canada. The program under preparation includes sessions on strategy and programs to develop Al-Awda; panels and hands-on workshops on issues of activist concern including, media, political action, organization, outreach, coalition building, etc.; and, keynote speakers from Palestine and the exile.

*Al-Awda calls for participants and donations. For more information contact al-Awda via, <http://al-awda.org>*

Debate:

## Refugees, A Two-State Solution, and an End to Conflict?

### The Palestinian Refugees, Between the Impossible and the Possible

by Awni Al-Mashni

*The divide between the Palestinian refugees' return and an independent Palestinian state is as wide as that between the impossible and the possible. A political solution based on the balance of power between the disputing parties may lead to the establishment of an independent Palestinian state on all territories occupied by Israel in 1967, but it will certainly not lead to the return of the Palestinian refugees to their homes from which they were displaced. Away from slogans devised for political consumption, any Palestinian negotiator understands this fact, although he or she does not dare declare it openly.*

Since many years now, the establishment of an independent Palestinian state has become an Israeli interest. Indeed, an independent Palestinian state which rids Israel of about 3.5 million Palestinians is necessarily in Israel's interest, because Israel is the only country where religion and ethnicity have become nationality, and Israel, as conceived by Theodor Herzl's Zionist credo of a home for the Jewish people cannot exist with a situation where half of its population is not of the Jewish nationality. Understanding that the philosophy that has compelled the Israeli elite to accept the need to establish a Palestinian state is borne solely out of this elite's need to preserve the purity of the Hebrew state, it should then be a clear enough indication that the return of the Palestinian refugees has become impossible. If ever there was a Jewish consensus in Israel, it is indeed on the need to deny the refugees their right of return.

A legitimate question here is the following: if such is the case, how can we then believe that the right of return, as guaranteed in Resolution 194, is one of the conditions put forth by any Palestinian negotiator? There are several reasons why the Palestinian negotiator insists on this principle. First, the negotiator, any negotiator, even if he or she is inexperienced in the art of the deal, cannot for anything give away this important negotiation card, since he or she can use it to garner gains on other issues in return for fundamental concessions on the right of return, especially realizing how thorny an issue this is for the Israeli political elite. Second, no negotiator, no matter how prominent he or she may be, dares to openly and directly cede the right of return, because it is part of the Palestinian political conscience, and because the majority of Palestinians consider it a fundamental right. Concessions therefore on this right will involve some creativity on the part of the decision makers, perhaps through redefining the right of return as a return to the future Palestinian state, or in explaining the concession as part of a comprehensive solution...a sacrifice made

for the greater good that is the establishment of the Palestinian state. In so doing, the objectors to any concession on the right of return will be seen as opponents of the great achievement that is the end of the occupation and the establishment of the Palestinian state. And suspicion will be cast upon those who reject such a comprehensive solution, to the point even of being labeled as traitors. It is no secret that there are great financial rewards awaiting any party that cedes the right of return, and which will be in the form of compensation for countries and individuals. This compensation will be used to silence opponents on the one hand, and to encourage countries to cooperate to, once and for all, close this chapter in Palestinian history.

This analysis does not necessarily lead to suspicion of the Palestinian negotiating elite, but it is in fact a logical framework for those who demand the establishment of an independent Palestinian state in the West Bank and Gaza Strip, because the balance of power can give us one state, and not a state and a half (one in the West Bank and the Gaza Strip, and half a state within Israel's borders). Any observer of Israeli politics understands that Israel will fight the war of its very existence before accepting this solution (the return of the refugees). This does not mean at all that ceding the right of return is negligence in the negotiations. Rather it is the cost of negotiating the establishment of the independent Palestinian state, with full awareness of the defined balance of power. Those who want someone to accuse of negligence and treason should not accuse the negotiators, no matter who they may be. What is to be blamed is the slogan that calls for an independent Palestinian state in the West Bank and the Gaza Strip, and which has become part of the Palestinian national consensus as a red line in the peace negotiations.

Does this analysis lead us to an impasse? Maybe, but it could also lead us out of the impasse! Those whom this



analysis leads to an impasse are the victims of the mechanical logic of analysis who cannot find a formula that links the basic national principles, the balance of power and the interests of the various parties together. It is those who believe that the ideal way of getting out of the impasse is through raising the ceiling on our national program to a level where our national rights can only be achieved through our total liberation and through Israel's total destruction. These people forget or choose not to remember that Israel, when it realized that exterminating millions of Palestinians is impossible in today's world, despite its military superiority that would have made this possible, found no other solution compatible with its interests than the acceptance of the principle of establishing an independent Palestinian state. This means that exterminating five million Jews living on this land is also impossible, even if the balance of power were to shift, because today's world forbids the annihilation of an entire people, even if they numbered in the few millions only, to say nothing of our historically oppressed people's moral aversion to committing such acts against others.

In other words, we are at a point where each side recognizes the other's right to exist, despite the differences in the legitimacy of this existence (it should be noted, by the way, that the differences in the legitimacy of existence relates to both sides). Away from absolute truths, in reality, imagined facts are the strongest, most powerful and most influential. What is the point of proving, through history and archeology, that we are the oldest inhabitants of this land, when there are just as many millions of others who believe the opposite? And even if Israeli archeologists find remains of their so-called Temple beneath Jerusalem's walls, this will not change the reality that more than one billion Muslims regard this land as a holy Muslim region.

While mutual recognition of each other's right to exist does not solve the problem, it can serve as a starting point on the way towards the solution. The real creative solution lies in finding a formula that can, using this starting point, lead to the safeguarding of each party's interests and to reifying their aspirations. For away from relative justice, the most important condition of the sought peace is that it be a viable peace. And a peace that ignores the interests of more than 70% of the Palestinian refugees cannot be a viable one. Even the

millions of dollars in compensation cannot erase the reality of Palestinian displacement, which is no longer a mere objective fact, but has rather come to shape and has taken over the Palestinian conscience, much like what the crematories and the concentration camps have done to the Jews. Have German reparations, in spite of their exorbitant amounts, drawn attention away from the crematory?

The analysis faces a crisis: (1) a peace that establishes a Palestinian state without guaranteeing the refugees' right of return - this will be nothing more than a cease-fire in between two wars, that may be a little long, but will certainly not last; (2) a peace that establishes a

Palestinian state and guarantees the refugees' right of return - this will effectively terminate the state for the Jewish people, according to the Zionist concept; and (3) the continuation of the conflict until one of the two sides is exterminated - this is no longer an option. Is there a way out?

Searching for a way out is like being suspended in mid-air: in view of the growing enmities and the escalating carnage, one can see no ray of hope. But remarkable creativity always shines when solutions seem

impossible. No doubt both sides are suffering from the same crisis. The intifada, even if it appears to be a conflict with no political horizon, is in the final analysis a political action that is considered by both parties. The bitter fact however, at this point, is that neither side is interested in stopping the daily bloodshed, so long as the other has not backed down, politically, from its position that has led to this whirlpool. To stop this whirlpool of violence, without making strategic concessions related to core issues of the conflict - which go beyond the arrest of this person or the assassination of that person, or the withdrawal from this city or the easing of the siege over that city - will only serve to continue this cycle of violence, and this is what both sides would like to avoid. What has been happening for over two years now is a different style of negotiations. Brutally and cruelly putting President Yasser Arafat under siege, and confining him to one limited geographic area, and raining down on his compound all sorts of grenades and projectiles, all within ear-shot, is aimed not to kill or humiliate him, but rather to force him to make concessions. Yasser Arafat understands this. He understands also that the other side wants to take him as close to the edge of the abyss

What will get us out of this crisis in analysis is a formula that does not distribute gains, but rather maintains partnership. The distribution of gains will necessarily make both sides losers, as each will feel as though it lost something it either once had or should now have. [...] This solution includes the establishment of one state in all of historic Palestine, or Eretz Israel - the name is not important - equally guaranteeing the right of return for both sides, taking property ownership out of the national context and making it an individual capitalist right, and establishing a pluralistic democratic system of governance. Such a solution, although seemingly unattainable, is the only solution that can put an end to this conflict, can free us from the rein of history, and can put an end to fantastic demands related to nationalism.

as possible, without causing his fall. This mutual understanding makes him all the more strongly hold on to the strategic principles, while confidently crying out his mantra: We will emerge from under this siege, and march on to Jerusalem, the capital of our independent state of Palestine.

What will get us out of this crisis in analysis is a formula that does not distribute gains, but rather maintains partnership. The distribution of gains will necessarily make both sides losers, as each will feel as though it lost something it either once had or should now have. Even if the illegitimacy of the settlements were recognized, their evacuation would still be seen as a loss, from the Israeli perspective, or at least from the perspective of the majority of Israelis. The same applies to the Palestinians. For even with the Palestinian recognition of the state of Israel, Yaffa, Haifa and the Carmel, for instance, would still be, and will forever remain an indelible part of the Palestinian dream. And even if the Palestinians were made to choose either having all of historic Palestine without a state of their own, or having a Palestinian state on less than 22% of historic Palestine, the majority would indeed choose to have all of historic Palestine without a state.

The solution is based on maintaining a partnership between both sides, making each feel as though it has achieved what it hoped for. This solution includes the establishment of one state in all of historic Palestine, or Eretz Israel - the name is not important - equally guaranteeing the right of return for both sides, taking property ownership out of the national context and making it an individual capitalist right, and establishing a pluralistic democratic system of governance. Such a solution, although seemingly unattainable, is the only solution that can put an end to this conflict, can free us from the rein of history, and can put an end to fantastic demands related to nationalism.

More importantly, this one-state solution makes both sides feel that they have made additional gains. The Palestinians will not be forced to cede any more land in return for a state, and the Israelis will not have to leave the land of Israel. There is enough land to accommodate not just both sides, but their dreams also. No matter how just partition may be, it will, when finally carried out, shatter the dream. Maybe the blood that has been already shed on this land, throughout this conflict, will serve to make both sides recognize the need to develop this corner of the world. Even though the political history between the two sides does not really suggest that such a solution is possible, those who rationally study the situation and recognize that economic relations have indeed developed, through various stages, between the two sides, will be able to confirm that the potential of living in one state is much stronger than that of separation into two states. Partition is in the interest of each side's ruling political elite who wants to satisfy its personal political

aspirations, while partnership is the desire of those concerned with development and stability.

In the initial stages, a battle for the name of this one united country may be important for both sides, but further along into the process, it will not matter what the name is or what the design of its flag is, because attention will then be focused on this country's level of welfare achieved for its citizens. Even if both side's returnees indulge in a demographic competition, economic interests will make expatriates indifferent to election results in a country, which they no longer regard as suitable for their investments. The economy will most likely define the political map, more so than any ethnic or national population. Getting both sides out of the madness of history and of the unremitting fear complex requires that the doors of coexistence be opened wide, with no restriction or hesitation. Coexistence however should be evenly balanced, with no one side slave to, or master over the other.

This solution will face great resistance. It will be resisted by those who cling to the illusion of history, and by both sides' political elite, but the exhaustion from this continuing cycle of violence will ultimately lead us to it. It is only a matter of time. Do we need to go through the two-state solution first? Does each side have to first feel the loss resulting from the policy of total separation? Maybe we first have to satisfy the illusion of history and nationality etched in the mind of both sides, but the price for all this will be more victims and more generations of enmity. And even if the political course should follow such a path, hitting the separation's dead end will not be long in coming. Undoubtedly there will remain more than one bridge linking both states, including joint interests in water and religious sites, and intermingled populations, and all these bridges will keep the doors open to new developments between both states. Maybe there will be tension stemming from each state's desire to make gains at the expense of the other, and maybe the two states will cooperate with each other. But whatever the situation, the two states will inevitably reach that stage when they realize that their interests lie indeed in the establishment of one state for both peoples. However varied the means are for achieving this - including war - one state will satisfy illusions and will protect the interests, and it will be a logical end to this conflict.

The issue of the refugees' return, which was the reason why a political solution has failed (in light of each side's adamant attachment to its position on this subject), with all its difficulties and complications, is the stimulus behind the drive for this creative and realistic one-state solution, which can guarantee the aspirations and interests of both sides.■

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# The Essence of Israel and the Divided Solutions

by Ameer Makhoul

*Israel did not acquire a colonial character after the 1967 war. Israel itself is the result of a colonialist project, or perhaps it is the colonialist project per se. It did not become more Zionist after 1967; neither were the methods of occupation more Zionist in practice after 1967 than before, including the period before Israel's establishment in 1948.*

Acquisition and control of Arab land in order to 'Judaize' the Galilee, and the establishment of Israeli towns in order to prevent geographic contiguity between Palestinian villages inside the 'Green Line', are no different in practice from the acquisition and control of Arab land and the establishment of Jewish colonies (settlements) in the West Bank. The only difference lies in the way we relate to the character of Israel. Our perception of Israel's colonial project resembles our fragmented condition as a people. This perception is characterized by acceptance of the legitimacy of confiscation of Palestinian land and the establishment of Israeli towns inside the 'Green Line', while we challenge the legitimacy of these same acts on the other side of the 'Green Line'. Thus, Karmiel (in the Galilee) is called a 'town' or a 'city', whereas we refer to Ariel in the West Bank as a 'colony!' We are confronted with a compartmentalized awareness that accepts colonialism inside the 'Green Line' and does not consider it as such, unless it occurs on the other side of the line, even though Israel employs the same practices in both cases.

The historic injustice inflicted upon the Palestinian people is not limited to the repercussions of the 1967 war and Israeli occupation. It is rooted in the catastrophic defeat of 1948 (al-Nakba). The establishment of Israel per se is in itself a central element of the historic injustice, whereas its character as a Jewish state only adds to this injustice. There is no constituency in Israeli society that favors the annulment of the Jewish character of the state. The Israeli left and right benefit from the colonial construction and Jewish character of Israel. Both exploit and benefit from the privileges provided to Jews by the state at the expense of the individual, collective, spiritual, and material inheritance of the Palestinian people. This quasi-absolute Zionist consensus has a solid base.

The essence of the Zionist project is revealed through the acquisition of the resources and riches of the land

by force, emptying the land of its people, 'Judaizing' its features, and fragmenting the Palestinian people. It refuses to admit its responsibility for the expulsion of the Palestinian people and the creation of the refugee issue. It works diligently to undermine any possibility for their return by control of, 'Judaizing', and privatizing both collective and individual Palestinian property. It perceives Palestinians inside the 1948 areas as a threat to the security and demography of the state. It believes that it must maintain control of the West Bank and the Gaza Strip through military occupation.

Israel has worked hard to fragment the Palestinian people and prevent linkages between the various issues that affect them. This manifested itself in the Oslo agreements, which created a situation in which there appears to be three Palestinian peoples, each with their own interests and priorities: '1948 Palestinians' ('Israeli Arabs'), 'Palestinians in

the 1967 occupied territories', and 'Palestinians in exile.' The fundamental difference between the Palestinian Authority (PA) and the Palestine Liberation Organization (PLO) is that the PLO represented to a great extent the entire Palestinian people, whereas the PA only represents Palestinians in the West Bank and Gaza Strip. As a result of this fragmentation, the Israeli victory and Arab defeat in 1967, rather than the historic injustice beginning in 1948, have become the starting point for all proposed solutions to the conflict.

It is important to note that historically the Palestinian people have never been masters of their own destiny. This is apparent in the current round of conflict with Israel. It is not by coincidence that none of the solutions proposed today or in the past were initiated by the Palestinian people. The proposal for a two-state solution, for example, is an international proposal. Oslo was a result of Israel's strength, the weakness of the PLO, and the collapse of international order based on a bi-polar system.

The developments of the last two years, starting with the al-Aqsa intifada, mark the beginning of the end of the idea of the division of the Palestinian people. This transition is characterized by a shift away from solidarity among the various sectors of the Palestinian people towards an enhanced awareness of the necessity of collective burden sharing. Confronting the Israeli occupation is not the duty of the Palestinians of the West Bank and the Gaza Strip alone. The refugee problem or their right of return is not an issue for the refugees alone. The struggle of the Palestinians inside Israel to defend their very existence is not theirs alone.

The establishment of the PLO, which marked the birth of the Palestinian national liberation movement, may be the one exception to this pattern. However, even the PLO surrendered its charter as a down payment for participation in the Oslo process.

The transition that we are witnessing today is the Palestinian people's struggle to become masters of their own destiny by rejecting the status quo. Despite the huge disparity in military capabilities between the two parties, Palestinians are attempting to create a balance of security with Israel, employing whatever measures are required even if this comes at the expense of harming Israeli civilians. This transition came about only after the Palestinian people had experimented with various strategies that failed to bring about their independence, sovereignty, and basic rights, including the internationally proposed minimum solution, i.e., the two-state solution. Unless the international community provides protection for the Palestinian people, continuation of resistance in its various forms will remain a vital necessity.

The developments of the last two years, starting with the al-Aqsa intifada, mark the beginning of the end of the idea of the division of the Palestinian people. This transition is characterized by a shift away from solidarity among the various sectors of the Palestinian people towards an enhanced awareness of the necessity of collective burden sharing. Confronting the Israeli occupation is not the duty of the Palestinians of the West Bank and the Gaza Strip alone. The refugee problem or their right of return is not an issue for the refugees alone. The struggle of the Palestinians inside Israel to defend their very existence is not theirs alone. In my opinion, this awareness began when the former Israeli Prime Minister Ehud Barak first introduced talk of a permanent solution - i.e. 'ending the conflict.' The permanent status talks unified the agenda of the Palestinian people and forced them to address core Palestinian issues, of which the right of return is foremost, rather than dealing with the technical details of the Oslo process. This development took place in spite of the flagrant absence of any Palestinian national project at the leadership level.

Yet another strategic transition has occurred with the recognition of the fact that change is not dependent solely on the balance of power. Change can also take place when the weaker party no longer accepts the status quo, and, at the same time, the strong can neither accept the price it is paying - security, social, and economic. This situation, in which the existing rules of the game can be broken, and wherein the old balance can be shaken, may constitute the basis for a solution based on the collective vision of the Palestinian people, supported by popular Arab, Islamic and international solidarity movements.

The Arab dimension, in particular, cannot be measured only in terms of the current situation. It must be viewed with regard to its future prospects and its interaction with the Palestinian issue. The popular notion of 'Arab assistance' to the Palestinians has been replaced by the reality of Palestinian assistance to the Arab people who have expanded the sphere of civil society through popular support for the Palestinian people. This is an essential component in the Palestinian struggle for liberation. A solution must also be based on international law. While international law affirms basic rights it does not provide an answer to the specific shape of a solution to the Palestinian problem. The right of self-determination may be realized in different ways. Thus there is room on the ground for innovative solutions.

### Playing cards

The strongest card of the Palestinian people today is its ability not to sign on to the end of the struggle. This is unacceptable to Israel. The surrender of the Palestinian people is a strategic aim and a fundamental guarantee for Israel's future. As part of this equation, Israel also aims to achieve recognition in the Arab world. Israeli negotiation strategies have thus placed considerable effort on normalization. In its negotiations with Syria three years ago, for example, responsibility for normalization was entrusted to a former commander of military intelligence. Ending the conflict and normalization are Israeli needs and essential components of Israel's national security. In reality, however, no Palestinian official or institution has the right or the mandate to end the struggle. Palestinian rights, particularly the right of return, are both collective and individual rights. These rights are not subject to statutory limitations. At the same time, the Palestinian people themselves do not have the required power to achieve a just solution that will end the historic injustice because Israel is neither ready for nor willing to accept a solution, which contradicts Israel's very existence as a project of the Zionist movement. At the same time, there is no guarantee that Israel will be able to cope indefinitely with the current situation.

Implementation of the right of return, and the dismantlement of Israeli colonies are the two most difficult components of a just solution. Colonies, as already mentioned, are not only a component of the 1967 occupation. They are neither outside nor on Israel's margins - they are part of Israel's core. Today, Israeli officials and the Israeli public talk about population and territorial exchange as a solution - e.g., the suggestion to swap the predominantly Palestinian Wadi 'Ara region inside the 'Green Line' for settlement blocs in the 1967 occupied Palestinian lands. The purpose of such an exchange is to keep settlement blocs under Israeli control, get rid of the responsibility for hundreds of thousands of Palestinian citizens of Israel (thus reducing the

demographic 'danger' to Israel), and safeguard the Jewish character of Israel. This aim is consistent with the Zionist dream. The proposal for population and territorial exchange, by the way, originates from circles within the Labor Party, not from the Likud. It goes hand-in-hand with the relatively recent affirmation by party leaders that the establishment of an independent Palestinian state, alongside Israel, and on most of the West Bank and the Gaza Strip, is in Israel's strategic interest.

Although population exchange may appear consistent with the idea of a bi-national state in all of Palestine, the argument differs when derived from a Palestinian, rather than Israeli, vision. For example, a demand from Palestinians in Wadi 'Ara to join a Palestinian state would be raised within the framework of Palestinian self-determination and unity. This demand is flawed, however, because it accepts the Jewish character of Israel and its colonial nature within the 'Green Line.' An Israeli demand for population exchange is a racist argument, which aims to maintain and consolidate the Zionist colonial project throughout the entire area of historic Palestine. It avoids the need to dismantle one of the central components of the colonial project - i.e., post-1967 settlement in the West Bank and the Gaza Strip. In other words, Israel wants to create a Palestinian-Palestinian trade-off and maintain the colonial project. Palestinian acceptance of this trade-off would legitimize the colonial project and all its components.

Suppose Israel would agree to become a "state of all its citizens!" Could this be a solution? It could be a solution, but only if we Palestinians inside Israel were ready to accept our division as a people - i.e., if we were ready to accept the consequences of the 1948 Nakba. Unless the issue of the Palestinians inside Israel is included as part and parcel of the Palestinian problem, the division of the Palestinian people will be consecrated. This would be akin to collusion with the colonial project. The mechanism for facing such a challenge is the establishment of inclusive broad-based Palestinian institutions, such as the PLO, which represent all the Palestinian people, and embody a collective Palestinian project. This is different from the Palestinian Authority, which is restricted to the West Bank and the Gaza Strip, and where other sectors of the Palestinian people are excluded or, at best, marginalized.

### **The democratic state, the bi-national state, and the two-state option**

The ideal remedy for the historic injustice inflicted upon the Palestinian people is a democratic state of Palestine in all of historic Palestine; a state which guarantees the right of return for the Palestinian refugees to their homes and properties and fully compensates them, individually and collectively, for their entire period of exile. This state would also be responsible to abolish the collective

privileges, which Israel has provided to Jewish immigrants brought to the country at the expense of displaced Palestinians. The secular nature of this state will guarantee the separation of powers, and the separation of religion and state. Such a state will also provide safeguards against ongoing Jewish control over resources, economy, and governance.

Such safeguards cannot be achieved solely through individual or through a conventional liberal concept of the state. The space allocated to individuals in a state is relative to the overall public space available to the collective. Thus, if the collective space available to Palestinians in a secular democratic state is narrow and limited, so too will be the space allocated to individual Palestinians. This phenomenon curbs equal opportunities for collective and individual social, economic, and political development. Take the issue of individual Jews who have 'acquired' the properties of individual Palestinian refugees. According to the liberal concept of the state, individual Jews have legally acquired these properties in their capacity as an independent third party. The state has a duty to protect individual property. This means that a secular democratic state could not annul individual Jewish ownership, which resulted from a transaction between the state of Israel and its citizens, even though the state, on behalf of the Jewish collective, illegally expropriated land and properties from the Palestinian collective.

In contrast, a bi-national state is based on both collective and individual rights. Post-apartheid South Africa provides a useful example, despite the apparent differences between the struggles in the two countries. Post-apartheid South Africa has not been able to resolve the question of property/ownership rights. The demand for 'land for the landless' remains. Elements of the racist apartheid regime still dominate access and distribution of land and the economic structure of the country. Each South African has a right to vote in elections; this is an enormous source of power. However, it is not enough to remedy the historic injustice done to black South Africans.

Zionism wants the state of Israel to be a mono-national or mono-ethnic state with a clear ideological foundation. The need for a bi-national state is essentially a Palestinian need. However, in the long run, it may become an Israeli need if the balance of power eventually forces Israel to accept the historic compromise offered by the Palestinians. Two things are needed today. First, Palestinians citizens of Israel must continue to raise the demand for a bi-national state, based on shared authority and power, within the 'Green Line.' Second, Palestinians should raise the demand for the establishment of a bi-national state in all of historic Palestine. These demands are not mutually exclusive but part and parcel of each other.

This does not mean that the struggle for a two-state solution is wrong. Rather, it means that this struggle should be part of an overall project for a bi-national state in all of historic Palestine. It should be understood that a two-state solution alone cannot resolve the core of the historic injustice. A two-state solution may be necessary (as long as it is not conditioned upon a declaration of the end of the conflict) because it may be the only mechanism currently available to achieve a sovereign, even if not inclusive, entity for the Palestinian people for the first time in history. It also provides a strong platform for empowering the Palestinian people to prevent the bi-national state from being replaced by the reality of a colonial apartheid regime that we are facing today. Thus the two-state solution provides a guarantee for a more equitable formula, irrespective of the fact that it does not provide a comprehensive solution to the conflict.

In this context, a bi-national state based on shared authority, differs from a secular democratic state. A just solution cannot be achieved through the displacement of Jews who were brought into the country by the Zionist colonial project, but rather through the provision of guarantees for the return of Palestinian refugees to their homes and properties and compensation for more than half a century of suffering. The liberal concept of the state, based on individual integration, cannot provide the structure required for this purpose because the hegemony associated with this type of state is not a function of the size of the different population groups within the state, but rather by control over the means and sources of power and of the internal and external environment of each group - an environment currently dominated by Israel. This type of state would only consolidate and promote this domination. A bi-national state, on the other hand, is characterized by a system of shared power and governance comprised of two entities. A bi-national state transforms the quantitative factor (i.e., the size of individual population groups) into a qualitative one. This is particularly obvious when we speak about collective rights and not equality between citizens based on citizenship.

Separation of the inhabitants or beneficiaries of the colonial regime from the regime itself is also an important component of future strategy. The example of South Africa is again instructive. The African National Congress never called for the expulsion of the white

population who came to South Africa as part of the colonial project. In the Palestinian case, a bi-national state, which aims to put an end to the last of the colonial and apartheid regimes, is capable of creating future mobilization within the Jewish society itself, despite an almost absolute identification with the Zionist project to this day. The main actor, however, should be the Palestinian people. Their struggle must be guided by future prospects, and not by the current balance of power.

An essential condition for the advancement of this project is the creation of new collective mechanisms, in the homeland on both sides of the 'Green Line', in the refugee camps, and in other places of exile. In the short term, the

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demand for a bi-national state in all of historic Palestine may complicate realization of a two-state solution, which enjoys international support. Reliance on international positions, however, rather than Palestinian national principles, has resulted in retreat after retreat, and a situation whereby Israel, despite its violation of international law, has become more protected than its victims. This situation deteriorated further when the Palestinian Authority accepted a

framework based on the balance of power. The role of the Palestinian Authority has been restricted to governing those Palestinians under its limited control, thereby limiting the capacity and potential of the Palestinian people for national liberation. An innovative Palestinian national project and a credible collective leadership must make the right of return a strategic aim, with a two-state solution as a step towards a bi-national state in all of historic Palestine. ■

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# Refugee *Protection*

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## A Critical Analysis of the Revised UNHCR Interpretation of the Status of Palestinian Refugees under International Refugee Law

*During 2002 UNHCR launched a first initiative to address the obvious gaps ('protection gap') in the special protection regime for Palestinian refugees. The new UNHCR interpretation of the status of Palestinian refugees under the 1951 Refugee Convention was completed and published in October 2002. This brief analysis was prepared by BADIL in November 2002.*

Since 1948 Palestinian refugees have called for international protection to enable them to exercise their right of return to homes and lands illegally expropriated by Israel. From places of exile in the Middle East, Europe, and elsewhere they have called for protection of their right to freedom of movement, family unity, access to education, work, and adequate housing. Too often, Palestinian refugees have raised desperate calls to the international community for protection from renewed forced displacement, collective punishment, arbitrary destruction of their properties, and war crimes.

The 1982 massacre at Sabra and Shatila (Beirut); Israeli human rights violations during the first Palestinian *intifada* in the occupied West Bank, eastern Jerusalem, and Gaza Strip (1987-1991); and mass expulsion from Kuwait and Libya in the early 1990s - all gave rise to new UN resolutions and initiatives to upgrade international protection for Palestinian refugees.<sup>1</sup> These efforts, however, have not brought about substantial improvements. Serious gaps continue to exist in the protection of the day-to-day rights of Palestinian refugees in exile. The most severe problems are in Lebanon and the 1967 occupied Palestinian territories. Equally serious gaps exist in the search for durable solutions (i.e., return, restitution, and compensation) consistent with international law and UN resolutions. No agency is currently recognized as having an explicit mandate to provide international protection for Palestinian refugees. Confronted with massive Israeli military assaults against the civilian camp population in the current (second) *intifada*, Palestinian refugees from all areas of exile continue to call for international protection.

### Five Decades of Exclusion

For more than five decades, the 1951 Convention relating to the Status of Refugees ('Refugee Convention') has provided a universal legal framework for international protection of refugees. Since 1950, the Office of the UN High Commissioner for Refugees (UNHCR) has served

as the primary international agency mandated to provide protection for refugees.

To date, the majority of Palestinian refugees have derived few benefits from this international protection regime. UNHCR does not have a specific mandate to provide protection for Palestinian refugees. The UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status*, a major reference for policy makers and practitioners in the field of refugee law, has viewed Palestinian refugees primarily in terms of their exclusion from UNHCR mandate and concomitant protection.<sup>2</sup>

UNHCR's longstanding interpretation of the 1951 Refugee Convention as excluding Palestinian refugees (especially refugees residing in UNRWA areas of operation) has been based on the understanding that protection or assistance for Palestinian refugees was provided by the UN Relief and Works Agency (UNRWA). According to the 1951 Refugee Convention (Article 1D), persons receiving protection or assistance from an existing UN agency are excluded from the Convention until such time as protection or assistance has ceased for any reason. This interpretation did not distinguish between the *protection* mandate accorded to UN Conciliation Commission for Palestine (UNCCP), which ceased to provide protection in the early 1950s, and the assistance mandate of UNRWA.

#### Article 1D, 1951 Convention relating to the Status of Refugees

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 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.

## The New UNHCR Interpretation - A Partial Remedy

The new UNHCR interpretation of the status of Palestinian refugees under the 1951 Refugee Convention includes some welcome changes, but only provides a partial remedy to the severe protection gaps in the special protection regime for Palestinian refugees. On the positive side, the new interpretation recognizes for the first time that Article 1D of the 1951 Refugee Convention also functions as an 'inclusion clause' for Palestinian refugees, thus providing access to the benefits of the Convention. Unfortunately, however, the new interpretation does not resolve the fundamental protection gaps for Palestinian refugees residing in UNRWA areas of operation (i.e., 1967 occupied Palestinian territories, Jordan, Lebanon, and Syria). The following paragraphs provide a brief analysis of the positive and negative aspects of the new UNHCR interpretation.

### Categories of Palestinian Refugees who Fall within the Scope of the 1951 Refugee Convention

The revised interpretation explicitly lists three categories of Palestinian refugees falling within the scope of the 1951 Convention:

- (1) "Palestine refugees" within the sense of UN General Assembly Resolution 194 (1948), who were displaced from that part of Palestine which became Israel and who have been unable to return there;
- (2) "Displaced Persons" within the sense of UN General Assembly Resolution 2252 (ES-V) of 4 July 1967, who have been unable to return to the Palestinian territories occupied by Israel since 1967; and
- (3) "Palestinian refugees", who are neither 1948 refugees nor 1967 displaced persons, and are outside the Palestinian territories occupied by Israel since 1967 and unable, or unwilling, to return there owing to a well-founded fear of persecution.

Interestingly, the first category ("Palestine refugees") implicitly includes 1948 internally displaced Palestinians in Israel. The implications of this interpretation will require additional clarification as many of the norms relating to the status of refugees in international refugee law guarantee equal treatment only with aliens in the country of refuge.

*Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees.* UNHCR (October 2002).

### Positive Elements

On the positive side, UNHCR's revised interpretation recognizes that Article 1D (second sentence) also functions as an "inclusion clause." Previous reference to Article 1D in the UNHCR *Handbook* treated it only as an exclusion clause. According to the new interpretation, 1948 refugees (category "1") and 1967 refugees (category "2") are "Convention refugees" simply due to the fact that they belong to one of these groups (group refugee

definition). UNHCR recognizes that members of this group do not need to prove individual persecution in order to be protected under the 1951 Refugee Convention. Proof of well-founded fear of persecution (Article 1A of the Convention; individual refugee definition) is required, however, for Palestinians from the 1967 occupied territories claiming refugee status (category "3"). The revised UNHCR interpretation should facilitate the harmonization and handling of protection requests submitted by Palestinian refugees/displaced persons to domestic state authorities.

The revised interpretation should also contribute to ending the controversy over the "returnability" in domestic immigration services and courts of Palestinians otherwise eligible for protection under the 1951 Convention. The revised interpretation states that 1948 refugees (category "1") and 1967 refugees (category "2") are protected by the 1951 Refugee Convention as long as they reside outside the area of UNRWA operations. Based on Article 1D (paragraph 2) such persons do not need to prove that they are outside that area *involuntarily*. Finally, the revised interpretation explicitly recognizes that descendants of 1948 refugees (category "1") and 1967 refugees (category "2") are entitled to protection under the 1951 Refugee Convention, even if such descendants have never lived in an area of UNRWA operations. UNHCR thus affirms the refugee status and protection rights of Palestinians refugees and displaced persons as applied in previous UN resolutions and practice of UN agencies (e.g. UNRWA).

### Negative Elements

The major shortcoming of UNCHR's revised interpretation, from the perspective of millions of Palestinian refugees in need of protection, is the fact that the revised interpretation does not contribute to resolving the important question of: "Which agency is responsible for the provision of international protection to Palestinian refugees?" This is due, in large part, to the absence of a clear interpretation of the language "protection or assistance" in reference to the special UN regime for Palestinian refugees. The revised interpretation continues to use the phrase "protection or assistance" solely in relation to UNRWA without explicit reference to the protection mandate of the UN Conciliation Commission for Palestine (UNCCP) even though both UN agencies existed at the time of the drafting of the 1951 Refugee Convention. UNRWA only has an assistance mandate with limited protection options.

UNHCR appears to explain this interpretation by arguing that neither the UN General Assembly nor any subsequent UN resolution has specifically limited the scope of UNRWA's mandate. It is equally true, however (and the results for Palestinian refugees are self-evident in most areas of exile), that neither the General Assembly

nor any subsequent UN resolution specifically expanded the scope of UNRWA's mandate to provide comprehensive protection to Palestinian refugees. The UNHCR interpretation is difficult to understand given the fact that early statements issued by the UN Refugee Agency clearly recognized the distinct mandates of the UNCCP and UNRWA.<sup>3</sup>

The application of cessation clauses 1C, 1E, 1F under the 1951 Refugee Convention to 1948 refugees (category "1") and 1967 refugees (category "2") is especially problematic. Cessation clause 1E provides that protection under the 1951 Refugee Convention does not apply to persons who have obtained nationality/citizenship rights in another country. This interpretation disregards the fact that Palestine refugees and displaced persons are Convention refugees under Article 1D. According to Article 1D, protection by the Convention will cease only if "the position of such persons is definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations," i.e. implementation of a solution in accordance with UN General Assembly Resolution 194. The revised interpretation is therefore inconsistent with the language and intent of the 1951 Convention itself. This interpretation could have dangerous political implications for Palestinian refugees who have obtained permanent residency/citizenship elsewhere, while still wishing to exercise their rights (return, restitution, compensation) in the context of a durable solution of the Palestinian refugee question.

The revised interpretation also fails to provide clear legal analysis on the status of Palestinian refugees as "stateless persons." Stateless persons who are refugees are covered by the 1951 Refugee Convention. For stateless persons who are excluded from the coverage of the 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 for protection under international law. Finally, the revised interpretation, which includes detailed information about UNRWA criteria and standards of refugee registration, does not critically reflect or comment on UNRWA's policy of refugee registration according to descendants of the male line.<sup>4</sup> Registration according to male lineage violates principles on non-discrimination and gender equality otherwise promoted by the United Nations.

Further discussion and debate amongst UNHCR, UNRWA, and other relevant UN agencies, as well as Palestinian civil society and its refugee community organizations, will be necessary to build on the positive aspects of UNHCR's new interpretation of the status of Palestinian refugees in international law, and remedy the ongoing protection gaps that are not resolved by the new interpretation.

1. For a comprehensive list of relevant UN resolutions see, *Survey of Palestinian Refugees and Internally Displaced Persons 2002*. BADIL Resource Center (forthcoming April 2003).

2. See, Chapter IV - Exclusion Clauses, paragraphs 142 and 143. UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*. HCR/IP/4/Eng/REV.1. Reedited, Geneva, January 1992.

3. See, e.g., UNHCR Press Release, No. 4-22/54, 29 January 1954, cited in Lex Takkenberg, *The Status of Palestinian Refugees in International Law*. Oxford: Clarendon Press, 1998, p. 305. The press release states: "As far as the United Nations is concerned, and without prejudice to the responsibility of individual governments, the material welfare of Palestine refugees in the Near East is the exclusive responsibility of UNRWA, whereas the protection of the refugees of those refugees as regards compensation and repatriation is the concern of the Palestine Conciliation Commission."

4. For a detailed discussion of the origins and ramifications of the existing gender-biased registration system see, Christine M. Cervenak, "Promoting Inequality: Gender-Based Discrimination in UNRWA's Approach to Palestine Refugee Status," 16 *Human Rights Quarterly* (1994).

*The original text of the new UNHCR interpretation ("Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian refugees") is reprinted in the Document Section of this issue of al-Majdal. It can also be found at: [www.badil.org/Protection/Documents/Protect\\_Docs.htm](http://www.badil.org/Protection/Documents/Protect_Docs.htm)*

*Relevant background information can be found in BADIL Briefs No. 5 (UNCCP), No. 6 (UNRWA), and No. 7 (UNHCR) at: [www.badil.org/Publications/Briefs/I&D\\_Briefs.htm](http://www.badil.org/Publications/Briefs/I&D_Briefs.htm)*

*For additional Recommended Background Information, see, Lex Takkenberg: *The Status of Palestinians in International Law*; Oxford University Press, 1998. Susan Akram and Guy Goodwin-Gill: *Brief Amicus Curiae*, at: <http://www.badil.org/Publications/Other/Refugees/amicus.pdf>  
BADIL's does not necessarily endorse all analysis contained therein*

# Palestinian Refugee Protection in the Courts - Recent Judgements in the U.K. and Australia

*Requests by Palestinian refugees for legal protection in countries outside the area of UNRWA operation continue to give rise to extensive debate in the courts over the correct interpretation of their legal status and entitlement to the benefits of the 1951 Refugee Convention. Two judgements passed by a British and an Australian court in the second half of 2002 are of special interest, as they are based on extensive examination of the various and often conflicting interpretations of Article 1D (1951 Refugee Convention), and because they were passed shortly prior and after the release of the new UNHCR interpretation.*

Both Court decisions clearly contradict the UNHCR's new interpretation in different aspects, but with similar results. While the UNHCR holds that all Palestine refugees of the wars of 1948 and 1967 living outside the area of UNRWA operation are 'ipso facto' entitled to protection under the 1951 Refugee Convention, both courts issued rulings which drastically reduce the size of the population entitled to such protection. In the U.K (see below, *El-Ali v. Secretary of State*), the Court used a very restrictive interpretation of entitlement based on the first sentence of Article 1D, while in Australia (see below, *Waqb v. Minister of Immigration*) - where entitlement was understood to include all 1948 Palestine refugees no longer receiving assistance or protection by the relevant UN agencies (UNRWA, UNCCP) - the same result was achieved by a very restrictive interpretation of the 'ipso facto' language in the second sentence of Article 1D. By thus limiting the number of Palestinian refugees entitled to protection under the 1951 Refugee Convention, both Courts appear to have been guided more by the aim to limit the scope of potential state obligations to a large and additional group of refugees than by serious concern about the most appropriate legal interpretation or the fate of the Palestinian refugees.

Interestingly enough, both Courts disagree with the UNHCR's new interpretation regarding the circumstances, which cause the cessation of assistance or protection for Palestinian refugees and thus trigger their inclusion under the 1951 Refugee Convention (Article 1D/second sentence). Both courts hold that cessation is not brought about by the physical movement of Palestinian refugees outside the area of UNRWA operation, but by objective factors (i.e. a durable solution in accordance with the relevant UNGA resolutions; or the termination of assistance or protection functions by the relevant UN agencies). The courts' interpretation is in line with the widely held legal opinion that subjective choices of refugees cannot trigger the application of international protection mechanisms. The Australian Federal Court, moreover, raised the urgent need for clarification of the question which UN agency is providing protection for Palestinian refugees. It thus

points the finger at the major weakness inherent in the UNHCR's new interpretation, which has avoided tackling this matter in a serious manner.

## **1. The Case of *Amer Muhammad El-Ali v. The Secretary of State for the Home Department and Daraz v. The Secretary of State for the Home Department*; judgement passed by the Supreme Court of Judicature Court of Appeal (Civil Division) in London on 26 July 2002 (No. 2002 EWCA Civ. 1103)**

Amer El-Ali was born in Kuwait in 1977 but lived nearly all his life in Lebanon. His parents originate from a village near Tiberias that became part of Israel in 1948. He arrived in the U.K. in 1998 and produced documents showing that he was a 'Palestine Refugee' registered with UNRWA. He appealed to the Supreme Court of Judicature Court of Appeal (from now on: 'Supreme Court') following several rejections of his claim for asylum. He argued in the appeal that, "while he was in Lebanon he was able to claim protection or assistance from UNRWA, and so the Refugee Convention did not apply to him. Now that he has left Lebanon that protection or assistance has ceased, and so 'ipso facto' he has become entitled to the benefits of the Refugee Convention."

Daraz is also a Palestinian refugee born in Lebanon in 1973. He arrived to the U.K. in 1998 and sought asylum, claiming to have left Lebanon because he was wanted by members of the Hizbullah. His asylum claim based on fear of persecution (Article 1A/2) was rejected, and in the appeal to the Supreme Court he joined the argument of El-Ali and claimed entitlement to the benefits of the Refugee Convention based on Article 1D.

The Supreme Court ruled that a correct interpretation of Article 1D leads to the conclusion that the group of Palestinian refugees entitled to the benefits of the Refugee Convention is limited to Palestinians who - at the date of the adoption of the Convention (28 July 1951) - were registered with UNRWA and received UNRWA protection or assistance. Protection claims of Palestinian refugees registered with UNRWA at a later date must be



examined individually in accordance with Article 1A/2 (well-founded fear of persecution). Since both Mr. El-Ali and Mr. Daraz are not included in the category of UNRWA refugees registered in 1951, and since they did not claim protection based on Article 1A/2, the Supreme Court dismissed their appeal. The Court's restrictive interpretation of Article 1D was not supported by the Secretary of State and by Professor Guy Goodwin-Gill who intervened in this case on behalf of the UNHCR.

In the judgement, the Supreme Court argued that any less restrictive interpretation of Article 1D would run counter to the intentions of the European and Arab drafters of the 1951 Refugee Convention, who were interested in limiting the number of Palestinian refugees entitled to the extensive protection benefits of the Convention by means of a privileged procedure (Article 1D/2). "So great a parcel of rights would not likely be conferred, I think, unless the class of its recipients were clear and certain, and this is given by the interpretations I favour [...] I consider that the approach I have put forward best reflects the Convention's original and historic purposes and if, like the European Convention on Human Rights, it should be regarded as a living instrument, then this approach also represents a rational and human response to today's Palestinian asylum seekers."<sup>1</sup>

The Supreme court also decided not to decide about how a distinction between refugee protection and refugee assistance, and the role of UNRWA and UNCCP, would possible effect the current legal status of Palestinian refugees. Justice Law argued that this matter was beyond the scope of the Court, especially in light of the ongoing academic controversy in this matter. "I should say that something was sought to be made in the course of argument to the difference between 'protection' and 'assistance;' but it seems to me beyond any argument that those persons registered with or receiving assistance from UNRWA in the territories of its operation on 28 July 1951, even if they were not the beneficiaries of any other distinct protection, must have fallen within the first sentence of ID."<sup>2</sup>

## **2. The Case of *Waqb v. Minister for Immigration and Multicultural Affairs*; judgement passed by the Federal Court of Australia, Sydney (heard in Perth) on 8 November 2002 (New South Wales District Registry W516 OF 2001)**

The Federal Court dealt with an appeal by the Minister for Immigration and Multicultural Affairs against earlier decisions of a court and the Refugee Review Tribunal to set aside the decision of the Minister, who had refused to grant a protection visa to Waqb, a stateless Palestinian refugee. The Tribunal had ruled that the 1951 Refugee Convention had no application to the case of Mr. Waqb and that he was entitled to a protection visa under Australia's Migration Act 1958.

The Minister argued in the appeal that the Refugee Review Tribunal's decision involved an error of law, i.e. an error involving an incorrect interpretation of the applicable law or an incorrect application of the law to the facts as found by the Tribunal: "It found that the respondent and his family were outside the geographical area where the UNRWA operates and is not presently receiving protection or assistance of that agency and that he had not received practical assistance since 1975. It considered that on the basis of this finding article 1D of the Convention had no application. In so doing, the Tribunal has misunderstood the role and function of article 1D and, as a result, the ambit of Australia's protection obligations under the Convention."<sup>3</sup>

The Federal Court conducted an extensive review of available factual information pertaining to Palestinian refugees and expert opinion about applicable interpretations of the 1951 Convention, Article 1D. The Court ruled that the Tribunal had made at least one finding of fact that was incorrect, i.e. that UNRWA was the United Nations Agency which provided both protection and assistance to Palestinian refugees. The Court also ruled that the matter should be remitted back to the Tribunal for further consideration.

The Federal Court Judgement also includes interpretations of Article 1D as favored by the Judges Hill (judgement, paragraphs 68-69), Moore (paragraphs 95-108) and Tamberlin (paragraphs 162-175):

- The Article ('persons receiving at present') refers to a class of persons receiving assistance or protection. However, the class of persons was not fixed as those who were actually living when the Convention became operative. The words do no more than describe a class or community of persons. So long as such a class of persons continued to exist the provisions of Article 1D would continue to have operation.

- The terms 'protection or assistance' in the Article should be construed as it reads, namely that assistance and protection are alternatives. All three judges agreed that it was clear that those who framed the Convention intended the reference to protection to be a reference to UNCCP.

- The judges disagreed about what exactly was the key question for further review by the Refugee Review Tribunal: the question of whether the UNCCP actually provided protection at the time of the Convention (Judge Hill), or the question of whether protection has ceased in the sense that it is no longer provided neither by UNRWA, nor by UNCCP or any other UN agency (Judge Moore and Judge Tamberlin). All three judges agreed, however, that these questions were not a matter upon which the Court could rule in proceedings for judicial review.

■ There was consensus in the Court that the question posed by the second paragraph ('protection or assistance ceased') is whether the relevant protection or assistance ceased in respect of the class of persons referred to in the first paragraph, not whether it ceased in respect of a particular individual.

■ All three judges agreed that the second paragraph (if protection or assistance cease such persons are 'ipso facto' entitled to 'benefits of the Convention') should not be interpreted as conveying Convention Refugee status to 1948 Palestinian refugees. It the words of Judge Hill, it should rather "mean that the Palestinian may then, for the first time, fall within the Convention and can then be the subject of consideration or screening to test whether he or she is a refugee. It is not that the person is

deemed to be a refugee. The benefits of the Convention are those benefits, such as the non-expulsion provisions of Article 32 and the non-refoulement provisions of Article 33. But those benefits are available only to those persons who are refugees. They are not available to anyone else."

#### Endnotes

1. Justice Law in, *Amer Muhammad El-Ali v. The Secretary of State for the Home Department and Daraz v. The Secretary of State for the Home Department*, p. 30.

2. *Ibid.*, p. 27.

3. Justice Moore, at para. 78 in, *Waqb v. Minister of Immigration and Multicultural Affairs*.

*The full cases are available on the BADIL website: [www.badil.org/Protection/Documents/Protect\\_Docs.htm](http://www.badil.org/Protection/Documents/Protect_Docs.htm).*

### Attacks on Refugee Camps and Refugee Populated Areas

Attacks on refugee camps and refugee-populated areas violate international humanitarian, human rights, and refugee law. In order to continue to bring attention to the ongoing Israeli attacks on Palestinian refugee camps in the 1967 occupied territories and the urgent need for international protection, BADIL has prepared this short summary of attacks on refugee camps and refugee populated areas. The table covers the period 1 October 2002 through 15 March 2003. The information is based on reported attacks.

Date	Location	Deaths	Injuries	Homes Demolished	Homeless Persons
4 October 2002	Askar RC		1		
17 October 2002	Rafah RC	6	44	20	39 families
23 October 2002	Rafah RC		23	6	
31 October 2002	Jenin RC			4	6 families (37 people)
12 November 2002	Tulkarem RC				
23 November 2002	Jenin RC	2		1	6 families
6 December 2002	Bureij RC	10	13		7 families
15 December 2002	Rafah ('Oraiba)			16	
2 January 2003	Rafah RC			23 homes, 2 partially destroyed	85 families (313 people)
24 January 2003	Rafah RC	-	2	14 homes, 5 partially destroyed	
24 January 2003	Beit Hanoun	1	14		
1 March 2003	Khan Younis (al-Nimsawi)			2 homes destroyed, 1 partially destroyed	7 families (54 persons)
1 March 2003	Khan Younis RC	3	39	7-storey apartment (explosives), dozens of homes totally or partially destroyed by blast and eastern façade of a mosque, 2 additional homes bulldozed	
4 March 2003	Bureij RC	8	11	15 homes, 1 mosque	Included 4 families (32 persons)
5 March 2003	Jabalya RC	11	140		
10 March 2003	Beit Lahia				
17 March 2003	Nusseirat RC	7	15	1	5 families (34 people)
17 March 2003	Beit Lahia	2	11		

**Sources:** PCHR, 2 March 2003, Ref: 28/2003; PCHR, 3 March 2003, Ref: 30/2003; PCHR, 25 January 2003; PCHR, 2 January 2003; PCHR, 16 December 2003; Press Statement by UNRWA, 6 December 2002; UNRWA reference; PAL/1937, UNRWA, 10 March 2003; LAW; AFP; UN News Service; Reuters

For more information see, 'Physical Protection for Refugee Populated Areas', BADIL Occasional Bulletin No. 6 (May 2001) available on the BADIL website, [www.badil.org/Publications/Bulletins/Bulletins.htm](http://www.badil.org/Publications/Bulletins/Bulletins.htm)

# The Status of Palestinian Refugees and Stateless Persons in Europe

*This article is based on a paper drafted by BADIL for the Council of Europe (CoE) Hearing on Palestinian Refugees and Stateless Persons in Europe, 16 December 2002 (Budapest)*

It is estimated that there are more than 200,000 Palestinian refugees and stateless persons currently residing in Europe. The exact number of Palestinian refugees in Europe, however, is unknown. Most states do not include Palestinians as a separate ethnic or national group in population censuses. Statistical information often categorizes Palestinians as 'other Middle East.' Estimates for the number of Palestinian refugees residing in individual European states are therefore incomplete and inconsistent. Partial estimates include: Germany (30,000-80,000); Denmark (20,000); UK (15,000); Sweden (9,000); and France (3,000).<sup>1</sup> Palestinian refugees in Europe comprise approximately 3.5 percent of the global Palestinian refugee and displaced population.

At present there is considerable confusion and conflicting interpretations within and among European states about the status of Palestinian refugees in Europe under the *1951 Convention Relating to the Status of Refugees*. Most European states either do not recognize or incorporate Article 1D of the Refugee Convention into domestic law or interpret the Article incorrectly.<sup>2</sup> Practically, this means that Palestinian refugees in Europe are placed outside of the international protection system for refugees worldwide. Palestinian refugees often face difficulties when they apply for political asylum, residence based on family reunification, employment etc. While the new UNHCR interpretation on the applicability of Article 1D to Palestinian refugees essentially brings most Palestinian refugees in Europe within the scope of the 1951 Refugee Convention, with one key exception - female refugees married to non-refugees registered with UNRWA (See, *A Critical Analysis of the Revised UNHCR Interpretation of the Status of Palestinian Refugees under International Refugee Law*) it remains to be seen whether European states will apply this new interpretation.

In addition to the day-to-day protection of Palestinian refugees in Europe, there are conflicting approaches to the framework for a durable solution for Palestinian refugees. In principle, most European states support the right of Palestinian refugees to return to their homes (as set forth in UN General Assembly Resolution 194 and international law). In practice, however, current European positions for durable solutions for Palestinian refugees are often inconsistent with legal norms applied in other refugee cases. Generally, the European Union has not issued specific declarations on durable solutions for Palestinian refugees. The only document explicitly recognizing the right of Palestinian refugees to choose

to return to their homes is a 1973 French document known as the 'Schuman Paper', which was never published due to reservations by several European states. Council of Europe Resolution 1156 (1998), which states, that the Palestinian refugee issue must be resolved primarily through resettlement is inconsistent with international law and relevant CoE resolutions concerning other refugees.<sup>3</sup> Resolution 1156 also contradicts the aims of the Council of Europe to protect human rights, pluralist democracy and the rule of law.

Remedy of these problems will require coordinated and systematic European efforts. Efforts should include a comprehensive survey of existing consultative and legal bodies to obtain hard data on definitions, status and numbers of Palestinian refugees in EU states; European-wide consultations and discussions to ensure that Palestinian refugees receive the maximum international protection available under the relevant international instruments until their situation is resolved in accordance with international and relevant UN resolutions; and, development of a unified individual state and EU approach to crafting durable solutions for Palestinian refugees consistent with international law, including the European Convention on Human Rights.

## Endnotes

1. *Palestinian Population: A proposed count for mid-Year 2000*. Ramallah, Palestine, and Central Bureau of Statistics and Natural Resources, Damascus. Mahmoud Issa, *Palestinians in Scandinavia: Statistics, Socio-cultural and Integrational Problems*. Oxford - Refugee Studies Center (May 2000). Abbas Shibliak, "Palestinian Refugee Communities in Europe, An Overview," Workshop on Palestinian Refugee Communities in Europe, St. Anthony's College, Oxford University, 5-6 May, 2000.

2. For a more detailed analysis of European case law concerning the status of Palestinian refugees see, Lex Takkenberg, *The Status of Palestinian Refugees in International Law*. Oxford: Oxford University Press, 1998; and, Susan M. Akram and Guy Goodwin-Gill, *Brief Amicus Curiae*, Board of Immigration Appeals, Falls Church, VA.

3. These include Resolution 1357 (1998) relevant to refugees and displaced persons in Bosnia and Herzegovina, and Resolution 1406 (1999) relevant to refugees and displaced persons in Croatia.

*To contact the Council of Europe regarding its position on Palestinian refugees and for more information see,*  
<http://assembly.coe.int>

# The Growing Problem of Palestinian Internal Displacement

*One of the often neglected groups of internally displaced persons in the Middle East is internally displaced Palestinians. The problem of internal displacement has become increasingly more severe due to Israeli military policies to suppress the second Palestinian intifada that began in September 2000.*

According to the Palestinian Central Bureau of Statistics (PCBS), an estimated 56,000 Palestinians were forced to change residence during the first 7 months of the second Palestinian intifada due to the proximity of their homes to Israeli military checkpoints and Israeli colonies (i.e., settlements).<sup>1</sup> The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that as of the end of 2002 some 80,000 Palestinians had been rendered homeless due to the destruction of their homes by Israeli military forces.<sup>2</sup>

## Defining Internal Displacement

Poor awareness of the problem of Palestinian internal displacement is related, in part, to the fact that internal displacement is difficult to conceptualize in the context of the Palestinian/Arab-Israeli conflict, which is rooted in the ongoing struggle over control of land and sovereignty thereon. The defining characteristic of internally displaced persons is that they have not crossed an internationally recognized border. In the course of the more than fifty-year old conflict, however, wars and military occupation have frequently changed cease-fire lines and de facto borders. Where are the international borders, which delineate the difference between refugees and internally displaced persons? What is the relevant entity - i.e., Mandate Palestine, Israel, the 1967 occupied Palestinian territories? Concepts like "Palestinian minority" and "internally displaced Palestinians" can only be applied pragmatically in order to describe the phenomenon of internal displacement in a specific period of time.<sup>3</sup>

A pragmatic categorization of internally displaced Palestinians under current (post-Oslo) conditions would include four primary groups:

(1) "*1948 Internally Displaced Palestinians*" - The largest group of internally displaced Palestinians is located inside Israel and were originally displaced and dispossessed of their homes and lands during the 1948 war. Israel refers to these internally displaced as 'present-absentees' - i.e., they are present physically but absent in relation to their homes and lands of origin. The UNHCR refers to this group of IDPs as "1948 Palestine Refugees."<sup>4</sup>

(2) "*Post-1948 Internally Displaced Palestinians*" - A second and smaller group consists of those Palestinians inside Israel who have been displaced since 1948 due, primarily, to internal transfer, land expropriation, and house demolition. A large sector of this group is comprised of Bedouin.

(3) "*1967 Internally Displaced Palestinians*" - A third category of internally displaced persons is comprised of those Palestinians displaced within the West Bank, including eastern Jerusalem, and the Gaza Strip during the 1967 war. This does not include 1967 Palestinian refugees who are often referred to as '1967 displaced persons' due to the fact that at the time of their displacement the West Bank was under Jordanian control - i.e., they did not cross an 'international border' by seeking shelter, mainly in Jordan.

(4) "*Post-1967 Internally Displaced Palestinians*" - The fourth category of internally displaced Palestinians are those Palestinians displaced within the West Bank, eastern Jerusalem, and Gaza Strip after 1967 due to land expropriation, house demolition, revocation of residency rights in Jerusalem, and other forms of internal transfer. This group also includes a large number of Bedouin.

## Lack of Data

As with other groups of IDPs worldwide, there is a lack of comprehensive and systematic data on internal displacement in 1948 Palestine/Israel and the 1967 occupied Palestinian territories. Early registration and census information exists for 1948 internally displaced Palestinians requiring assistance. Initial registration files for this group of Palestinian IDPs are located in UNRWA archives and include 6 boxes consisting of 11,304 family cards and 5,155 correction cards. Each card contains the names, ages, sex, occupation, past address, and 'distribution center' to which the family was attached.<sup>5</sup> Official data on the current status of Palestinians inside Israel and in the 1967 occupied territories does not distinguish between the internally displaced and the general Palestinian population. Data on the current status of Palestinian IDPs is therefore characterized by uneven quality and uncertainty and is derived largely from historical documents, news reports, and human rights documentation.



## Estimating the Size of the Palestinian IDP Population

Estimates of the total IDP population inside 1948 Palestine/Israel and in the 1967 occupied Palestinian territories vary according to source, available data, and applicable definition of internally displaced persons.

### Estimated Palestinian IDPs as of 31st December 2002

Category	Population
1948 IDPs	260,000 <sup>1</sup>
Post-1948 IDPs	75,000 <sup>2</sup>
1967 IDPs	10,000 <sup>3</sup>
Post-1967 IDPs	150,000 <sup>4</sup>

#### Notes

1. Derived from initial registration figures from UNRWA in Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, UN Doc. A/1905, 30 June 1951 and the average annual growth rate of the Palestinian population inside Israel between 1950 and 2001.

2. The majority is Bedouin forced off of large tracts of land in the Naqab and living in 'unrecognized villages' or concentrated into so-called development towns. The remaining displaced persons include other Palestinians who were transferred by the government during the late 1940s and early 1950s; Palestinians displaced by land expropriation; and, Palestinians displaced as a result of house demolition.

3. The majority are persons displaced internally from the villages of Imwas, Yalu, Beit Nuba, Beit Marsam, Beit 'Awa, Habla and Jifliq, as well as from the city of Qalqilya and the old city of Jerusalem, including the entire Mughrabi quarter.

4. This figure includes persons deprived of residency status in eastern Jerusalem and Palestinians displaced as a result of land expropriation and house demolition. According to the Palestinian Central Bureau of Statistics, an estimated 56,000 Palestinians were forced to change residence during the first 7 months of the second Palestinian intifada due to the proximity of their homes to Israeli military checkpoints and Israeli colonies (i.e., settlements). Palestinian Central Bureau of Statistics, 2001. Impact of the Israeli Measures. Survey on the Well-being of the Palestinian Children, Women, and the Palestinian Households, June 2001. In addition, some 80,000 Palestinians have been rendered homeless. United Nations, Humanitarian Action Plan of Action 2003. Occupied Palestinian Territory. Geneva and New York, November 2002.

Estimates by BADIL

## The 'Protection Gap'

One of the major problems faced by internally displaced persons worldwide is the lack of protection. Internally displaced Palestinians also lack effective national and international protection in relation to protection from displacement, respect for basic human rights during displacement, provision of humanitarian assistance, and the search for durable solutions, including the right of return and housing and property restitution. Israel is able but not willing to extend comprehensive national protection to internally displaced Palestinians inside Israel. Internally displaced Palestinians in the 1967

occupied territories lack national protection by virtue of the absence of a state obligated to provide such protection. Israel, the occupying power, has refused to abide by its legal obligations and responsibilities under the *Fourth Geneva Convention* to provide protection to the civilian population. The self-governing Palestinian Authority, a non-sovereign entity established during the 1990s under the Oslo political process, has not been able to provide full protection for the civilian population in the occupied territories, including IDPs. Since the second Palestinian intifada began in September 2000, the Authority has come under severe attack by Israeli military forces and is effectively defunct. Israeli practices inside Israel and in the 1967 occupied territories, including land expropriation, house demolition, revocation of residency rights, and military closure continues to generate internal displacement.

The international community has largely ignored the protection needs of internally displaced Palestinians inside Israel and in the 1967 occupied territories. No single international agency is currently recognized as having an explicit protection mandate for internally displaced Palestinians. The United Nations Conciliation Commission for Palestine (UNCCP), mandated to provide international protection for 1948 Palestinian refugees and internally displaced, ceased to provide effective protection in the early 1950s. The UN Relief and Works Agency for Palestine Refugees (UNRWA) does not have an explicit mandate to provide comprehensive protection to internally displaced Palestinians in the 1967 occupied territories. Various UN organs have addressed the protection needs of the Palestinian population in the 1967 occupied territories, which would include internally displaced persons, but the lack of international political will has prevented an effective response.

## Marginalization of Palestinian IDPs

Internally displaced Palestinians thus experience multiple forms of marginalization relative to national and international protection. As with other IDPs worldwide, they experience general marginalization due to shortcomings in the institutional setup and legal framework for international protection of internally displaced persons. Internally displaced Palestinians inside Israel are further marginalized as members of a non-Jewish ethno-national minority in a Jewish state. Internally displaced Palestinians in the 1967 occupied territories are further marginalized by Israel's illegal occupation and the absence of a state that is obligated, able and willing to provide protection. Generally, Palestinian IDPs have been marginalized due to the exclusion of the issue of internally displaced persons from the Oslo political process. Unlike most other peace agreements, the Oslo agreements do not include provisions for durable solutions for IDPs. No international body or mechanism, moreover, is currently



*Destruction in Jenin Refugee Camp, April 2002*

recognized as having an explicit mandate to provide comprehensive protection and search for durable solutions for Palestinian IDPs.

### **An Agenda for Action**

Until recently, major non-governmental and UN agencies did not recognize internally displaced Palestinians. This lack of awareness, however, appears to be slowly changing. The recent inclusion of all categories of Palestinian IDPs in the Global IDP Database sponsored by the Norwegian Refugee Council (NRC)<sup>16</sup>, and the award of the 2002 Body Shop Human Rights Award to the National Society for the Rights of the Internally Displaced in Israel (*See 2002 Body Shop Human Rights Award Focuses Attention of Palestinian IDPs*) are positive developments in this regard. A comprehensive, just, and durable solution to the Palestinian-Israeli conflict must also include solutions for

internally displaced Palestinians. Like Palestinian refugees, durable solutions for Palestinian IDPs must be fully consistent with international law and relevant UN resolutions.

An agenda for action towards durable solutions for Palestinian IDPs should include, at minimum, the following elements:

(1) Awareness raising among civil society organizations, national authorities, and international actors about the problem of Palestinian internal displacement. This should also include education efforts concerning the basic framework for durable solutions for Palestinian IDPs set forth in the 1998 *Guiding Principles on Internal Displacement*. These principles should be widely circulated in Palestinian and Jewish-Israeli communities.

(2) Local, regional, and international NGOs, UN agencies, and solidarity organizations are encouraged to address the specific situation of internally displaced Palestinians, as a particularly vulnerable category of the Palestinian people. This includes documentation of human rights violations, education, health, employment status, and other socio-economic indicators. Special attention should focus on arbitrary deprivation of property affecting IDPs. Local NGOs and IDP associations should also spear-head efforts, in coordination with international organizations, for the establishment of a comprehensive registration system for internally displaced persons, followed by a comprehensive field survey on the current status of IDPs.

(3) Based on the inter-agency collaborative approach established by the United Nations in response to IDPs worldwide, relevant UN agencies, including the UNHCR, UNRWA, and the UNHCHR should initiate inter-agency discussions to determine the most effective approach to day-to-day protection for internally displaced Palestinians. The situation is particularly critical for internally displaced Palestinians and refugees in the 1967 occupied territories. Further discussion should focus on protection and the search for durable solutions. In particular, these agencies should closely monitor the status of IDPs, as well as refugees, in any future agreements between the PLO and Israel. Critical attention should be given to peace plans and proposals that suggest to solve the Palestinian refugee question on the expense of the right to return and property restitution of Palestinian citizens, including IDPs in Israel, e.g. "land swaps" and refugee resettlement on IDP lands.

(4) International organizations should provide political, capacity building, and financial support to IDP associations and initiatives working to raise awareness and lobbying for durable solutions for internally displaced Palestinians.

(5) Israel should incorporate the *Guiding Principles on Internal Displacement* within its domestic law and remove legal and other obstacles to durable solutions for Palestinian IDPs - e.g. implementation of its obligations under international humanitarian law/ Geneva Convention and human rights conventions pertaining to the protection of Palestinian residents in the 1967 occupied territories. Israel should also open all files in state archives relevant to IDPs for public access and scrutiny. Israel should also end its 35-year illegal military occupation of the West Bank, eastern Jerusalem, and the Gaza Strip, which is the primary source of internal displacement in these territories, and facilitate durable solutions for all Palestinian IDPs.

1. Palestinian Central Bureau of Statistics, 2001. *Impact of the Israeli Measures. Survey on the Well-being of the Palestinian Children, Women, and the Palestinian Households*, June 2001.  
12. United Nations, *Humanitarian Action Plan of Action 2003. Occupied Palestinian Territory*. Geneva and New York, November 2002.

2. The case of Palestinians displaced from western to eastern Jerusalem in 1948 provides one example of the problem of status determination. Historically, this specific group of displaced Palestinians is considered refugees. Some are registered with the UN Relief and Works Agency for Palestine Refugees (UNRWA). What are the internationally recognized borders for determining whether displaced Palestinian Jerusalemites are refugees or IDPs? The 1948 municipal boundaries of the city; the international zone delineated under UN General Assembly Resolution 181 ('Partition Plan'); the 1949 armistice line in the city ('Green line'); or the expanded boundaries of a 'unified' city delineated by Israel after 1967?

3. See, UNHCR, *Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian refugees* (October 2002).

4. Salim Tamari and Elia Zureik, "UNRWA Archives on Palestinian Refugees," *Reinterpreting the Historical Record, The Uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis*. Salim Tamari and Elia Zureik (eds.) Jerusalem: Institute of Jerusalem Studies and Institute for Palestine Studies, 2001, pp. 44-45.

5. The Global IDP Project has produced two reports on Palestinian IDPs. *Profile of Internal Displacement: Israel. Compilation of information available in the Global IDP Project Database of the Norwegian Refugee Council* (as of 14 January 2002); and, *Profile of Internal Displacement, Palestinian Territories. Compilation of Information Available in the Global IDP Database of the Norwegian Refugee Council* (as of 13 November 2002). The reports are available at the Global IDP Project website, [www.idpproject.org](http://www.idpproject.org). The project was launched by the Norwegian Refugee Council (NRC) in December 1999 as an effort to collect facts, figures and analysis on internal displacement worldwide into one integrated information system. During the same year the NRC also developed a training program on the Guiding Principles in cooperation with the High Commissioner for Human Rights. The Protection & Training component has since been expanded to include cooperation with various other training initiatives by the UN and other organizations dealing with protection and internal displacement. A third component, Advocacy & Publications aims at utilizing the information available in the Database to produce cross-country analysis and thematic papers.

*This article is based on BADIL Information & Discussion Brief No. 9, Internally Displaced Palestinians, International Protection and Durable Solutions. The brief is available on the BADIL website: [www.badil.org/Publications/Briefs/I&D\\_Briefs.htm](http://www.badil.org/Publications/Briefs/I&D_Briefs.htm).*

*Also see, Nihad Boqae'e, Palestinian Internally Displaced Persons inside Israel: Challenging the Solid Structures. Paper prepared for "Researching Internal Displacement: State of the Art International Conference on IDPs," Trondheim, 7-8 February 2003. Available on the BADIL website: [www.badil.org/Publications/Monographs/Palestinian.IDPs.pdf](http://www.badil.org/Publications/Monographs/Palestinian.IDPs.pdf)*

## Palestinian Bedouin IDPs, Ongoing Displacement and Land Rights Israel Poisons Bedouin Land in Abda Unrecognized Villages

*based on press reports by The Regional Council for the Palestinian Unrecognized Villages (RCUV) - Negev*

On 3 March 2003, the Israel Lands Administration (ILA), which controls most of the land inside Israel (including land expropriated from Palestinian refugees), destroyed more than 2000 dunums (500 acres) of crops belonging to residents of the unrecognized Bedouin village of Abda located in the Naqab (Negev). Without prior warning, two airplanes belonging to ILA, accompanied by a large number of police forces and Green "Black" Patrol members, sprayed toxic chemicals on Bedouin houses, crops, and men, women, and children working in their fields.



Children exposed to the aerial spraying suffered shock and trauma. Many of the children, who had just received gas masks, believed that the war against Iraq had begun and that chemical weapons had been used against them. The children were immediately evacuated to the closest clinic at Mitzpeh Ramon (a Jewish locality). However, the doctor on duty at the clinic refused to admit them. The children were only admitted after the Regional Council for the Unrecognized Villages of the Palestinian Bedouin in the Negev (RCUV) contacted the Israeli Ministry of Health and Kupat Holim. The RCUV has subsequently sent an urgent letter to the Health Ministry requiring an official investigation in the matter.

Jaber Abu Kaff, the RCUV President who visited the children at the clinic said that spraying the crops with chemicals at Abda village was a barbarian, inhuman, and immoral act. He emphasized that the new Sharon government is proceeding with its plan to try to uproot the Bedouin from our fathers' and grandfathers' land. "But we will stay in our land as long as we are alive and we urge all those people with a conscience to stand with us."

The destruction of the crops is another example of a consistent pattern of gross violations of the basic human right to property committed by the government of Israel against the indigenous Palestinian Bedouin community. This is the second time in a year that the ILA has used toxic chemicals to destroy Bedouin crops in the Naqab. In February 2003, officials from the Israeli Interior Ministry destroyed a mosque in the unrecognized Bedouin village of Tel al-Mileh based on claims that it was an unlicensed building. At the beginning of the year, the Israeli government revealed the budget (US\$ 1.75 billion) and timeframe (5 years) for a plan to remove the remaining indigenous Palestinian Bedouin living in unrecognized villages from

their land and concentrate them into three townships.

The plan includes funds to restart a legal process, suspended in 1976, to settle all outstanding land claims. No Bedouin has ever won a land claim to any of the more than 3,000 lawsuits filed over the past several decades. It also includes funds for land confiscation, destruction of Bedouin cropland claimed by the government as 'state land', and the destruction of unlicensed buildings. (For details on the plan see RCUV Press Release 22/1/03). The Israeli government is also planning to construct 14 new Jewish colonies on land belonging to the Bedouin in order to increase the size of the Jewish population living in the Naqab.

The indigenous Palestinian Bedouin inhabitants of the Naqab have been subjected to more than five decades of expulsion, internal transfer, land confiscation, and a policy of forced sedentarization. The Bedouin comprised approximately 13 percent of the total Palestinian refugee population in 1948. Today there are an estimated 650,000 Bedouin refugees (including their descendants) who were initially displaced in 1948. Many live in so-called unrecognized villages inside 1948 Palestine/Israel. Unrecognized villages do not receive any government services. A durable solution for Palestinian refugees must also permit Bedouin refugees and newly internally displaced Bedouins to return to their homes of origin and repossess their properties.

*For more information contact: The Regional Council for the Unrecognized Villages of the Palestinian Bedouin in the Negev (RCUV), PO Box 10002, Beer Sheva. Tel. 08-628-3043; Fax. 08-6283315; Email, [mqupty@hotmail.com](mailto:mqupty@hotmail.com); or visit the RCUV website, <http://www.arabhra.org/rcuv/index.htm>.*

*Also see the historical map on Beer Sheba 1948 prepared by the Palestine Land Society in Resources on Refugees in this issue.*



## Peace in the Middle East, Getting Real on the Issue of Palestinian Refugee Property (excerpts)

by Scott Leckie

In October 2002, UNHCR issued a 'Note on the Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees.' This essentially re-affirmed the long-standing interpretation of the Convention that - with the exception of a select few who reside outside the immediate region - the five million Palestinian refugees are excluded from the benefits of the Convention, and thus of direct protection assistance by UNHCR. Justifying these views on the fact that the UN Relief Works Agency (UNRWA) already provides 'protection or assistance' to the refugees, the international community has thus not only excluded the largest portion of the world's refugee population from the protection that only UNHCR can give but has also excluded the global refugee protection agency from being a key player in finding solutions to one of the oldest unsettled refugee problems in the world.

We need to ask the broader humanitarian community, therefore, why Palestinian refugees are treated so systematically differently from all of the world's other refugee groups. On what grounds are Palestinians' rights to housing and property restitution so casually ignored? Is it because the challenge is so immense, that UNHCR risks failure from the start? Is it because large parts of the international community know that the extremist position taken by Israel towards Palestinian refugees is so entrenched that finding solutions for the refugees in a manner that is consistent with their rights is simply unachievable? Or is it because the international community simply cannot be bothered with such a difficult refugee population when UNHCR is preoccupied with financial crises and internal morale problems?

There can be no prospect of a workable peace agreement until the return and property restitution question is properly addressed. Indeed, this is a major lesson of all post-conflict situations throughout the world: address restitution issues head on, and more likely than not peace will hold. Ignore it, and the war that was so hard to stop in the first place will be much more likely eventually to re-ignite.

The Palestinians are hardly trying to break new ground. The right to return and the right to restitution of property have a long legal history, and have been most recently actualized in such places as Bosnia, Kosovo, Mozambique, South Africa, Tajikistan and throughout eastern and central Europe. The US has often provided political and financial backing for restitution. Nobody has done more to enshrine the establishment of the right to restitution of property than Jewish groups of

Holocaust victims. Through phenomenal organization and determination they have helped ensure that hundreds of thousands of people have been rightly allowed to return to, regain control over or to be compensated for property illegally confiscated during the Second World War.

The failure to address this issue in the case of Palestinian refugees means that there is no real movement forward and no reason to hope that the next agreement, whenever it is, can last. Unresolved housing, property and land disputes almost always have a nasty way of causing the next conflict, wherever this may be. So to ignore this question in the final status talks between Israel and Palestine - whenever these may occur - would be a recipe for future disaster.

From the outside, it appears almost impossible for the average Israeli to come to terms with the fact that Israel has had to commit decades of human rights violations and other crimes in its attempt to create a so-called Jewish State (recalling that one million Israeli citizens are Palestinians). However, citizens of other nations have had to acknowledge crimes committed by their own governments, whether these were committed long ago or in recent years. For Israel to survive as a nation at peace with its neighbours, Israelis and Jews everywhere need to recognize that stealing the homes, lands and properties of millions of innocent people is a price too high for the world to accept, and that this unprecedented theft is something that will never be forgotten by those who are still waiting for restitution.

Permanent peace will come when discrimination ceases and tolerance returns, systems of apartheid-style governance and military occupation are no longer accepted, and just and equitable solutions are found to meet the reasonable demands of Palestinians to return to their original homes. Bringing UNHCR into the process would be one more step likely to make Palestinian restitution rights a reality.

*The entire article was originally published in Forced Migration Review 16. Reprinted with permission. ([www.fmreview.org](http://www.fmreview.org)).*

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## Israel Wins the World's Worst Housing Rights Violators Award - 2002

*Centre on Housing Rights and Evictions (COHRE)*

The Geneva based *Center on Housing Rights and Evictions* (COHRE) has identified the countries guilty of most consistently abusing and defying international housing rights law in 2002 for its new annual Housing Rights Violators Award. Israel is among the ten states chosen to receive the award.

The list of the top ten housing rights violators includes BURMA (Myanmar), COLOMBIA, CROATIA, GUATEMALA, INDIA, ISRAEL, PAKISTAN, USA and ZIMBABWE. The countries were selected on the basis of reliable data which confirmed the widespread occurrence of housing rights violations in recent years with a particular focus on the previous twelve months.

Over the past two years Israel has continued with impunity to violate international human rights and humanitarian law. International human rights organizations have denounced the brutal policies of the Israeli government, including the practice of house demolition, a war crime under the Geneva Conventions of 1949. Israel fails to abide by its obligations under all international human rights conventions, such as the

International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of all Forms of Racial Discrimination; the International Covenant on Civil and Political Rights, a.o.

On the other hand, COHRE was able to identify a number of governments with outstanding performance in the area of housing rights in 2002. "BRAZIL, EAST TIMOR and SOUTH AFRICA exemplify what can be done when the political will of governments is genuinely applied toward protecting human rights and safeguarding human dignity. Emerging from violent and repressive histories, these three governments have taken notable steps in redressing the human rights abuses of the past."

*The Centre on Housing Rights and Evictions (COHRE) is an international, non-governmental human rights organization whose mission is to promote and protect the full enjoyment of economic, social and cultural rights for everyone, everywhere, with a particular focus on the human right to adequate housing and preventing forced evictions. For more information on the COHRE Housing Rights Violator Awards Project, please feel free to contact COHRE via: [www.cohre.org](http://www.cohre.org).*

### House Demolition, Land Confiscation, and Ongoing Displacement



Demolition of Palestinian homes and confiscation of land inside the 1967 occupied Palestinian territories and in 1948 Palestine/Israel continues to result in new cycles of internal displacement. According to B'tselem, Israel demolished 104 Palestinian homes in the 1967 OPTs for punitive reasons between 1 October 2002 and 5 March 2003. According to UNRWA and various press reports, [ ] refugee shelters were destroyed during the same period. Inside 1948 Palestine/Israel, more than 35 Palestinian homes were demolished for administrative reasons. Areas affected included Bedouin villages in the Naqab, Palestinians in the mixed cities of Jaffa, Lydda, and Ramle, as well as northern villages in the Galilee. In Kafr Qasem, the Israel Lands Administration (ILA) destroyed 17 homes in a single day (2 March 2003). The Interior Ministry also destroyed a mosque in Tel al-Mileh in the Naqab. Land confiscation also continues unabated. In October 2002, the Israeli

military destroyed olive trees and expropriated hundreds of dunums belonging to Palestinians from the Triangle area inside 1948 Palestine/Israel. In February 2003, Israel issued expropriation orders for 14 dunums of land in Bethlehem. In both cases, the expropriated land is being used to facilitate the construction of Israel's new 'apartheid wall' that roughly follows the 1949 armistice line ('Green line') separating Israel proper from the 1967 occupied Palestinian territories.

**Sources:** B'tselem ([www.btselem.org](http://www.btselem.org)); UNRWA ([www.unrwa.org](http://www.unrwa.org)); LAW ([www.lawsociety.org](http://www.lawsociety.org)); and, Arab Human Rights Association ([www.arabhra.org](http://www.arabhra.org)).

# Palestinian Public Perceptions on Their Living Conditions The Role of International and Local Aid during the second Intifada

(Excerpts)

Report Prepared by the Graduate Institute of Development Studies (IUED)  
University of Geneva



*In March 2003, the Graduate Institute of Development Studies at the University of Geneva, published its 5th report on the Role of International and Local Aid during the second Intifada. The 156-page report includes information on the socio-economic conditions of Palestinians in the 1967 occupied Palestinian territories, food, health and education, women and children, assistance, UNRWA, and the impact of aid and Palestinians' perceptions.*

*Like previous IUED reports, the material includes information specific to refugees and by area of residence (i.e., camps, villages, and cities). Below is a short summary of some of the key findings concerning Palestinian refugees in the 1967 occupied Palestinian territories. The study is based on a representative sample of 1,377 Palestinians over the age of 18, interviewed face-to-face in early November 2002.*

## Income

The income of households in the West Bank has been very significantly hit by the severe closure and Israeli military occupation. Between November 2001 and November 2002, the number of households with an income ranging between NIS 2000-3000 [US\$ 420-630] decreased from 32% to 14% in the West Bank (non-camp) and from 37% to 23% in the West Bank refugee camps. In return, West Bank non-camp households with an income ranging between NIS 500-1600 [US\$ 105-335] increased from 26% in November 2001 to 40% in November 2002. For West Bank camp residents, this proportion of households in this category increased from 38% to 44%. Finally, the proportion of West Bank non-camp households with an income of less than NIS 500 increased from 9% in November 2001 to 14% in November 2002.

On the other hand, households in the Gaza Strip, particularly those residing in the refugee camps, have a lower level of income than households in the West Bank. Moreover, as was the case in the West Bank, a drop of income has also affected households in the Gaza Strip. Whereas in November 2001, 26% of Gaza non-camp households and 14% of Gaza camp households had an income ranging between NIS 2000-3000, this proportion decreased respectively to 14% and 10%. Finally, it is worth noting that out of all the places of residence in the occupied Palestinian territory, the highest proportion of households with a very low income was found in the Gaza refugee camps (25%).

## Poverty

Analysis of the poverty rate according to the place of residence, clearly points to a higher level of poverty and extreme poverty in the Gaza Strip (including its refugee camps) than in the West Bank. Jerusalem is characterized by a low poverty rate (8%) and almost no hardship cases. Meanwhile, in the Gaza Strip (non-camp) the poverty rate stands at 79%, of which 35% are hardship cases. In the West Bank (non-camp), the poverty rate reaches 62% with 27% hardship cases. Within the West Bank and the Gaza Strip, there is no significant difference regarding the poverty rate between refugee camps and non-refugee camps, albeit that the rate of hardship cases is much higher inside Gaza refugee camps (44%) than outside Gaza refugee camps (35%).

From a more general point of view, there are no differences between villages and cities regarding the risk of poverty and extreme poverty, but that this risk is much higher in refugee camps. Indeed, the poverty rate in refugee camps stands at 75% compared to 60% in cities and villages. Furthermore, whereas the rate of hardship cases reaches 39% in refugee camps, it is about 25% in cities and villages. As could be expected, refugees are more likely to be poor than non-refugees. The poverty rate of the former is 68% whereas it is 57% for the latter. However, the difference in hardship cases is less significant 29% compared to 27%.





## Mobility

Under such conditions, it is not surprising to see that 56% of the respondents declared it was difficult or very difficult for them, or for their family members to go to work. 14% declared that this was almost impossible. Villagers have been particularly hit by mobility restrictions as a result of their isolation and their inability to reach the work place. Indeed, 20% of them emphasized that it was almost impossible for them to go to work in the past 12 months and 61% stated that it was difficult or very difficult, whereas the rates were respectively 9% and 57% for cities and 17% and 43% for refugee camp residents.

The effects of mobility restrictions were felt in some places more than others. West Bank refugee camp residents were the most affected from this point of view as 31% of the respondents declared that it was almost impossible to go to work and 69% said that it was difficult and very difficult. When examining the ability of Palestinians to go to work according to area of residence, it is clear that the West Bank suffered the most over the past 12 months and has been affected very negatively by mobility restrictions as compared to the Gaza Strip and Jerusalem. 59% of the Gaza Strip respondents (including Gaza refugee camps) said that it was not difficult to go to work, whereas almost all the West Bank

respondents had some difficulties to go to work during that period.

## Expectations about the Future

Gathering information about people's expectations for the future is another important element to gauge a population's perception of their economic and social situation. In general, when interviewees were asked how they expected poverty to evolve in the next six months, the large majority of 78% responded that they expected poverty to increase. There are, however, important differences in opinion according to the place of residence of the respondents. West Bank respondents, whether residing in camps (90%) or outside camps (81%), are far more pessimistic about the future than compatriots in the Gaza Strip, whether residing in camps (68%) or outside camps (70%). The higher level of pessimism among West Bank respondents regarding the future evolution of poverty is most likely a result of the extremely strenuous closure policy and the higher level of military occupation that residents in the West Bank had to deal with over the past months. Finally, it is important to note the extraordinary high level of pessimism in Jerusalem, where 95% of the respondents expected poverty to increase in the next six months.

## Employment

It is a well-known fact that traditionally unemployment has been higher in the Gaza Strip than in the West Bank. Indeed, analysis of labor force participation according to place of residence in last year's report (Bocco, Brunner, Daneels and Rabah 2001:41), revealed that whereas 28% of Gaza non-camp residents and 40% of Gaza camp residents were unemployed, this was the case for 26% of West Bank non-camp residents and 24% of West Bank camp residents. A closer look at the unemployment, however, reveals not only that since November 2001, generally, unemployment has increased in every place in the occupied Palestinian territory (except for Gaza Strip refugee camps), it also indicates that the unemployment rate has increased much faster in the West Bank than in the Gaza Strip.

A similar trend towards mass unemployment is also observed when analyzing the employment situation according to refugee status. 26% of the refugee respondents declared to be employed full-time and 18% said that they were unemployed. Among non-refugees, the rates were respectively 22% and 18%. In fact, unemployment increased much faster among non-refugees, as in November 2001 only 12% of them were unemployed compared to 17% of the refugee respondents (Bocco, Brunner, Daneels and Rabah 2001:42).

When looking at the duration of unemployment of breadwinners according to location, it is clear that the rate of long-term unemployment is the higher in the Gaza Strip (44%) than in the West Bank (25%). The rate of breadwinners who have been unemployed for more than 12 months is especially high in the Gaza Strip refugee camps (58%). Long-term unemployment is also much higher in the West Bank refugee camps (37%) than in the West Bank outside camps (23%).

Finally, when examining the change in the employment situation according to residence, the results point to a far more stable employment situation in the cities than in camps and villages. 61% of the respondents in cities maintained the same job, compared to 52% of the respondents in refugee camps and 39% of the respondents in the villages. Furthermore, whereas 28% of the respondents in cities lost their employment, this is the case for 34% of the camp respondents and 33% of the villagers.

## Coping Strategies

The ability to cope financially in the coming period varies considerably depending on the place of residence of the respondents. Inhabitants from Gaza refugee camps are in the most difficult situation as 32% of these respondents stated that they were in a serious condition and do not have enough to live on, and 44% said that they can barely manage. Meanwhile, it seems that non-camp Gaza residents are in a relatively better position, even compared to camp and non-camp residents in the West Bank. 20% of Gaza non-camp respondents stated that they do not have enough money to live on, and 36% of them stated that they could barely manage. In comparison, 20% of West Bank non-camp respondents and 16% of West Bank camp respondents said that they do not have enough money to live on, while 42% of the former and 45% of the latter said that they can barely manage.

The reduction of daily expenses is more widely used in some places compared to others. Nearly 80% of the respondents residing in Gaza refugee camps have reduced their daily expenses, and 84% of the respondents residing in West Bank refugee camps have done so. About 68% of non-camp respondents in the West Bank have decreased their daily expenses compared to 69% of the non-camp residents in the Gaza Strip. It is also worth mentioning that only about half (49%) of the Jerusalemite respondents have reduced their daily expenses. For more respondents residing in cities (54%) their monthly income remains sufficient than for respondents in villages (38%) and refugee camps (28%). In contrast, more respondents in villages (41%) and refugee camps (36%) seem to have nothing to rely on than respondents in cities (32%).

It is also worth noting that while consumption has sharply decreased everywhere it was particularly alarming in the Gaza refugee camps where 70% of the respondents answered they reduced the consumption of dairy products and 77% the consumption of meat; the rates were respectively 60% and 68% in the Gaza Strip, 52% and 69% in the West Bank and 57% and 63% in the West Bank refugee camps.

*The report was written by Riccardo Bocco, Matthias Brunner, Isabelle Deneels, Frédéric LaPeyre, and Jamil Rabah. The study was funded by SDC - Swiss Agency for Development and Cooperation, UNDP, UNICEF, UNRWA and the UN World Food Program. Copies of the IUED reports are available at the IUED website, [www.iued.unige.ch/information/publications/rapp\\_palestine.html](http://www.iued.unige.ch/information/publications/rapp_palestine.html)*

# Refugee Assistance



*Israel's military reoccupation, attacks, and siege of the 1967 occupied Palestinian territories (OPTs) continues to place severe strains on the ability of UNRWA to provide for the basic, let alone emergency, needs of Palestinian refugees. In November 2002, UNRWA announced that it was planning the region's largest ever food aid program in order to stop the advance of malnutrition in the 1967 OPTs. During the first half of 2003, UNRWA plans to distribute food parcels to 222,000 families, or some 1.3 million people, an increase of 20-fold over the period just prior to the beginning of the second intifada in September 2000.*

## 2003 Emergency Appeal

In December 2002, UNRWA issued yet another appeal to the international community to fund emergency operations in the 1967 OPTs for the first 6 months of 2003. The appeal covers emergency food, medical, health, and social assistance aid, job creation, and housing reconstruction and repair.

As already mentioned, UNRWA expects to provide food assistance to some 1.3 million refugees. Based on previous experience, the Agency expects that the average number of dwellings requiring repair in the Gaza Strip will be 45 per month. In the Gaza Strip an average of 38 refugee shelters per month have been completely demolished or damaged beyond repair since January 2002. If the Israeli military maintain the same policies, UNRWA predicts that by the end of June 2003, 304 houses will have been destroyed. Some 5,500 refugee shelters have been destroyed by Israeli military forces since the beginning of the second *intifada*.

Additional emergency assistance is required for medical care and education. There has been a 61 percent increase in the number of home deliveries and a 35 percent drop in the proportion of infants below six months of age completing immunization programs in the period from 2000 to 2002. The number of miscarriages has increased by 135 percent. Approximately 20 percent of patients are curtailing their stay in hospital, because they can not afford the cost.

Additional funding is required for lost teacher and student days due to curfew and closure. In the occupied West Bank, 72,571 teacher days were lost in the last school year, almost 14 times as many as the year before, while in the Gaza Strip 162,175 teacher days were lost since the beginning of the second *intifada*. Emergency funds are also required for psychosocial support. Of 531 students in UNRWA's West Bank schools who were given counseling, for example, 99 exhibited aggressive behaviour, 55 others complained of fear and anxiety attacks, 40 were excessively agitated, 21 stuttered and 28 complained of bedwetting.

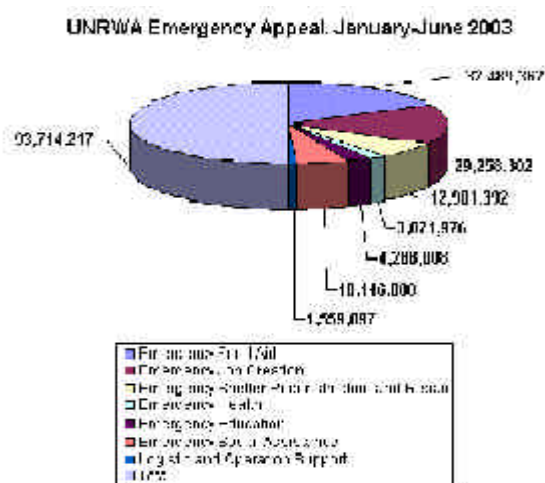


## Funding

Despite overwhelming needs among the refugee population, UNRWA continues to face severe funding shortfalls. These shortfalls are particularly disturbing given the massive amount of resources that is being marshaled to wage a new war against Iraq, which will likely lead to greater refugee flows in the region.

According to Peter Hansen, UNRWA Commissioner General UNRWA, "We are scraping the bottom of every barrel and stretching every dollar we have, but without immediate donations our emergency operations are going to grind to a halt. The cutbacks come at a time when the uncertain regional situation makes it ever-more imperative that we maintain a lifeline to the refugees in the territories. And yet the paradox is that our emergency funding for the year may be threatened because donors are holding back to see what is needed in Iraq." (Press Release, HQ/G/01/2003, 10 February 2003)

In February 2003, UNRWA Commissioner-General Peter Hansen warned that the Agency's emergency activities in the 1967 occupied Palestinian territories would run out of resources at the end of March unless donations were received immediately from the international community. As of mid-February UNRWA had yet to receive donations towards the US\$94 emergency appeal for the first 6 months of 2003. By mid-March, however, the Agency announced that it had received contributions that would enable it to continue essential food assistance, but other emergency needs, including shelter reconstruction, emergency health services, and psychosocial support services remain badly underfunded.



Source: UNRWA Emergency Appeal Fact Sheet, 10 December 2002.

Due to the lack of resources, UNRWA has been forced to cut the size of rations, lay off 1,600 emergency staff, and stop payments for refugee hospitalization. UNRWA also warned that other urgent humanitarian operations, including re-housing refugees whose homes have been destroyed by the Israeli military, will also have to be cancelled.

### Top 13 Donors to UNRWA Regular and Project Budgets, 2001

Donor Country	2001 Contributions (US\$)
United States	114,781,440
UK and Northern Ireland	41,754,577
Sweden	21,365,899
Netherlands	21,284,298
Japan	16,535,138
France	16,235,388
Denmark	13,922,300
Norway	12,476,060
Germany	10,992,530
Italy	10,960,719
Germany	9,157,751
Spain	8,988,555
Canada	8,835,800
Switzerland	7,743,640

Source: Derived from UNRWA (Includes contributions to the regular budget and projects budget. EU contributions are included with individual EU member state contributions).

**Top 13 Donors to UNRWA Emergency Appeals as of 31 October 2002**, Emergency Funds include 4 October 2000 Flash Appeal, 8 November 2000 Emergency Appeal, February 2001 Emergency Appeal, June 2001 Emergency Appeal, 2002 Emergency Appeal and Supplementary Appeal. Includes value of in-kind contributions.

Donor Country	Confirmed contributions (US\$)
US	66,302,259
UK	31,440,794
UAE Red Crescent	27,000,000
Netherlands	22,947,567
Italy	6,995,218
Germany	6,276,724
Sweden	5,471,797
Switzerland	5,329,273
Denmark	5,273,748
Belgium	5,242,125
France	5,095,186
Islamic Development Bank	5,000,000
Norway	4,934,078

Source: UNRWA (Figures are for confirmed donor contributions. ECHO contribution is included in individual European state contributions. US contribution includes USAID).

# In Memoriam

List of 393 Palestinian victims of Israeli violence between 1 October 2002 and 31 March 2003. In total 100 of those killed were age 18 and under. Between 29 September 2000 and 31 March 2003, 1800 Palestinians, including 16 inside Israel, have been killed by Israeli security forces. Sources: Jerusalem Media and Communication Center.

**Between 29 September 2000 and 31 March 2002, 477 Israeli civilians were killed and 222 members of the Israeli security forces. Source: Bt'selem.**

Hisham Naim al-Halayqah, 32, Shyouchk  
Husan Naim al-Halayqah, 32 Shyouchk  
Atiyye Ahmad Halyqah, 25, Shyouchk  
Ala' Atef al-Ayadeh, 22, Shyouchk  
Abdul Kareem Bassam al-Sa'di, 16, Jenin RC  
Ghassan Fares al-Qshbi, 27, Nablus  
Ashour Mohammad Shunbari, 24, Beit Hanoun  
Baher Abdul Raouf Eid, 22, Boureen  
Hussein Abdul Jabbar al-Najjar, 22, Boureen  
Mohammed Abdul Razeq, 8, Tulkarem  
Abdul Salam Fawzi Simrein, 12, al-Bireh  
Ahmad Ibrahim Radwan, 18, Tulkarem  
Isam Mithqal Hamzeh, 34, Beitounia  
Issa Abdul Hafeth Ismail, 28, Ramallah  
Yaseen Nassar, 50, Gaza  
Jaber Abdallah al-Harazeen, 40, Gaza  
Mohammed Mahmoud Kashko, 45, Gaza  
Abdul Rahman Hamdan, 40 Gaza  
Issa Atiyye Barakeh, 35, Gaza  
Nashat Ghaleb Abu Jbara, 26, Tulkarem  
Mahmoud Aref Hasis, 51, Jenin  
Gharam Mohammed Manna', 14 months, Tahriyye  
Sami Atallah Abdul Aal, 26, Rafah  
Musaed Abu Ajweh, 18, Deir al-Balah  
Khader Taleb Thyab, 24, Tulkarem  
Mahmoud Hamzeh Zaghloul, 11, Balata RC  
Rami Khalil Barbari, 12, Nablus  
Abdul Fatah Salout, 40, Gaza  
Rahmah Hasan Salamah, 45, Gaza  
Samer Nawrasi, 45, Jenin  
Issa Breiki, 51, Nablus  
Hani Ben Manneh, 23, Aqraba  
Abdul Fattah Sallout, 40, Khan Younis  
Rahima Hasan Ali Salameh, 50, Khan Younis  
Haytham Musa Abdul Naja, 27, Khan Younis  
Osama Mohammed, 23, Khan Younis  
Jamal Fathi Mhareb, 18, Khan Younis  
Ihab Hilmi Theeb Khalaf, 22, Khan Younis  
Ahmad Abdul Raouf al-Astal, 17, Khan Younis  
Mohammed Hasan al-Astal, 15, Khan Younis  
Ayman Mohammed Saqer, 35, Khan Younis  
Abdullah Waleed Sabah, 16, Khan Younis  
Mohammed Mustafa Sadeq, 20, Khan Younis  
Mohammed Farah Shalouleh, 23, Khan Younis  
Fares Abdul Naser Zaqqouq, 17, Khan Younis  
Nidal Kifah Breikh, 17, Khan Younis  
Maysa' Imad Zanoun, 12, Rafah  
Mohammed Hashem al-Astal, 23, Khan Younis  
Mahmoud Joudeh al-Astal, n/a, Khan Younis  
Mohammed Musa Ashour, 16, Rafah  
Ahmad Fouad Radwan, 15, Rafah  
Tha'er Salah al-Hout, 12, Rafah  
Ihab Fathi al-Mughayyar, 18, Rafah  
Bader Rasheed Amro, 30, Jenin  
Tawfiq Husam Breikah, 18 months, Rafah  
Ibrahim Yousef al-Ghoti, 26, Rafah  
Yusra Yousef Sawalheh, 40, Kufr Rai  
Mohammed Ishtewe Ubeyyat, 27, Bethlehem  
Ayman Hadyan al-Akhras, 27, Rafah  
Ashraf Omar Daoud al-Jaltah, 27, Rafah  
Waseem Ahmad Saba'neh, 23, Jenin  
Nafe' Abdul Qader Musa, 24, Jenin  
Ahmad Salam Asfour, 55, Jenin  
Ayman al-Ghoul, n/a, Rafah  
Samira Abu Jazar, n/a, Rafah  
Fatmeh Abu Jazar, n/a, Rafah  
Saeed Abdul Ati Abu Obeid, n/a, Rafah  
Shayma' Abu Shamaleh, n/a, Rafah  
Ahmad Salameh Abu Ja'far, 16, Jenin  
Tawfiq Breikeh, 60, Rafah  
Fawwaz Amro, 30, Bethlehem  
Salem Abdul Qader al-Sha'er, 13, Rafah  
Fuad Abu Ghali, 24, Jenin  
Ahmad Majed 'Anbas, 16, Tulkarem

Asem Sidqi Sawaftah, 19, Toubas  
Ayed Baker Mansour, 25, Kufr Qalleel  
Ashraf Mansour, 21, Ramallah  
Hamad Sami Abu Hilal, n/a, Rafah  
Ismail Sabri al-Masri, 18, Khan Younis  
Hasan Zurob, 36, Khan Younis  
Hamed al-Sader, 32, Nablus  
Ahmad Othman, 26, Rafah  
Sami Abel Abdul Salam, 20, Bureij RC  
Mohammed Izzat Amoum, 19, Bureij RC  
Suleiman Ali Miqdad, 20, Nuseirat  
Imad Ali Mabrouk, 25, Nablus  
Mohammad Mahmoud Qaddoura, 22, Tulkarem  
Wajdi Mohammed Suleiman, 18, Jabalia RC  
Abdul Rahman Hamdleh, 19, Jabalia  
Aref Bsharat, 13, Jenin  
Hada Majdi al-Ghoul, 8, Qalqiya  
Ziyad Abdul Salam Sha'er, 32, Rafah  
Muhammad Hamad Qishta, 22, Rafah  
Akram Nassar, Gaza  
Iyad Shaldan, Gaza  
Mufid al-Boul, Gaza  
Mohammed Salmi, Gaza  
Nidal Farhat, Gaza,  
Ayman Mhanna, Gaza  
Ayman Kamal Abu Zant, 16, Nablus  
Mohammad Samr Takroui, 34, Nablus  
Firas Adeeb Mabroukeh, 22, Nablus  
Riyad Hussein Abu Zeid, 32, Gaza  
Mohammad Sa'id Khader, 27, Gaza  
Khalil al-Baqri, 28, Gaza  
Amer al-Dayeh, 21, Gaza  
Abdul Rahman Fawzi Karraz, 26, Gaza  
Kareem Shaban Bakroun, Gaza  
Mohammed Suleiman al-Mur, 28, Hebron  
Abdul Karim Bakroun, 25, Gaza  
Amer Mahmoud al-Dayyeh, 23, Gaza  
Abdul Rahman Qassas, 25, Gaza  
Ali Abul Kheir, 25, Gaza  
Iyad Abed, 27, Gaza  
Mohammed Salhoub, n/a, Gaza  
Tamer Darweesh al-Qita', 23, Gaza  
Adham Ibrahim Hamdan, 16, Rafah  
Iyad Abu Taha, 17, Rafah  
Ahmad Ramadan, n/a, Nablus  
Omar Qadan, n/a, Nablus  
Iyad Sawalhah, 30, Kufr Rai  
Nafez Khaled Mash'al, 2, Rafah  
Muhammad Abu Naja, 8, Rafah  
As'ad al-Masri, 4, Rafah  
Afkat Abdallah al-Hito, 52, Gaza  
Harb Abu Hilal, 37, Gaza  
Jalal Mohammed Uweijan, 17, Nablus  
Musa Muhareeq, 60, Azzoun  
Samar Tawfiq Shar'ab, 21, Nablus  
Ibrahim Bassam Sa'di, 17, Jenin  
Dyab Mohammed al-Muhtaseb, 23, Hebron  
Akram Abdul Muhsen al-Hanini, 21, Hebron  
Wala' Hashem Srour, 21, Hebron  
Tareq Zaghal, n/a, Tulkarem  
Ahmad Jayousi, n/a, Tulkarem  
Sha'ban Shaker, n/a, Tulkarem  
Ziyad Rashed, n/a, Tulkarem  
Ihab Zalaqeh, n/a, Tulkarem  
Omar Qawasmi, 13, Tulkarem  
Abdallh Arafat al-Natsheh, 16, Hebron  
Ahmad Hamad Shtayye, 70, Salem  
Jihad Tahsin al-Faqih, 8, Nablus  
Ala' Ahmad al-Sabbagh, 21, Jenin  
Imad Farouq al-Nasharti, 26, Jenin  
Jihad al-Natour, 24, Askar RC  
Atiyye Eliyyan Rabaya'e, 33, Ubediyya  
Salem Mohammed Shahawan, 23, Khan Younis  
Raji al-Atrash, 3, Hebron

Hatem Rizeq al-Ajaleh, 16, Gaza  
Mahmoud Saleh al-Wazzani, 32, Gaza  
Mahmoud Saleh al-Na'rani, 32, Gaza  
Mahmoud Shaldan, 22, Gaza  
Maher Ramez Fawzi Saqallah, 19, Tulkarem  
Mu'taz Kamal Odeh, 16, Jenin  
Ahmad Hashem Daoud Srour, 23, Hebron  
Sami Kathem Shawar, 23, Hebron  
Mustafa Sabbah, 25, Gaza  
Raed Yahia Ramadan, 31, al-Bureij RC  
Tareq Yahia Ramada, 28, al-Bureij RC  
Mohammed al-Uweini, 26, al-Bureij RC  
Mohammed al-Uweini, 28, al-Bureij RC  
Mohammed Tahrawi, n/a, al-Bureij RC  
Marwan Tahrawi, n/a, al-Bureij RC  
Abdul Minem al-Bahar, n/a, al-Bureij RC  
Hazem Abu Abdo, n/a, al-Bureij RC  
Nahla Abdul Rahman Aqel, 41, Rafah  
Ahmad Abdul Karim al-Majaydeh, 17, Khan Younis  
Azzam Abdul Qader Alawneh, 45, Tulkarem  
Basel Mustafa Mohammed Kou', 19, Tulkarem  
Yasin Saeed al-Agha, 24, Khan Younis  
Usama Hassan Badrah, 27, Balata RC  
Mohammed Adel Abdul Amir al-Astal, 17, Gaza  
Assaf Adel Abdul Amir al-Astal, 16, Gaza  
Mohammed Fahmi al-Astal, 16, Gaza  
Ahmad Fares al-Astal, 17, Gaza  
Ahmad Ayesh al-Astal, 35, Gaza  
Na'el Zuheir Abu Libdeh, 22, Khan Younis  
Newborn baby, Tal village, Nablus  
Mohammed Zuheir Hussein, 18, al-Bureij RC  
Mohammed Mahmoud Udwan, 26, Beit Hanoun  
Abdul Karim Rateb Shbat, 19, Beit Hanoun  
Hasan Farhan Shalouleh, 27, Khan Younis  
Osama Tahrawi, 30, al-Bureij RC  
Eid Abu Hilal, 22, Rafah  
Jawad Zeidan, 15, Khan Younis  
Mohammed Hussein Hashash, 45, Balata RC  
Nada Salibi, 11, Gaza  
Hanin Suud Abu Sitteh, 11, Rafah RC  
Ahmad Fayeze Abu Shamaleh, 21, Gaza  
Muhsen Fouad Jaber, 20, Gaza  
Shaman Hussein Subuh, 28, Birqeen  
Saleh Qash, 30, Birqeen village, Jenin  
Muhammad Fikri Braik, 14, Jabalya RC  
Ibrahim Taleb Abu Hawash, 33, Nablus  
Mahdi Samir Abu Obeid, 17, Ramallah  
Bassam al-Ashqar, n/a, Ramallah  
Muhammad Khalil Abu al-Rub, 35, Qabatia  
Salim Mirwash, 65, Tulkarem  
Assem Muhammad al-Sussi, 19, Gaza  
Muhammad Ashoor, 16, Nablus  
Ala Nahed al-Hilou, 20, Gaza  
Sa'id Nahed al-Hilou, 19, Gaza  
Munther Marwan Safadi, 25, Gaza  
Abdul Rahim Abul Naja, 28, Rafah  
Naser Abu Safiyya, 32, Nablus  
Mohammad Rabih, al-Saber, 16, Nablus  
Thaer Mohammad Zakameh, 24, Jenin  
Walid Mohammad Issa Amro, 35, Dura  
Ahmad Munir Abu Zahra, 17, Nablus  
Ahmad Aub Zahra, 55, Nablus  
Mohammad Aref Yousef Ofeh, 23, Tulkarem  
Ahmad Khaled Najar, 23, Tulkarem  
Mus'ab Abdullah Kafameh, 20, Gaza  
Tarek Muhammad Abu Rahmeh, 28, Gaza  
Sami Muratada Halawah, 43, Nablus  
Walid Majed al-Masri, 23, Nablus  
Ahmad Abed Afanah, 17, Beit Hanoun  
Mahmoud Mohammad Hawileh, 27, Beit Hanoun  
Mohammad al-Kahlout, 21, Beit Hanoun  
Ayman Abu Sharar, 22, Beit Hanoun  
Wael Gharbawi, 31, Beit Hanoun  
Bara' Fayeze Afifi, 17, Beit Hanoun

Mahmoud Mohammad Abu Zaher, 16, Khan Younis  
 Yousef Attiyeh Abu Sharia, 18, Gaza  
 Naser Samer Ja'arah, 14, Nablus  
 Muayyad Mustafa Salameh, 22, Tulkarem  
 Fathi Abu Jbara, 60, Qalqilya  
 Ala' Jawdat Abu Sharkh, 23, Nablus  
 Ahmad Abu Alwan, 13, Rafah  
 Muhammad al-Aloul, 27, Beit Hanoun  
 Mahmoud Miri Abdul Hadi, 25, Khan Younis  
 Abed Rabbo Deeb al-Assar, 55, Khan Younis  
 Abdul Rahman Mustafa Jadallah, 9, Khan Younis  
 Aziza al-Qaseer, 51, Rafah  
 Jamal Nader, 29, Nablus  
 Hanin Abu Suleiman, 9, Khan Younis  
 Abdul Karim Yasser Salameh, 10, Tulkarem  
 Asem Fouad Abdul Rahman, 37, Faqoua  
 Jamal Zuheir Yousef Ziyara, 20, Nablus  
 Ibrahim Issa Farajallah, 20, Bureij RC  
 Omran Abdul Ghani Hamdiyye, 18, Hebron  
 Hasan Abu Saeed, 38, Hebron  
 Tariq Ziad Dawwas 15, Jabalia RC  
 Mohammed Atiyye Dawwas, 14 Jabalia RC  
 Jihad Jum'a Abed, 13, Jabalia RC  
 Abdul Fattah Abdul Rahman Khleif, 90, Azzoun  
 Abdul Rahman Samer Abu Baker, 10, Nablus  
 Iyad Mohammed Abu Zayed, 25, Gaza  
 Nasim Hassan Abu Mleih, 22, Zawaydeh  
 Baker Mohammed Khadourah, 21, Mghazi RC  
 Ayman Hneidek, 30, Khan Younis  
 Ahmad Muwaffaq Ajaj, 18, Sayda  
 Basman Omar Alloush, 18, Askar RC  
 Abdul Latif Wadi, 28, Khan Younis  
 Mohammed Kaware', 16, Khan Younis  
 Abdul Rahman al-Najjar, 21, Khan Younis  
 Hazem Adnan Fannoun, 27, Hebron  
 Abdul Lateef Wadi, 27, Beit Hanoun  
 Ali Thaher Nassar, 45, Nada Towers (Gaza)  
 Jamal Mahmoud Abul Qumboz, 18, Shujayyia  
 Karam Taysir al-Mghanni, 20, Shujayyia  
 Rami Mustafa Ali Abu Baker, 24, Juneid  
 Iyad Salem Abu Shaer, 12, Gaza  
 Muhyiddin Mubarak, 16, Tulkarem  
 Hazza' Shadeed, 17, Allar  
 Ribhi Hosni Zakameh, 45, Qabatia  
 Ammar Eilyyan, 26, Gaza  
 Mahmoud Ahmad Amer Turkman, 20, Jenin RC  
 Nour Eddin Ahmad Zkreikat, 27, Hebron  
 Hasan Yousef Fayyad, 19, Jabalia RC  
 Muhammad Salim Suleiman, 24, Maghazi RC  
 Suad Joudallah, 45, Nablus  
 Abdullah Joudallah, Nablus  
 Ayman Hinnawi, Nablus  
 Ashraf Samih Kheil, 22, al-Zaytoun  
 Mohammad Rashad Obeid, 25, Gaza  
 Mohammed Akram Nakhalleh, 21, Gaza  
 Wisam Fayeze Hasan, 21, Gaza  
 Mustafa Zuheir Rahami, 25, Gaza

Rami Fathi Issa, 25, Gaza  
 Ala' Zuheir Khalifeh, 21, Sheikh Radwan  
 Iyad Bader Jibril, 20, Gaza  
 Kahled Ali Shalouf, 17, Gaza  
 Yousef Daghmash, 20, Gaza  
 Ahmad Fayyouri, 24, Gaza  
 Ahmad Shehadeh Abed, 25, Gaza  
 Ahmad Taysir Awad, 25, Badras  
 Sami Zo'rob, 50, Rafah  
 Ali Talab Ghariz, 7, Rafah  
 Said Mohammad Madi, 17, Rafah  
 Mohammad Salameh, Gaza  
 Sabreen Salameh, 14, Gaza  
 Mohammed Subhi al-Fuqaha', 24, Toubas  
 Yousef Amer Sa'di, 25, Jenin RC  
 Nidal Kastoni, 25, Jenin RC  
 Rashad Bassam Orabi, 25, Jenin RC  
 Nahed Abu Dahrouj, 18, Gaza  
 Munir Mursi, 26, Jabaliya  
 Fayeze al-Jaber, 30, Tulkarem  
 Badi' Qa'qour, 21, Tulkarem  
 Eyad Khalil Mousa, 23, Jenin RC  
 Hasan Ahmad Abu Saleh, 52, Jenin RC  
 Tamer Majdi al-Abed Khdeir, 15, Gaza  
 Abdul Rahman Harb al-Harini, 45, Yatta  
 Salem Abed Qdeih, 65, Khan Younis  
 Zuheir Ata Abu Shab, 40, Khan Younis  
 Kamleh Sa'yed, 65, Maghazi RC  
 Ridah Ahmad Husein Ganem, 20, Imateen  
 Aref Omar Bsharat, 11, Tamoun  
 Sami Khaled Fouad al-Zorba, 17, Nablus  
 Abdul Kareem Labbad, 26, Gaza  
 Omar Hassan, 21 Gaza  
 Mohammed Mahmoud Hanani, 19, Beit Foureek  
 Ahmad Abdul Kareem Hamad, 21, Tal  
 Abdul Baqi Mohammed Abdul Baqi, 25, Salfit  
 Majid Salibi, 35, Khan Younis  
 Mustafa Ibrahim Udwan, 11, Khan Younis  
 Hajja Suad Hamed, 65, Khan Younis  
 Tareq Sa'di Aqel, 13, Nuseirat RC  
 Maher Khamis al-Rifai, 24, Bureij RC  
 Walid Abdallah al-Khatib, 24, Bureij RC  
 Mohammad Ali al-Babeli, 22, Nuseirat RC  
 Rami Yousef Awad, 21, Bureij RC  
 Fayed Fayeze al-Hawajri, 19, Nuseirat RC  
 Mutasem Hamed Aqel, 24, Bureij RC  
 Nuha Sabri al-Maqadmeh, 40, Bureij RC  
 Mohammed Hasan Ali Issa, 24, Nablus  
 Basel Ali Hasan Abbas, 22, Tulkarem  
 Hisham Mohammad Amer, 18, Jenin  
 Abdullah al-Ashhab, 80, Gaza  
 Mohammad Shihdeh al-Bayari, n/a, Jabalia RC  
 Ihab Ahmad Nabhan, n/a, Jabalia RC  
 Nael Mohammad Abu Seedo, n/a, Jabalia RC  
 Naji Ismail Abu Jalileh, n/a, Jabalia RC  
 Abdul Karim Zyadeh, n/a, Jabalia RC  
 Mohammed Manar Abu Wardah, n/a, Jabalia RC

Muhsen Awad Abu Odeh, n/a, Jabalia RC  
 Ibrahim Jamal al-Madhoun, n/a, Jabalia RC  
 Hamdi Othman al-Abed, n/a, Jabalia RC  
 Mohammad Jamal Muhsen, n/a, Jabalia RC  
 Thaeir Jabbar Rihan, n/a, Jabalia RC  
 Osama Mohammad Ahmad al-Isis, 26, Bethlehem  
 Khayriyye Mahmoud Alawneh, 48, Jaba' (Jenin)  
 Majid Salibi, 35, Khan Younis RC  
 Dr. Ibrahim Ahmad Maqadmah, 53, Jabalia RC  
 Khaled Hasan Juma', 30, Jabalia RC  
 Abdul Rahman Zuheir al-Amoudi, 29, Shati RC  
 Ala Odeh Shukri, 30, Tuffah Quarter (Gaza)  
 Mufid Sa'id al-Deifi, 23, Jabalia RC  
 Mahmoud Hussein al-Zeinati, 35, Jabalia RC  
 Ribhi Ubeid, 45, Tulkarem  
 Hafez al-Rajabi, 24, Tulkarem  
 Rami Sa'id al-Ashqar, 20, Sayda  
 Baker Nayef Bani Odeh, 23, Tamoun  
 Imad Nayef Bani Odeh, 25, Tamoun  
 Mohammed Ghazi Abu Ghazi, 23, Tamoun  
 Amin Ali Saed Bsharat, 20, Tamoun  
 Sami Fathi Mustafa Bsharat, 24, Tamoun  
 Samir Saleh Mahrat, 23, Jabalia  
 Yousef Ahmad Mashraqah, 20, Jenin RC  
 Watheq Ahmad Ighbariyeh, 20, Jenin RC  
 Rabi' Faraj Sharqawi, 17, Zababdeh  
 Ribhi Abu Khalil, 21, Ateel  
 Ibrahim Omar Mnaizel, 20, Ateel  
 Jihad Samir Abu Rabi', 18, Jalazon RC  
 Rami Taleb al-Ashqar, 20, Saida  
 Saleh Abu 'Itaiwi, 41, Nuseirat RC  
 Saleh Abu 'Itaiwi, 17, Azoun  
 Ahmad al-Najjar, 43, Tal al-Sultan  
 Muhammad Issa Abdel Hadi, 18, Khan Yunis RC  
 Hanan Assar, 2, Nuseirat RC  
 Fadi Darwish 13, Nuseirat RC  
 Omar Abu Yusef, 17, Nuseirat RC  
 Ibrahim Othmani, 22, Nuseirat RC  
 Said al-Tawil, 25, Nuseirat RC  
 Muhammad Sa'afin, 28, Nuseirat RC  
 Iyad Abu Zureiq, 18, Nuseirat RC  
 Naser Asideh, n/a, Nablus  
 Ali Allan, 28, Bethlehem  
 Nabil Hamad Dweidar, n/a, Nuseirat RC  
 Wa'el Barhoum, 25, Khan Younis  
 Ahmad Abbad Abahre, 14, Jenin RC  
 Muwwafaq Abdul Razeq Badwan, 50, Beit Jala  
 Christine George Saadeh, 10, Bethlehem  
 Ala Ayyad, 25, Bethlehem  
 Nader Jawarish, 25, Bethlehem  
 Hakam Bassam Nassar, 14, Jenin  
 Iyhab Jirress, 21, Beit Hanoun  
 Iyad Sayyad, 30, Beit Hanoun  
 Mohammed Ghneim, 20, Tulkarem RC  
 Mohammed Darwish, 17, Askar  
 Mahmoud Mashharawi, 23, Shujayya  
 Mahmoud Najjar, 22, Jabalia

# Resources on refugees

## Forthcoming BADIL Publications

***Survey of Palestinian Refugees and Internally Displaced Palestinians 2002.*** This new publication by BADIL provides basic historical and current information on Palestinian refugees and internally displaced persons. The Survey includes 6 chapters covering the historical circumstances of Palestinian displacement, population, legal status, socio-economic profile, international protection and assistance, and durable solutions. The Survey will be published annually by BADIL Resource Center.

Available in English and Arabic.

For early orders contact, [admin@badil.org](mailto:admin@badil.org)

***Proceedings of the Third Annual Meeting of the Global Palestine Right of Return Coalition.*** Includes working papers submitted to the third annual meeting of the Global Palestine Right of Return Coalition held in Copenhagen, December 2002. The publication also includes a summary of discussions and debate as well as the final statement issued by the Coalition. Arabic with English summaries.

For early orders contact, [admin@badil.org](mailto:admin@badil.org).

## New BADIL Publications

***Experiencing the Right of Return, Palestinian Refugees Visit Bosnia.***



This 20 video documents a study visit of a delegation of Palestinian refugees to Bosnia-Herzegovina in June 2002. The delegation, comprised of refugees from Palestine/Israel, Lebanon, Jordan, Syria, and Europe traveled to Bosnia in order to understand: What was done and how? What didn't work and why? What are the lessons for Palestinians and their struggle for the implementation of the right of return and real property restitution?

**Producer** (Copyright): BADIL Resource Center.

**Technical Production:** ISIS for Audio-Visual Production.

**Director:** Alexander Goekjian. Palestine, 2002.

Available in English and Arabic.

For orders contact, [admin@badil.org](mailto:admin@badil.org).

***Jerusalem 1948, The Arab Neighborhoods of the City and their Fate During the War.*** Salim Tamari (ed.) 2nd Revised and Expanded Edition. Published by BADIL Resource Center and the Institute for Jerusalem Studies, 2002.



The revised and expanded version includes a new chapter on photographs of Jerusalem before the 1948 war. ISBN 0-88728-274-1.

For orders contact, IPS-Beirut, [ipsbrt@cyberia.net.lb](mailto:ipsbrt@cyberia.net.lb), or [www.palestine-studies.org](http://www.palestine-studies.org).

**UNHCR, Palestinian Refugees, and Durable Solutions.** *BADIL Information & Discussion Brief No. 7.* This brief, previously published in English (August 2002) provides an overview of the UNHCR vis-à-vis Palestinian refugees. The Brief examines the unique and complex relationship between UNHCR and Palestinian refugees as set forth in the 1950 Statute of the UNHCR and the 1951 Convention Relating to the Status of Refugees and raises questions about a UNHCR role concerning international protection and the search for and implementation of durable solutions for Palestinian refugees based on a review of UNHCR's mandate, operational experience, and political environment. Arabic and English. For orders contact, [admin@badil.org](mailto:admin@badil.org).



***Internally Displaced Palestinians, International Protection, and Durable Solutions.*** *BADIL Information & Discussion Brief No. 9* (November 2002).



One of the often neglected groups of internally displaced persons (IDPs) in the Middle East is internally displaced Palestinians. While internally displaced Palestinians inside 1948 Palestine/Israel and in 1967 occupied Palestine comprise

a small percent of the global Palestinian refugee population, they face many of the same problems as refugees. This includes the lack of national and international protection, denial of durable solutions - i.e., return, housing and property restitution, and compensation, and the absence of an international body or mechanism to provide protection and search for durable solutions. The first part of the brief provides a short overview of the different categories of internally displaced Palestinians and population estimates. The remaining part of the brief examines protection of Palestinian IDPs during displacement, protection from displacement and durable solutions, and mechanisms for protection and implementation of the right of return and housing and property restitution. The brief concludes with a number of recommendations for international actors, non-governmental organizations, and Israel. The 1998 Guiding Principles on Internal Displacement provides the legal foundation for the brief. For orders contact, [admin@badil.org](mailto:admin@badil.org). Available in English and Arabic.

***Al-Quds 1948: al-ahya' al-'arabiyah wa-masiruha fi harb 1948.*** Salim Tamari (ed.). Published by



BADIL Resource Center and the Institute for Palestine Studies, 2002. ISBN 9953-9001-9-1. To order contact IPS-Beirut, [ipsbrt@cyberia.net.lb](mailto:ipsbrt@cyberia.net.lb), or [www.palestine-studies.org](http://www.palestine-studies.org).

## Resources from other Publishers

### **Access Denied: Palestinian Land Rights in Israel**

Hussein Abu Hussein and Fiona McKay



The struggle for land has been a key element of the conflict between Jews and Arabs in Palestine for the past hundred years. While international attention focuses on Israeli settlements in the West Bank and Gaza Strip, legally outside Israel's boundaries, there is another dimension to the land question altogether. Nearly one-fifth of Israel's population is Palestinian. This book examines how Israeli land policy today inhibits access to land for its own Arab citizens even within the 1948 boundaries of the state of Israel.

Its authors - one a Palestinian lawyer and Israeli citizen, the other a British international human rights lawyer who worked in Israel for many years - examine the system of land ownership, the acquisition and administration of public land, and the control of land use through planning and housing regulations. The book reveals that the law is used to discriminate against non-Jewish citizens and restrict Israeli Palestinians' access to land. The authors demonstrate that Israeli land policies breach international human rights standards and that these standards could be used as a basis to challenge discriminatory policies.

The book may be ordered from Zed Books,  
[www.zedbooks.demon.co.uk](http://www.zedbooks.demon.co.uk)

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### **Beer Sheba and Gaza Map 1948**

Palestine Land Society



Second Edition, February 2003

This map, covers an area which has been largely unknown or misunderstood. It provides information 77 Bedouin clans in the Beer Sheba and Gaza area, including their location in 1948, their expulsion, their current place of refuge and their land claims. The map is based on travellers and military maps before WWI, British Mandate maps, papers of the Beer Sheba District Officer Aref al-Aref, information from Beer Sheba Societies in Gaza, Jordan and Israel, and personal interviews. Scale 1:120,000. Size: 70 x 100 cm.

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# Documents

This section includes recent statements from refugee community organizations, human rights organizations, and other relevant documents related to Palestinian refugee rights.

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**1. Final Statement: Issued by the Third Annual Meeting of the Palestine Right of Return Coalition, Copenhagen, 12 - 15 December 2002**

**2. High Commissioner for Refugees (UNHCR), 10 October 2002. Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian refugees**

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## 1. Final Statement

**Issued by the Third Annual Meeting of the Palestine Right of Return Coalition, Copenhagen, 12 - 15 December 2002**

*The third annual meeting was held between 12 -15 December based on the invitation issued by BADIL Resource Center in coordination with the Danish-Palestinian Friendship Association and the Right-of-Return Committee-Denmark and in consultation with all Coalition members in Palestine, Syria, Lebanon, Jordan, Europe and the United States.*

*Participants discussed the working papers submitted by the committees and organizations and, following evaluation of the previous year, suggested a program of action for the year 2003.*

### 1. Political Statement

The 2002 meeting was convened in the shadow of ongoing Israeli aggression, including atrocities committed against Palestinian children, women and men. Destruction of homes and refugee camps, uprooting of trees and Israel's policies of extra-judicial killing, detention and segregation of Palestinian cities, villages and refugee camps threaten the security of the Palestinian people and have resulted in serious economic, social and political hardship. Israeli war crimes, although blatant violations of all UN resolutions on the question of Palestine, are committed with the backing of the US Administration. More so, the US Administration continues to provide Israel with murderous military equipment. At the same time, the official international community refrains from condemning Israeli violence and repression, thereby affirming the lack of recognition of the inalienable rights of the Palestinian people, in particular the right of return and restitution in accordance with UN Resolution 194.

We call upon the international community to increase its pressure on Israel, to force it to stop its policies of aggression and end its occupation, and to send an international protection force to Palestine, in order to guarantee respect of international law and UN resolutions.

Delegates to the third annual meeting of the Palestine Right-of-Return Coalition extend their greetings to the Palestinian people and embrace their steadfastness in the struggle against occupation - including their rejection of all efforts at causing internal division or fragmentation of the national identity - and for our national rights, freedom, independence and return. Our people has proven, by means of the heroic intifada, that our cause unites historical Palestine and the exile and that it is not possible to divide and fragment our national cause and ignore our legitimate rights.

The current intifada, triggered by the ongoing occupation and humiliation of the Palestinian people, affirms that co-existence with the Israeli occupation is not an option. The colonialist and racist character of the Zionist project is illustrated by the

occupation and forceful displacement of our people, and we affirm that there will be no peace in the Middle East without a guarantee for the refugees' right to return to their homes.

We reject all agreements that do not provide for the implementation of the right of return and condemn the statements issued on occasions - in response to US-American and Israeli pressure - by Palestinian personalities to the effect that the right of return is negotiable. These persons have not been authorized by the Palestinian people to make concessions on our right of return.

We affirm all international law and resolutions, in particular UN General Assembly Resolution 194, which we consider the framework for the solution.

We call upon our people in the homeland and in exile in Arab countries and elsewhere, to focus activities on the right of return by establishing committees to defend the right of return and by developing activities that strengthen the refugee movement as one of the national pillars of the PLO.

We call upon Arab progressive forces and parties to organize conferences and activities in support of Palestinian refugees' right of return to their homes.

We call upon Arab host countries to support the steadfastness of the Palestinian people and to facilitate organizing and mobilizing for the right of return. Our special call goes to the Lebanese authorities to lift all measures restricting the lives of the Palestinian refugees, and to strengthen their rejection of re-settlement and emigration by letting them enjoy their civil and social rights until they return to their homes.

We extend our warm greetings to all those international forces, parties, committees and individuals, who strongly stand with our people's rights, especially its right of return. We call upon the Palestinian communities in the countries of exile to cooperate with this international solidarity movement in building an international position in support of the right of return.

The delegates extend their greetings of solidarity to the Iraqi people exposed to US-American animosity and aggression and condemn all US policies directed against the land and the people of Iraq.

### 2. Organizational Recommendations

The delegates to the third annual meeting of the Palestine Right-of-Return Coalition call upon:

- BADIL to continue coordination of these annual meetings.
- The Right-of-Return Committees in Denmark and Sweden to contribute to the establishment of additional right-of-return committees in European countries.
- The Right-of-Return Committee - Denmark to establish and administer a special Return Fund and to collect contributions towards the next (fourth) annual meeting.



- All committees and organizations, members of the Palestine Right-of-Return Coalition to widely share in advance information about public events and conferences organized locally, regionally and internationally. This information should be forwarded to Palestine Remembered ([webmaster@PalestineRemembered.com](mailto:webmaster@PalestineRemembered.com)) and BADIL ([camp@badil.org](mailto:camp@badil.org)) who will centralize this information on a special bulletin-board on their websites: [www.PalestineRemembered.com](http://www.PalestineRemembered.com) and [www.badil.org](http://www.badil.org). All committees and organizations are encouraged to inform themselves of upcoming events and ensure participation of its members, in order to raise the issue of Palestinian refugees' right of return.

- Right-of-Return Committees in the country hosting the annual Coalition meetings to coordinate and contribute to the logistic preparations of the respective meeting.

- To adopt the principle of consultation and coordination regarding projects of material and non-material aid to Palestinian refugees. Such coordination between Coalition partners in the sending and the receiving area is vital both in the stage of need identification and during efficient delivery of emergency aid to the most needy refugee populations.

### 3. Activity Recommendations

- All Coalition partners are requested to work on/lobby their governments, especially the United States, and the European Union to fulfill their financial commitments towards UNRWA so the latter can implement its obligations towards the Palestinian refugees.

- All Coalition partners are called upon to work on organizing and coordinating visits of delegations, including youth, media, politicians and activists, in order to raise the level of awareness about the situation and rights of Palestinian refugees.

- Delegates to the third annual Coalition meeting encourage and support the initiative of the Right-of-Return Committee-Denmark to establish a mobile ethnographic exhibition about destroyed Palestinian villages.

- All Coalition partners are asked for timely responses and feedback to information and requests received from BADIL.

- All Coalition partners are asked to rapidly finalize the debate about a joint Arabic-language magazine so that a final motion can be adopted no later than March 2003.

- Delegates to the third annual meeting support the initiative of centralized and coordinated information gathering and networking, and ask Coalition partners to help grass-roots initiatives utilize PalestineRemembered.com and other tools, including the collection of oral and visual histories.

- All Coalition partners are encouraged to make efforts towards the training of Palestinian cadre in media and public relations work, to support campaigns of Israel boycott and divestment from Israel and the United States, and to increase information and education efforts in order to spread and unify our language about the right of return.

- All Coalition partners are called upon to recognize and act on common dates of commemoration, including Nakba Day (15 May) and to help make 2003 the Year of Al-Nakba Awareness and Al-Awda Activism.

#### **Endorsed by:**

Aidun Group - Lebanon

Aidun Group - Syria

Association for the Defense of the Rights of the Internally Displaced, 1948 Palestine/Israel

**50 March 2003**

BADIL Resource Center for Palestinian Residency and Refugee Rights, Palestine

Committee for the Defense of Palestinian Refugee Rights, Palestine

Coordination Forum of NGOs Working among the Palestinian Community, Lebanon

High Committee for the Defense of the Right of Return, Jordan  
Palestine Right To Return Coalition (<http://Al-Awda.org>)

Palestine Right-of-Return Coalition, Europe

Popular Committees in the West Bank and Gaza Refugee Camps, Palestine

Union of Youth Activity Centers - Palestinian Refugee Camps, Palestine

Union of Women's Centers - West Bank Refugee Camps, Palestine  
194 Group, Lebanon.

## **2. High Commissioner for Refugees (UNHCR), 10 October 2002**

### *Note on the Applicability of Article 1D*

### **of the 1951 Convention relating to the Status of Refugees to Palestinian refugees**

#### **Article 1D of the 1951 Convention:**

*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 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.*

### **A. INTRODUCTION**

1. The 1951 Convention relating to the Status of Refugees (hereinafter "the 1951 Convention") contains certain provisions whereby persons otherwise having the characteristics of refugees, as defined in Article 1A, are excluded from the benefits of this Convention. One such provision, paragraph 1 of Article 1D, applies to a special category of refugees for whom separate arrangements have been made to receive protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR). In today's context, this excludes from the benefits of the 1951 Convention those Palestinians who are refugees as a result of the 1948 or 1967 Arab-Israeli conflicts, and who are receiving protection or assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

2. While paragraph 1 of Article 1D is in effect an exclusion clause, this does not mean that certain groups of Palestinian refugees can never benefit from the protection of the 1951 Convention. Paragraph 2 of Article 1D contains an inclusion clause ensuring the automatic entitlement of such refugees to the protection of the 1951 Convention if, without their position being definitively settled in accordance with the relevant UN General Assembly resolutions, protection or assistance from UNRWA has ceased for any reason. The 1951 Convention hence avoids overlapping competencies between UNRWA and UNHCR, but also, in conjunction with UNHCR's Statute, ensures the continuity of protection and assistance of Palestinian refugees as necessary.<sup>1</sup>

## **B. PALESTINIAN REFUGEES WITHIN THE SCOPE OF ARTICLE 1D OF THE 1951 CONVENTION**

3. UNHCR considers that two groups of Palestinian refugees fall within the scope of Article 1D of the 1951 Convention:

(i) Palestinians who are "Palestine refugees" within the sense of UN General Assembly Resolution 194 (III) of 11 December 1948 and other UN General Assembly Resolutions,<sup>2</sup> who were displaced from that part of Palestine which became Israel, and who have been unable to return there.<sup>3</sup>

(ii) Palestinians who are "displaced persons" within the sense of UN General Assembly Resolution 2252 (ES-V) of 4 July 1967 and subsequent UN General Assembly Resolutions, and who have been unable to return to the Palestinian territories occupied by Israel since 1967.<sup>4</sup> For the purposes of the application of the 1951 Convention, both of these groups include persons who were displaced at the time of hostilities, plus the descendants of such persons.<sup>5</sup> On the other hand, those individuals to whom Articles 1C, 1E or 1F of the Convention apply do not fall within the scope of Article 1D, even if they remain "Palestine refugees" and/or "displaced persons" whose position is yet to be settled definitively in accordance with the relevant UN General Assembly resolutions.<sup>6</sup>

4. A third category of Palestinian refugees includes individuals who are neither "Palestine refugees" nor "displaced persons", but who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the Palestinian territories occupied by Israel since 1967 and are unable or, owing to such fear, are unwilling to return there. Such Palestinians do not fall within the scope of Article 1D of the 1951 Convention but qualify as refugees under Article 1A(2) of the Convention, providing that they have neither ceased to be refugees under Article 1C nor are excluded from refugee status under Articles 1E or 1F.<sup>7</sup>

## **C. THE APPLICATION OF ARTICLE 1D OF THE 1951 CONVENTION**

5. If it is determined that a Palestinian refugee falls within the scope of Article 1D of the 1951 Convention, it needs to be assessed whether he or she falls within paragraph 1 or paragraph 2 of that Article.

6. If the person concerned is inside UNRWA's area of operations and is registered, or is eligible to be registered, with UNRWA, he or she should be considered as receiving protection or assistance within the sense of paragraph 1 of Article 1D, and hence is excluded from the benefits of the 1951 Convention and from the protection and assistance of UNHCR.

7. If, however, the person is outside UNRWA's area of operations, he or she no longer enjoys the protection or assistance of UNRWA and therefore falls within paragraph 2 of Article 1D, providing of course that Articles 1C, 1E and 1F do not apply. Such a person is automatically entitled to the benefits of the 1951 Convention and falls within the competence of UNHCR. This would also be the case even if the person has never resided inside UNRWA's area of operations.<sup>8</sup>

8. The fact that such a person falls within paragraph 2 of Article 1D does not necessarily mean that he or she cannot be returned to UNRWA's area of operations, in which case, once returned, the person would fall within paragraph 1 of Article 1D and thereby cease to benefit from the 1951 Convention. There may, however, be reasons why the person cannot be returned to UNRWA's area of operations. In particular:

(i) He or she may be unwilling to return to that area because of

threats to his or her physical safety or freedom, or other serious protection-related problems; or

(ii) He or she may be unable to return to that area because, for instance, the authorities of the country concerned refuse his or her re-admission or the renewal of his or her travel documents.

9. The rationale behind "returnability" to effective protection has been developed in the context of addressing irregular movements of refugees, including through Executive Committee Conclusion No. 15 (XXX) (1979) on Refugees Without an Asylum Country and Executive Committee Conclusion No. 58 (XL) (1989) on the Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in Which They Had Already Found Protection.

## **D. REGISTRATION WITH UNRWA**

10. UNRWA was established pursuant to UN General Assembly Resolution 302 (IV) of 8 December 1949 to "carry out in collaboration with local governments [...] direct relief and works programmes" for Palestine refugees and 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>9</sup> Since 1967, UNRWA has also been authorized to assist certain other persons in addition to Palestine refugees. In particular, UN General Assembly Resolution 2252 (ES-V) of 4 July 1967 endorsed the efforts of UNRWA to "provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities". Subsequent UN General Assembly Resolutions have endorsed on an annual basis UNRWA's efforts to continue to provide such assistance.<sup>10</sup>

11. UNRWA has decided, for its working purposes, that a "Palestine refugee" is 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".<sup>11</sup> This "working definition" has evolved over the years,<sup>12</sup> and is without prejudice to the implementation of relevant UN General Assembly Resolutions, in particular paragraph 11 of Resolution 194 (III) of 11 December 1948.<sup>13</sup>

12. Persons registered with UNRWA include: "Palestine refugees", as defined by the Agency for its working purposes; persons currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities; descendants by the male line of the aforementioned persons; and certain other persons.<sup>14</sup> UNRWA's operations are currently limited to five areas, namely, Jordan, Syria, Lebanon, the West Bank and the Gaza Strip.<sup>15</sup>

13. The question whether a Palestinian is registered, or is eligible to be registered, with UNRWA will need to be determined individually. In cases where this is unclear, further information can be sought from UNRWA.<sup>16</sup>

## **E. CONCLUSION**

14. UNHCR hopes that this Note clarifies some pertinent aspects of the position of Palestinian refugees under international refugee law, and that it serves as useful guidance for decisionmakers in asylum proceedings.

*Office of the United Nations High Commissioner for Refugees (UNHCR)  
October 2002*

## Endnotes

1. A similar provision to Article 1D of the 1951 Convention is contained in UNHCR's Statute, paragraph 7(c) of which stipulates that the competence of the High Commissioner shall not extend to a person who "continues to receive from other organs or agencies of the United Nations protection or assistance".

2. The term "Palestine refugees", while never explicitly defined by the UN General Assembly, almost certainly also encompasses what would nowadays be called internally displaced persons. See, for example, UN Doc. A/AC.25/W.45, *Analysis of paragraph 11 of the General Assembly's Resolution of 11 December 1948*, 15 May 1950, Part One, paragraph 1: "During the debate preceding the adoption of [UN General Assembly Resolution 194 (III) of 11 December 1948], the United Kingdom delegation, which had sponsored the draft resolution, stated in reply to a question that the term 'refugees' referred to all refugees, irrespective of race or nationality, provided they had been displaced from their homes in Palestine. That the General Assembly accepted this interpretation becomes almost certain if it is considered that the word 'Arab', which had preceded the word 'refugees' in the first two texts of the United Kingdom draft resolution [...] was omitted in the final text which was approved by the Assembly. [...] According to the above interpretation the term 'refugees' applies to all persons, Arabs, Jews and others who have been displaced from their homes in Palestine. This would include Arabs in Israel who have been shifted from their normal places of residence. It would also include Jews who had their homes in Arab Palestine, such as the inhabitants of the Jewish quarter of the Old City. It would not include Arabs who had lost their lands but not their houses, such as the inhabitants of Tulkam." For further analysis of the term "Palestine refugees", see, for example, UN Doc. W/61/Add.1, *Addendum to Definition of a "Refugee" Under paragraph 11 of the General Assembly Resolution of 11 December 1948*, 29 May 1951; UN Doc. A/AC.25/W.81/Rev.2, *Historical Survey of Efforts of the United Nations Commission for Palestine to secure the implementation of paragraph 11 of General Assembly resolution 194 (III). Question of Compensation*, 2 October 1961, section III.

3. The UN General Assembly resolved in paragraph 11 of Resolution 194 (III) 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". In the same paragraph, the General Assembly instructed the United Nations Conciliation Commission for Palestine (UNCCP) to "facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation". The General Assembly has since noted on an annual basis that UNCCP has been unable to find a means of achieving progress in the implementation of paragraph 11 of Resolution 194 (III). See, most recently, General Assembly Resolution 56/52 of 10 December 2001, which notes that the situation of the Palestine refugees continues to be a matter of concern and requests UNCCP to exert continued efforts towards the implementation of that paragraph.

4. Essentially two groups of Palestinians have been displaced from the territories occupied by Israel in 1967: (i) Palestinians originating from East Jerusalem, the West Bank and the Gaza Strip; (ii) "Palestine refugees" who had taken refuge in East Jerusalem, the West Bank and Gaza Strip. UN General Assembly Resolution 2452 (XXIII) A of 19 December 1968 and subsequent General Assembly Resolutions have called for the return of these "displaced persons". Most recently, General

Assembly Resolution 56/54 of 10 December 2001 reaffirms the "right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967", expresses deep concern that "the mechanism agreed upon by the parties in Article XII of the Declaration of Principles on Interim Self-Government Arrangements on the return of displaced persons has not been effected", and expresses the hope for "an accelerated return of displaced persons".

5. The concern of the UN General Assembly with the descendants both of "Palestine refugees" and of "displaced persons" was expressed in UN General Assembly Resolution 37/120 I of 16 December 1982, which requested the UN Secretary-General, in cooperation with the Commissioner-General of UNRWA, to issue identity cards to "all Palestine refugees and their descendants [...] as well as to all displaced persons and to those who have been prevented from returning to their home as a result of the 1967 hostilities, and their descendants". In 1983, the UN Secretary-General reported on the steps that he had taken to implement this resolution, but said that he was "unable, at this stage, to proceed further with the implementation of the resolution" without "significant additional information [becoming] available through further replies from Governments" (paragraph 9, UN Doc. A/38/382, *Special Identification cards for all Palestine refugees. Report of the Secretary-General*, 12 September 1983).

6. For example, a Palestinian referred to in paragraph 3 of this Note may be considered by the competent authorities of the country in which he or she has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country, in which case he or she would be excluded from the benefits of the 1951 Convention in accordance with Article 1E. Moreover, many Palestinians have acquired the nationality of a third country and any claim they make for recognition as a refugee should, therefore, be examined under Article 1A(2) of the 1951 Convention in relation to the country of their new nationality. In certain cases, the Palestinian origins of such persons may be relevant to the assessment of whether they are outside the country of their new nationality owing to well-founded fear of being persecuted "for reasons of" race, religion, nationality, membership of a particular social group or political opinion.

7. There is no consensus whether Palestinians who have not acquired the nationality of a third country are stateless, but many States consider that such Palestinians are stateless in the sense of Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons and assess their claims for refugee status under Article 1A(2) of the 1951 Convention accordingly. It should be noted that Article 1(2)(i) of the 1954 Statelessness Convention provides that the 1954 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 protection or assistance so long as they are receiving such protection or assistance".

8. For example, a descendant of a "Palestine refugee" or of a Palestinian "displaced person" may never have resided in UNRWA's area of operations, and also not fall under Articles 1C or 1E of the 1951 Convention.

9. UN General Assembly Resolution 302 (IV) of 8 December 1949 directs UNRWA to consult with the UNCCP "in the best interests of [UNRWA's and UNCCP's] respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948". UN General Assembly Resolution 393 (V) of 2 December 1950 further instructed UNRWA to "establish a reintegration fund which shall be utilized for projects requested by any government in the Near East

and approved by the Agency for the permanent re-establishment of refugees and their removal from relief". The same Resolution authorized UNRWA, as circumstances permit, to "transfer funds available for the current relief and works programmes [and for direct relief to Palestine refugees in need] to reintegration projects". Neither UN General Assembly Resolution 302 (IV) of 8 December 1949 nor any subsequent UN General Assembly Resolution has specifically limited the scope of UNRWA's mandate. Accordingly, UNRWA's mandate has evolved, over the years, with the endorsement of the UN General Assembly. For example, UN General Assembly Resolutions between 1982 and 1993 on the Protection of Palestine refugees called upon UNRWA to play a protection role in the territories occupied by Israel since 1967. The last such resolution was Resolution 48/40 H of 10 December 1993, which urged "the [UN] Secretary-General and the Commissioner-General [of UNRWA] to continue their efforts in support of the upholding of the safety and security and the legal and human rights of the Palestine refugees in all the territories under Israeli occupation since 1967". Subsequent resolutions, including most recently UN General Assembly Resolution 56/56 of 10 December 2001, refer to the "valuable work done by the refugee affairs officers [of UNRWA] in providing protection to the Palestinian people, in particular Palestine refugees".

10. Most recently, UN General Assembly Resolution 56/54 of 10 December 2001 endorses the efforts of UNRWA to "continue to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities".

11. Information provided by UNRWA. As mentioned in endnote 2 above, the UN General Assembly has never explicitly defined the term "Palestine refugees".

12. See, for example, UN Doc. A/1451/Rev.1, *Interim Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 6 October 1950, paragraph 15: "For working purposes, the Agency has decided that a refugee is a needy person, who, as a result of the war in Palestine, has lost his home and his means of livelihood"; UN Doc. A/2717/Add.1, *Special Report of the Director of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 30 June 1954, paragraph 19: "The definition of a person eligible for relief, as used by the Agency for some years, is one 'whose normal residence was Palestine for a minimum period of two years preceding the outbreak of the conflict in 1948 and who, as a result of this conflict, has lost both his home and means of livelihood'; UN Doc. A/8413, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 30 June 1971, footnote 1: "A Palestine refugee, by UNRWA's working definition, is a person whose normal residence was Palestine for a minimum of two years preceding the conflict in 1948 and who, as a result of this conflict, lost both his home and means of livelihood and took refuge, in 1948, in one of the countries where UNRWA provides relief".

13. In establishing UNRWA and in prolonging its mandate, the UN General Assembly has consistently specified that the Agency's activities are without prejudice to the provisions of paragraph 11 of Resolution 194 (III) of 11 December 1948. See, most recently, UN General Assembly Resolution 56/52 of 10 December 2001, extending the mandate of UNRWA until 30 June 2005.

14. Information provided by UNRWA.

15. Currently, UNRWA's operations are limited to the five areas listed in paragraph 12 of this Note. However, at times, UNRWA has provided assistance to Palestine refugees and other Palestinians registered with the Agency in additional areas of the Near East, including Kuwait, the Gulf States and Egypt.

16. It should be noted that not all "Palestine refugees" residing in UNRWA's area of operations are registered with UNRWA. It should also be noted that Palestinians satisfying UNRWA's eligibility criteria do not necessarily cease to be eligible for UNRWA services if they acquire the nationality of a third country. In fact, many such persons continue to receive UNRWA services, particularly in Jordan.



## About the meaning of al- Majdal

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Al- Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period to the god of luck. Located in the south of Palestine, al- Majdal had become a thriving Palestinian city with some 11,496 residents on the eve of the 1948 war. Al- Majdal lands consisted of 43,680 dunums producing a wide variety of crops, including oranges, grapes, olives and vegetables. The city itself was built on 1,346 dunums. During Operation Yoav (also known as 10 Plagues) in the fall of 1948, al- Majdal suffered heavy air and sea attacks by Israel which hoped to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three quarters of the city's residents, frightened and without protection, had fled to the Gaza Strip. Within a month, Israel had approved the settlement of 3,000 Jews in Palestinian homes in al- Majdal. In late 1949 plans surfaced to expel the remaining Palestinians living in the city along with additional homes for new Jewish immigrants. Using a combination of military force and bureaucratic measures not unlike those used today against the Palestinian population in Jerusalem, the remaining Palestinians were driven out of the city by early 1951. Palestinian refugees from al- Majdal now number over 71,000 persons of whom 52,000 are registered with UNRWA. Like millions of other Palestinian refugees, many of whom live close to their original homes and lands, they are still denied the right to return. Al- Majdal, BADIL's quarterly magazine reports about and promotes initiatives aimed at achieving the Palestinian right of return and restitution of lost property as well as Palestinian national rights in Jerusalem.



## **2003 Year of**



## ***Al-Nakba Awareness & Al-Awda Activism***

**al- Majdal** is a quarterly magazine of BADIL Resource Center that aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues