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Preface

This edition of the Survey of Palestinian Refugees and Internally Displaced Persons (Volume VI) focuses on Palestinian refugees and internally displaced persons in the period between 2008 and mid-2009. Statistical data and estimates of the size of this population are updated until the end of 2008.

The need to overview and contextualize Palestinian refugees and IDPs 61 years after the Palestinian Nakba (Catastrophe) and 42 years after Israel’s belligerent occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip, could not be more urgent. Not only do Palestinian refugees and IDPs continue to constitute the largest and longest-standing unresolved case of refugees and displaced persons in the world today, but their numbers continue to grow in light of Israel’s policies and practices that result in more forcible displacement of Palestinians in Israel and the Occupied Palestinian Territory (OPT).

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

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

A professional review of the methodology used to estimate the current Palestinian refugee and IDP population was undertaken to guarantee data accuracy and reliability. Existing statistical data, including findings from the 2007 census conducted in the OPT by the Palestinian Central Bureau of Statistics, have been reviewed and updated, while hundreds of supplementary sources have been used to collate and document the phenomenon of ongoing forced displacement and related statistical, legal and political matters. Nonetheless, in the absence of systematic monitoring and comprehensive registration of all displaced Palestinians, it remains difficult, and is sometimes impossible, to produce accurate statistical data reflecting the phenomenon. In such cases, the best available illustrative data is provided.

The Survey of Palestinian Refugees and Internally Displaced Persons has been published by BADIL Resource Center since 2002. This edition differs from previous versions in its attempt to present the phenomenon of on-going forced displacement in a systematic manner. A holistic framework is applied for this purpose to Israeli policies and practices which induce the forced displacement of Palestinians on both sides of the 1949 armistice line (“Green Line”). It is our belief that such a framework is required for proper understanding of the root causes of the protracted and on-going phenomenon of forced displacement of Palestinians and effective remedies. In this respect, the Survey complements other information and advocacy materials prepared by BADIL, including the Campaign for Boycott, Divestment and Sanctions against Israel until it abides by international law. Many issues raised in the Survey are addressed in more detail in other BADIL publications, and can be accessed at our website.

BADIL Resource Center
December 2009
# Table of Contents

*Executive Summary*  
*Recommendations*  
*Glossary*  
*Abbreviations*  

## Chapter One: Historical Background and Causes of Palestinian Displacement

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>2</td>
</tr>
<tr>
<td>1.1 Background</td>
<td>3</td>
</tr>
<tr>
<td>Population Transfer and Political Zionism</td>
<td></td>
</tr>
<tr>
<td>1.1.1 British Mandate (1922-1947)</td>
<td>4</td>
</tr>
<tr>
<td>Draft Resolution Referring Certain Legal Questions to the International Court of Justice</td>
<td>7</td>
</tr>
<tr>
<td>1.1.2 <em>Nakba</em> (1947-1949)</td>
<td>9</td>
</tr>
<tr>
<td>Estimates of Palestinian Property and Losses, 1948</td>
<td>11</td>
</tr>
<tr>
<td>1.1.3 Israeli Military Government (1949-1966)</td>
<td>13</td>
</tr>
<tr>
<td>The Systematic Destruction of Palestinian Villages</td>
<td>15</td>
</tr>
<tr>
<td>1.1.4 The 1967 Arab-Israeli War</td>
<td>16</td>
</tr>
<tr>
<td>1.1.5 Occupation, Apartheid, Colonization (1967-2009)</td>
<td>17</td>
</tr>
<tr>
<td>1.2 Root Causes and ‘Triggers’ of Contemporary Forced Displacement</td>
<td>19</td>
</tr>
<tr>
<td>Israel’s Military Assault on the Gaza Strip “Operation Cast Lead”</td>
<td>19</td>
</tr>
<tr>
<td>1.2.1 Excessive and Indiscriminate Use of Force; Deportation; Detention and Torture</td>
<td>19</td>
</tr>
<tr>
<td>1.2.2 Home Demolition and Forced Evictions</td>
<td>20</td>
</tr>
<tr>
<td>1.2.3 Attacks and Harassment by Non-State Actors</td>
<td>22</td>
</tr>
<tr>
<td>1.2.4 Revocation of Residency Rights</td>
<td>23</td>
</tr>
<tr>
<td>1.2.5 Closure and Segregation</td>
<td>24</td>
</tr>
<tr>
<td>Main Israeli Measures of Closure and Segregation</td>
<td>26</td>
</tr>
<tr>
<td>1.2.6 Confiscation and Discriminatory Distribution of Land</td>
<td>27</td>
</tr>
<tr>
<td>1.2.7 Settler Implantation and the Policy of “Judaization”</td>
<td>28</td>
</tr>
<tr>
<td>Vulnerable Palestinian Populations and Areas in Israel at Risk of Forced Displacement</td>
<td>29</td>
</tr>
<tr>
<td>1.3 Secondary Forced Displacement in Host Countries</td>
<td>30</td>
</tr>
<tr>
<td>Appendix 1.1 Estimated Number of Palestinians Displaced, by Period of Displacement</td>
<td>34</td>
</tr>
<tr>
<td>Appendix 1.2 Estimated Area of Palestinian Land Expropriated, by Period of Expropriation</td>
<td>40</td>
</tr>
<tr>
<td>Endnotes</td>
<td>44</td>
</tr>
</tbody>
</table>

## Chapter Two: Population Size, Distribution and Characteristics

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>56</td>
</tr>
<tr>
<td>2.1 The Current Scope of Palestinian Displacement</td>
<td>57</td>
</tr>
<tr>
<td>2.1.1 Data Sources</td>
<td>59</td>
</tr>
<tr>
<td>2.2 Distribution</td>
<td>61</td>
</tr>
<tr>
<td>2.2.1 Refugees in Camps</td>
<td>64</td>
</tr>
<tr>
<td>2.2.2 Refugees Outside of Camps</td>
<td>71</td>
</tr>
<tr>
<td>2.3 Characteristics of the Refugee and IDP Population</td>
<td>72</td>
</tr>
<tr>
<td>2.3.1 Demographic Indicators</td>
<td>72</td>
</tr>
<tr>
<td>2.3.2 Labor Force Indicators</td>
<td>74</td>
</tr>
<tr>
<td>2.3.3 Poverty and Food Insecurity</td>
<td>75</td>
</tr>
<tr>
<td>2.3.4 Housing</td>
<td>76</td>
</tr>
<tr>
<td>2.3.5 Education</td>
<td>78</td>
</tr>
</tbody>
</table>
Chapter Three: PROTECTION

Preface 90

3.1 Protection of Refugees and IDPs: Background 91
   3.1.1 Durable Solutions 92
   Voluntary Repatriation 93
   Successful (Re)integration of IDPs 93
   3.1.2 Full Reparation 93
   Basic Principles and Guidelines on the Rights to a Remedy and Reparation 94

3.2 Israel’s Failure to Protect Palestinians 95
   3.2.1 Israel’s Legal Obligations 95
   3.2.2 UN Resolutions Affirming Israel’s Obligations 99
   3.2.3 Ongoing Forcible Displacement of Palestinians 100
       Arbitrary Displacement 102

3.3 International Protection of Palestinian Refugees and IDPs 104
   3.3.1 International Protection Gaps 104
       3.3.1.1 The Case of Palestinian Refugees 104
       3.3.1.2 The Case of Palestinian IDPs 106
           Palestinians, Statelessness and Protection 106
   3.3.2 Protection Obligations of Host Countries and Countries of Asylum 107
   3.3.3 Protection in Arab Host States 108
       3.3.3.1 Instruments and Standards of the League of Arab States 109
       3.3.3.2 Protection in Practice 109
           The PLO and Refugee & IDP Protection 110
   3.3.4 Protection in State Signatories to the 1951 Refugee Convention 116
   3.3.5 Protection through International Organs, Agencies and Organizations 118
       3.3.5.1 The UN Conciliation Commission for Palestine (UNCCP) 118
       3.3.5.2 The UN Relief and Works Agency for Palestine Refugees (UNRWA) 119
       3.3.5.3 The Office of the UN High Commissioner for Refugees (UNHCR) 122
       3.3.5.4 The Committee on the Exercise of the Inalienable Rights of the Palestinian People 123
       3.3.5.5 UN Human Rights Mechanisms 124
       3.3.5.6 UN Office for the Coordination of Humanitarian Affairs in the OPT (OCHA-OPT) 128
       3.3.5.7 The Inter-Agency Displacement Working Group in the OPT (DWG) 128
       3.3.5.8 International Committee of the Red Cross (ICRC) 129
       3.3.5.9 Accountability Mechanisms 130

Endnotes 132

Chapter Four: HUMANITARIAN ASSISTANCE

Preface 148

4.1 Introduction: Humanitarian Assistance 149

4.2 Israel’s Failure to Assist 150
   4.2.1 Palestinian IDPs in Israel 150

Endnotes 132
Chapter Five: POLITICS AND THE QUESTION OF PALESTINIAN REFUGEES AND IDPs

Preface

5.1 Background: Refugees, IDPs and Peace Agreements

Why are rights-based solutions for Palestinian refugees and IDPs so important for sustainable peace?

5.2 Bilateral and Multilateral Negotiations on the Palestinian Refugee Question

5.2.1 Negotiations concerning the 1948 Palestinian Refugees

1949–1952

1991–2001

5.2.2 Negotiations Concerning the 1967 Refugees

Why have negotiations on the Palestinian refugee question failed?

5.3 Political actors, peace, and the question of Palestinian Refugees

5.3.1 The Palestine Liberation Organization (PLO)

Rights-based vs. Politically-driven Approaches to Palestinian Refugees and IDPs

5.3.2 Israel

Israeli Arguments against Return and the Rights-based Approach

5.3.3 The Quartet

On the Role of the Quartet

5.3.4 The United States

5.3.5 The United Nations

On the Role of the UN Security Council and Secretary General

5.3.6 The European Union

5.3.7 The League of Arab States

5.3.8 The Organization of the Islamic Conference

5.3.9 The African Union and the Non-Aligned Movement

5.4 Civil Society Initiatives for Palestinian Refugee and IDP Rights

5.4.1 Participation by Palestinian refugees and IDPs

5.4.2 Civil Society Initiatives

Voices from the Palestinian Exile

Selected Recommendations from the Fourth National Conference to Defend the Right of Return

Endnotes
List of Tables

Table 1.1: Estimated Number of Palestinians Displaced, by Period of Displacement 3
Table 1.2: Estimated Area of Palestinian Land Expropriated/Confiscated, by Period of Expropriation/Confiscation 3
Table 1.3: Refugee Camps Destroyed in Lebanon 31
Table 2.1: Palestinian Refugees and IDPs by Group 58
Table 2.2: Refugees, asylum-seekers, IDPs, returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR, 1998-2008 60
Table 2.3: Distribution of 1948 Registered Refugees, by District of Origin and Field 64
Table 2.4: UNRWA-registered Refugees, including Refugees in Camps 65
Table 2.5: Population of Palestinian Refugees in Camps (official and unofficial), mid-2008 67
Table 2.6: Percentage of Refugee Population in the OPT by Governorate, 2007 71
Table 2.7: Infant and Child Mortality Rates for Palestinian Refugees (per 1,000 Births) 73
Table 2.8: Refugee and IDPs – Labor Force Participation 74
Table 2.9: Unemployment Rates (%) for Palestinian Refugees and IDPs aged 15+ by Gender and Country 74
Table 2.10: Enrollment Levels (%) of Palestinian Refugees and IDPs in Lebanon, Jordan, Syria, Israel and OPT 78
Table 2.11: Illiteracy (%) among Palestinians aged 15+ by Age Group and Country 79
Table 2.12: Selected Child Health Indicators 81
Table 4.1: Access to Public Education by Palestinian Refugees in UNRWA areas of Operation 153
Table 4.2: UNRWA School Population, Number of Schools, Education Staff and Training Places between 1999 -2008 158
Table 4.3: Access to Government Health-Care Systems for Secondary and Tertiary Care Services 160

List of Figures

Figure 2.1: Percentage Distribution of the Palestinian Population Worldwide by Type of Displacement 57
Figure 2.2: Percentage Distribution of Palestinian Refugees and IDPs by Group, End 2008 58
Figure 2.3: Localities in Israel Hosting 100 or more Palestinian IDPs (1948–1950) 62
Figure 2.4: Estimates of the Palestinian Refugees and IDPs Worldwide, 2008 63
Figure 2.5: Population Pyramid, UNRWA Registered Palestinian Refugees, 2008 73
Figure 2.6: Percentage of Overcrowded Households, 2007 77

List of Maps

Map 1.1: Palestine under British Mandate Administration (1917-1948) 5
Map 1.2: The United Nations Partition Plan for Palestine (1947) and the (1949) Armistice Line 8
Map 1.3: 1948 Depopulated Palestinian Communities and those Remaining 12
Map 1.4: Israel’s Wall and Isolated Palestinian Localities 25
Map 2.1: Palestinian Refugee Communities: Official, Unofficial, Closed, Destroyed, Camps and Housing Projects - 2009 70

Note on Sources

The information in the Survey is compiled from a variety of sources, including published reports, books, United Nations documents, press reports, unpublished materials and data from the Palestinian Central Bureau of Statistics (PCBS). The information presented in the Survey represents the most recent information available to BADIL Resource Center at the time of publication. Because of the nature of Palestinian displacement, registration and enumeration, and technical and political complications related to the collection of information about Palestinian refugees, systematic data and information for all groups of Palestinian refugees and internally displaced persons is not available. The most extensive data and information covers those Palestinian refugees displaced in 1948 and registered with the UN Relief and Works Agency for Palestine Refugees (UNRWA). There is little data and information on Palestinian refugees residing in Europe, North America and other areas outside the Middle East. Systematic data and information is also lacking for internally displaced Palestinians in both Israel and the occupied Palestinian territory.
Executive Summary

Palestinian refugees and internally displaced persons (IDPs) are the largest and longest-standing case of displaced persons in the world today.

Palestinian refugees include those who became refugees in the context of armed conflicts in 1947-1949 (“1948 Palestinian refugees”) and 1967 (“1967 Palestinian refugees”), as well as those who are neither 1948 nor 1967 refugees, but outside the area of former Palestine and unable or unwilling to return owing to a well-founded fear of persecution.

Palestinian IDPs include those who have been internally displaced inside Israel since 1948, as well as those displaced in the OPT since 1967 as a consequence of Israel's practices and policies combining elements of colonization, apartheid and belligerent occupation.

At the end of 2008, there were at least 7.1 million displaced Palestinians, representing 67 percent of the entire Palestinian population (10.6 million) worldwide. Among them were at least 6.6 million refugees and 427,000 IDPs.

1948 Palestinian refugees and their descendants constitute the largest group of refugees (5.7 million). This group is composed of those displaced or expelled from their places of origin because of the Nakba, and their descendants. The Nakba, Arabic for “Catastrophe”, refers to the ethnic cleansing of Palestinians by Zionist militias and the newly established state of Israel between 1947 and 1949.

Today, Palestinian refugees are living in forced exile in many parts of the world. Despite the changes in the pattern of distribution of Palestinian refugees over the last 61 years, the majority of the refugees still live within 100 km of the borders of Israel and the 1967 OPT, where their homes of origin are located.

Most refugees do not live in camps: UNRWA-registered refugees in camps comprise 29.4 percent of the total UNRWA registered refugee population and 20.7 percent of the total Palestinian refugee population. In addition, hundreds of thousands of Palestinian refugees reside in one of at least 17 unofficial camps in the OPT, Jordan, Lebanon and Syria.

Most Palestinian refugees (approximately 79 percent) live outside UNRWA's 58 camps. Many West Bank villages and towns, for example, host a significant refugee population. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50 percent of the total population.

Displacement of Palestinians from their homes and homeland is not a phenomenon relegated to the past. It is an ongoing process that occurs in slow and fast motion on both sides of the Green Line. The years 2008 and 2009, the period which is the focus of this Survey, was no exception.

Israel's military offensive “Operation Cast Lead” against the occupied Gaza Strip at the end of 2008 and beginning of 2009, for example, caused the massive internal displacement of 80-90,000 persons. Excessive and indiscriminate use of force, home demolition and forced evictions, attacks and harassment by non-state actors, revocation of residency rights, closure and segregation, confiscation and discriminatory distribution of land, and settler implantation, have been identified as Israeli policies and practices which constitute the main “triggers” of forced Palestinian displacement on both sides of the Green Line (Israel and OPT). Hundreds of thousands of Palestinians have thus been displaced in and from the OPT since 1967, many suffering multiple displacement.

By 2009, Palestinian communities in the OPT at particular risk of forced displacement include communities in the path of the Wall (498,000 Palestinians in 92 communities), Palestinian Bedouin, Palestinians residing in the...
Jordan Valley, eastern Jerusalem, Hebron, Southern Gaza and the Gaza Strip buffer zone, (which extends from 500 meters to one kilometer in from the Gaza Strip’s border). Among Palestinian citizens of Israel, the Bedouin in the Naqab (Negev) and Palestinian communities in the Galilee and the so-called “mixed cities” are particularly vulnerable to forced displacement.

In light of the historical continuity and systematic character of Israeli policies and practices that displace and dispossess Palestinians within Israel and the OPT, a holistic framework is required for the analysis of Israel’s regime, identification of root causes of forced Palestinian displacement, and effective remedies.

A holistic analysis shows that Palestinian displacement and dispossession are not the result of incidental or isolated occurrences, but rather the consequence of an over-arching Israeli policy designed to consolidate a “Jewish state” in historic Palestine, while severely restricting Palestinian territorial presence in their homeland. In light of this agenda, Israel’s contemporary regime of control over the Palestinian people, those in Israel, the OPT and in exile, should be understood as one that combines occupation, colonization and apartheid.

Under international law, states are the primary parties obliged to provide protection for persons under their sovereignty or jurisdiction. Israel, whose policies and practices constitute gross violations of international human rights law and serious violations of international humanitarian law that have caused massive forcible displacement of Palestinians, per definition, violates its legal obligation to protect and must offer reparations.

Israel’s failure to meet its legal obligations triggers the obligation of the international community to protect the Palestinian people, including the search for rights-based durable solutions for Palestinian refugees and IDPs, and effective remedy and reparation. The international community, however, has largely remained unable or unwilling to understand and respond to the policies and practices of Israel’s illegal regime, to hold Israel accountable to its legal obligations, and to provide effective protection of Palestinians from, during and after displacement.

Durable solutions to refugee flows include repatriation, integration in a host-country, and resettlement in a third state. Of these three solutions, repatriation is most favorable and the only solution based on a recognized right under international law, namely the right to return. Durable solutions for the plight of IDPs are similar, yet since IDPs do not cross borders, these solutions are sought within their country. The key principle governing these solutions is “voluntariness”, that is, well-informed, free and individual choice by refugees and IDPs. Durable solutions also include housing and property restitution, as well as compensation for damages and losses.

In the aftermath of the Nakba, a special international protection and assistance regime was set up for Palestinian refugees composed of the UN Conciliation Commission for Palestine (UNCCP) and the UN Relief and Work Agency in the Near East (UNRWA). The UNCCP was mandated to provide protection to 1948 Palestinian refugees, including the search for durable solutions. UNRWA was mandated to provide humanitarian assistance to 1948 and, later on, 1967 Palestinian refugees in five areas of operation (Lebanon, Syria, Jordan, West Bank and Gaza Strip). A special provision for Palestinian refugees was included as a “safety net” in the 1951 Refugee Convention (Article 1D), in order to ensure that protection and assistance would be available for them through the UN High Commissioner for Refugees (UNHCR), if UNCCP or UNRWA ceased “for any reason” to provide protection or assistance.

In the mid-1950s, the UNCCP effectively ceased to operate. Under the restrictive terms of UNRWA’s mandate, the Agency was not equipped to take over the protection role of the UNCCP, and no replacement mechanism was established to fill the subsequent protection gap. At present, only Palestinian refugees residing outside of UNRWA’s areas of operation are currently offered limited protection by UNHCR. The majority of Palestinian refugees in UNRWA areas of operation receive partial protection through UNRWA health, education and social welfare programs. No international agency is currently mandated to search for durable solutions for all Palestinian refugees.
Palestinian IDPs in Israel do not receive internal protection or assistance since UNRWA ceased to operate within the borders of Israel in the early 1950s. In the OPT, first-line response to internal displacement has been provided by the International Committee of the Red Cross (ICRC) and UNRWA (for displaced refugees), mainly in the form of emergency assistance which has not been complemented by adequate intermediate and long-term responses, including the search for durable solutions for IDPs. Since 2008, an inter-agency Displacement Working Group (DWG) led by the United Nations Office of the Coordinator of Humanitarian Affairs (OCHA) has worked to improve the international protection response to internal displacement in the OPT. These recent efforts have yet to achieve tangible results, in particular in the areas of prevention of new forced displacement, medium and long-term protection and durable solutions.

The protection obligations of states that host Palestinian refugees are enshrined in the 1951 Refugee Convention. In countries signatory to the 1951 Refugee Convention, including Europe and North America, most Palestinians are denied effective protection because national authorities and courts do not (properly) apply the Convention (Article 1D) to them.

Most Arab states, where the majority of Palestinian refugees reside, are not signatories to the Convention. Protection provided under regional instruments is inconsistent and does not meet the international standards, giving rise to discrimination. Ineffective protection and armed conflicts in Arab host countries give rise to secondary forcible displacement of Palestinian refugees.

The U.S.-led war and occupation of Iraq since 2003, for example, has led to a state of perpetual instability and persecution for Palestinian refugees residing in Iraq, forcing over half of the approximately 34,000-strong community to seek safety elsewhere. Additionally, 31,400 Palestinian refugees were displaced from the Nahr el Bared refugee camp in northern Lebanon between May and September 2007, as a result of fighting between the Fatah al Islam group and the Lebanese army. The living conditions of Palestinian refugees in Lebanon have also deteriorated because of the armed conflict.

Living conditions of Palestinian refugees have also declined in the OPT in 2008 and 2009, due to the ongoing conflict and Israel's illegal regime. Refugees in the occupied Gaza Strip have suffered the brunt of this decline as a consequence of Israel's continued military operations, siege and collective punishment, including prevention of access to basic supplies.

International efforts for resolving the Palestinian refugee question continue to be guided by political power-broking and interests, rather than a rights-based approach. The performance-based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (Road Map) has remained the official political framework for international peacemaking, although Israel continues to implement unilateral measures in violation of both the Road Map and international law. These unilateral measures are applied in order to annex de facto the main Jewish colonies (“settlements”) and large areas of Palestinian land (“Areas C”) in the occupied West Bank, and establish a Jewish majority in areas populated by Palestinians, in particular in occupied eastern Jerusalem, but also in the Naqab and the Galilee.

There was no change in the fundamental positions of Israel and the Palestine Liberation Organization (PLO) regarding the parameters of solutions to the Palestinian refugee question. Official political negotiations have remained frozen, if not collapsed, in the face of the positions and policies of the right-wing Israeli government coalition formed in 2009.

Israel continues to advocate for a politically-driven solution which excludes recognition of the right of return of Palestinian refugees, arguing that the latter should be absorbed in Arab host states or re-settled in third countries outside the region. Israeli official and public debate concerning Palestinians in general, and refugees in particular, has increasingly focused on racist demographic notions (i.e., how to maintain a Jewish majority) and segregation (i.e., how to “separate” from the Palestinian population while keeping control of its land).
The PLO has represented the Palestinian people in peace negotiations with Israel since 1991, although its institutions have been largely inactive since the organization's de facto merge with the Palestinian Authority (PA) in the mid-1990s. Since then, the PLO's bargaining power on behalf of Palestinian refugees and IDPs has been weakened by the lack of democratic mechanisms and participation of its constituency, as well as the absence of international law-based third-party mediation or enforcement mechanisms in peace negotiations with Israel. In the period of 2008–2009, official statements by the PLO and the PA have continued to promote a rights-based approach to the refugee question, including a solution in accordance with UN Resolution 194(III) and the rights to return, property restitution and compensation of Palestinian refugees and IDPs. The ability of the PLO, however, to represent the Palestinian people in political negotiations with Israel, has been further undermined by the failure of PLO reform to activate its institutions and incorporate all sectors of the Palestinian people, including its Islamic movement.

In the absence of effective protection of their rights to return, restitution and compensation by governments and the United Nations, Palestinian refugees and IDPs have continued to protect and affect these rights by themselves. The year 2008 marked 60 years since the Nakba, and witnessed the largest Palestinian public commemorations ever both in the borders of historical Palestine and in exile. Civil society and the media abroad engaged in the Nakba 60 commemoration in a way they had never done before, not only in Arab countries, but also in Europe, North America, Australia and elsewhere. For the first time in decades, the Palestinian Nakba featured prominently in major mainstream newspapers published in Europe and North America. Palestinian citizens of Israel have also become increasingly vocal in demanding reform of Israel's political and legal system, including demands for democratization of the state of Israel, and Israel's recognition of its responsibility for the Nakba. These demands have encountered a backlash of repression from the Israeli state, including attempts to outlaw and criminalize Nakba commemoration and education, or any kind of national identification of Palestinian citizens with their brethren in the OPT or Arab world.

While internal political divisions between the two main Palestinian power blocs (Fateh and Hamas) have crippled effective unified political action to achieve Palestinian rights, increased activity on behalf of Palestinian civil society has gained ground, particularly the Campaign for Boycott, Divestment and Sanctions (BDS) against Israel until it abides by international law. This campaign is based on a 9 July 2005 call issued by more than 170 Palestinian civil society networks and organizations, and is inspired by the campaign against apartheid in South Africa.

Dozens if not hundreds of BDS motions and activities have been launched since then by churches, unions, political parties, student bodies, community organizations and solidarity committees in countries of Europe, North America, Africa, Asia, as well as in Israel and the Arab world.

Israel's 2008/2009 military assault on the occupied Gaza strip greatly accelerated the scope and depth of the BDS Campaign, in some cases chalking up significant accomplishments in the form of resolutions, and the canceling of contracts and affiliations with Israeli state bodies or corporations implicated in Israel's oppression of the Palestinian people.

Parallel efforts have been undertaken by local and international human rights organizations and lawyers for accountability to international law and ending Israeli impunity. These initiatives in UN fora and in domestic courts under universal jurisdiction have so far failed to achieve substantive investigation or prosecution, mainly due to political pressure on judges and courts. They have, however, succeeded to convey the message to Israel and the Palestinian victims that impunity will not prevail in the long term.
Recommendations

**General Recommendations**

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

2. **Facilitate Refugee and IDP participation:** the process of clarifying protection gaps and crafting durable solutions should include the refugee and IDP communities in order to strengthen democratic principles and structures, expand the range of solutions, and lend greater legitimacy to peace making. Special emphasis should be accorded to the inclusion of Palestinian refugees outside the OPT and Palestinian IDPs in Israel, including women, children, the elderly and the physically impaired.

3. **Study and address the root causes of the ongoing forcible displacement of Palestinians by Israel:** more than 61 years after the 1948 *Nakba*, a strong effort should be undertaken by civil society and official parties for more awareness of and effective responses to Israel’s system of occupation, apartheid and colonialism which prevents self-determination of the Palestinian people and constitutes the root cause of Israel’s systematic and protracted policy of population transfer. States and the United Nations are called upon to activate mechanisms and resources for this purpose, and re-examine the obstacles to the return, restitution and compensation of all displaced Palestinians, in particular the 1948 Palestinian refugees.

4. **With regard to the State of Israel and the Quartet,** BADIL concurs with the UN Special Rapporteur on Human Rights in the OPT who concluded already in 2006:

“It is pointless […] to recommend to the Government of Israel that it show respect for human rights and international humanitarian law. More authoritative bodies, notably the International Court of Justice and the Security Council, have made similar appeals with as little success as have had previous reports of the Special Rapporteur. It also seems pointless […] to appeal to the Quartet to strive for the restoration of human rights, as neither respect for human rights nor respect for the rule of law features prominently on the agenda of this body, as reflected in its public utterances. In those circumstances, the Special Rapporteur can only appeal to the wider international community to concern itself with the plight of the Palestinian people.”

**International Community, Governments**

1. **Do not recognize or render assistance to the illegal situation resulting from Israel’s colonization and apartheid,** including the Wall, siege and collective punishment of the occupied Palestinian population of the Gaza Strip, Jewish settler implantation and forcible displacement of Palestinians. States must not render assistance in maintaining the illegal situation created by Israel and should consider measures, including sanctions, suspension of cooperation and embargos on arms trade, until Israel complies with international human rights and humanitarian law.

2. **Promote accountability of Israeli suspects of international crimes in domestic courts:** states, party to the Fourth Geneva Convention have a legal obligation to investigate and prosecute Israeli perpetrators of war crimes in the

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territory under their jurisdiction. All states should facilitate the prosecution of international crimes in their domestic courts and ensure that appropriate legislation is adopted for universal jurisdiction. Courts should be allowed to investigate and prosecute without undue political interference by the government or interested parties.

3. **Support rights-based durable solutions**: all members of the international community should support and facilitate solutions for Palestinian refugees and IDPs consistent with international law, relevant UN resolutions and best practice.

4. **Adopt and implement international protection standards**: state signatories to the 1951 Refugee Convention should incorporate Article 1D of the Convention into national legislation, ensure proper interpretation and apply Article 1D to asylum cases involving Palestinian refugees. States should adopt and apply provisions of the 1954 Statelessness Convention in line with the proper interpretation of Article 1D (Refugee Convention) and develop appropriate procedures for the assessment of Palestinian protection claims under the Convention.

5. **Strengthen Arab regional instruments and mechanisms for refugee protection and durable solutions**: members of the League of Arab States should develop existing regional instruments (1965 Protocol on the Treatment of Palestinians, 1992 Cairo Declaration) into a regional refugee convention with the aim of increasing the scope of protection and clarifying the applicable framework for durable solutions for Palestinian refugees. LAS members should also strengthen regional mechanisms to monitor the implementation of relevant regional standards.

6. **Increase financial support for assistance and protection of Palestinian refugees and IDPs**: donor states should increase and provide in a more predictable and stable manner, contributions to UNRWA emergency appeals and the General Fund, in line with the average annual growth rate of the refugee population and the annual weighted average rate of inflation in UNRWA areas of operation. Donors should prioritize programs and organizations that meet international standards for assistance and protection, and assist and protect Palestinians from, during and after displacement.

**United Nations: Member States, Organs and Agencies**

1. **Activate UN accountability mechanisms**: member states should request a second advisory opinion of the International Court of Justice as recommended by the Special Rapporteur on the Situation of Human Rights in the OPT since 1967, in order to determine what are the legal consequences of Israel’s protracted regime of occupation that includes elements of apartheid and colonialism. Member states should also establish new and use existing UN mechanisms for the investigation and prosecution of Israeli perpetrators of international crimes, such as an ad hoc international criminal tribunal or referral to the International Criminal Court, and adopt sanctions against Israel until it corrects the illegal situation.

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

3. **Ensure effective protection of Palestinian refugees, IDPs and those at risk of forced displacement in UNRWA areas of operation**: UNRWA, UNHCR and other relevant bodies should clarify respective mandates and division of protection and assistance roles, in order to develop uniform and effective temporary protection for all Palestinian refugees in the region in accordance with the international standards. Agencies and organizations that are members of the UN-led Protection Cluster in the OPT should improve their protection response by focusing efforts on

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the prevention of forced displacement and on meeting the medium and long-term protection needs of IDPs, in addition to short-term emergency aid. International agencies and organizations should consult and cooperate with Palestinian national institutions, NGOs and community organizations for this purpose.

4. Establish a comprehensive registration system for Palestinian refugees and IDPs: The UN should coordinate action to establish a comprehensive registration system for Palestinian refugees and IDPs for the purpose of international protection, crafting of durable solutions and reparations. A comprehensive registration system should include all categories of Palestinian refugees and IDPs, and record instances of multiple displacement.

5. Facilitate reparation of Palestinian victims, including refugees and IDPs: implement measures and set up mechanisms that facilitate housing and property restitution and compensation by Israel, including documentation of damages incurred by Israel's violations of international human rights and humanitarian law and compensation funds. Immediate action should be taken to ensure that the UN Register of Damages caused by the Wall (UNRoD) undertakes meaningful and comprehensive registration of damages before valuable evidence is destroyed, and that progress reports be made available for the public, including the Palestinian victims.

**Palestine Liberation Organization**

1. Rebuild and activate the representative structures of the PLO: The PLO should reform and re-build structures which represent Palestinians of all political-ideological affiliations in Palestine and the exile, so that all Palestinians, including refugees and IDPs, can fully participate in the quest for self-determination, rights-based durable solutions for Palestinian refugees and just and lasting peace, and so that the PLO leadership can more effectively represent the rights and needs of its constituency.

2. Strengthen the Department of Refugee Affairs: The PLO should strengthen the capacity of the Department of Refugee Affairs in assisting and protecting Palestinian refugees. The PLO should strengthen, and where applicable, establish PLO offices where Palestinian refugees can seek the assistance and protection of their representatives.

3. Protect and promote the rights of Palestinian refugees and IDPs in regional and international fora and in bilateral relations with states: the PLO should promote initiatives for Israel's accountability to international law, including calls for boycotts, divestment and sanctions, criminal investigation and prosecution, reparations for the Palestinian victims and rights-based durable solutions for displaced persons. In the United Nations, the PLO should undertake initiatives under the GA's Uniting for Peace mechanism, reactivate the UN Committee for the Exercise of the Inalienable Rights of the Palestinian People and cooperate with supportive states and organizations for this purpose.

**Civil Society**

1. Raise awareness about the root causes of the conflict and the rights of Palestinian refugees and IDPs; build a rights-based political vision for peacemaking: study and raise awareness of Israel's system of occupation, apartheid and colonialism that prevents self-determination of the Palestinian people and return of displaced Palestinians, and promote application of universal legal principles and best practice to durable solutions for Palestinian refugees and IDPs. Joint efforts should be undertaken for a political vision that can offer rights-based alternatives to the existing models of peacemaking based on racial discrimination, which violate refugee rights and have been ineffective.

2. Intensify public pressure for accountability to international law: more trade unions, professional unions and associations, churches and NGOs worldwide should join the global Boycott, Divestment and Sanctions Campaign (BDS) based on the 2005 Palestinian Civil Society Call and undertake practical measures that shame and put pressure on Israel and other duty bearers until they respect their legal obligations to the Palestinian people, including the refugees and IDPs. Civil society, in particular human rights organizations and legal experts, should continue efforts for investigating and prosecuting Israeli perpetrators of international crimes and those complicit.
Glossary

Absentee
A person who, at any time during the period between 29 November 1947 and the day on which the state of emergency (declared on 19 May 1948) ceased to exist, was a legal owner of any property situated in the area of Israel or enjoyed or held it, by himself or through another, and who, at any time during the same period: (1) was a national or citizen of Lebanon, Egypt, Syria, Saudi Arabia, Jordan, Iraq or Yemen; (2) was in one of these countries or in any part of Palestine outside the area of Israel; or (3) was a Palestinian citizen and left his ordinary place of residence in Palestine for a place outside Palestine before 1 September 1948 or for a place in Palestine held at the time by forces which sought to prevent the establishment of the state of Israel or which fought against its establishment (as defined by Israel's 1950 *Absentees' Property Law*).

Area of UNRWA Operations
A state or territory where the United Nations Relief and Works Agency for Palestine Refugees in the Near East (see below) provides international assistance to Palestine refugees (see Palestine refugees below). These currently include Jordan, Lebanon, Syria, the occupied West Bank and the occupied Gaza Strip.

Armistice Line
The 1949 ceasefire line delineating the boundary between Israel and the West Bank and Gaza Strip including East Jerusalem. The armistice line is not an international border.

Assistance
Aid provided to address physical and material needs. This may include food items, medical supplies, clothing and shelter, as well as the provision of infrastructure, such as schools, services, education and health care. In UNHCR practice, assistance supports and complements the achievement of protection objectives.

Asylum
Admission to residence and protection against the exercise of jurisdiction by the state of origin (temporarily or permanently). A refugee does not have a right to be granted asylum. States still maintain the discretionary power to grant asylum to refugees and to prescribe the conditions under which asylum is to be enjoyed. However, many states have adopted the refugee definition as the criterion for the granting of asylum.

Balfour Declaration
One-page letter from Arthur Balfour from 1917, the British Secretary of Foreign Affairs to Lord Rothschild, head of the British Zionist Federation, granting explicit recognition of and support for the idea of establishing a Jewish homeland in Palestine through immigration and colonization.

Convention Refugee
A person recognized as a refugee by states under the 1951 *Convention Relating to the Status of Refugees*, and entitled to the enjoyment of a variety of rights under that Convention.

Displaced Person
A term sometimes used by the United Nations to designate Palestinians displaced within and from the West Bank and Gaza Strip in the context of the 1967 Arab-Israeli conflict and falling within the scope of UNSC Resolution 237 (1967) as well as their descendants. The term is also used by UNRWA in reference to persons falling under its mandate in accordance with UNGA Resolution 2252 (1967).

Durable Solutions
The means by which the situation of refugees and IDPs can be satisfactorily and permanently resolved to enable them to live normal lives. The three durable solutions are voluntary repatriation based on the fundamental right to return, integration in host country and resettlement in a third country. The key principle governing these solutions is voluntariness, that is, the well informed, free and individual choice by the refugee or IDP him or her self. Durable solutions include housing and property restitution, as well as compensation for damages and losses.
Ex-Gazan
A term used by UNRWA to designate a Palestinian who left the Gaza Strip and went to Jordan as a result of the 1967 Arab-Israeli conflict. This includes Palestine refugees who came to the Gaza Strip in 1948 and persons whose home of origin is the Gaza Strip, and their descendants.

Internally Displaced Persons
Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border. Palestinian IDPs include:

1. Palestinians originating from that part of Palestine in which Israel was established on 15 May 1948, who were displaced from their homes during the 1947-49 armed conflict, and who are unable to return to their homes.
2. Palestinians who were (and continue to be) displaced from their homes inside Israel after 1948, and who are unable to return to their homes.
3. Palestinians originating from the West Bank or the Gaza Strip, who were internally displaced for the first time during the 1967 Israeli-Arab war, and who are unable to return to their homes.
4. Palestinians originating from the West Bank or the Gaza Strip who were (and continue to be) internally displaced for the first time as a result of human rights violations by the Israeli occupation regime occurring after the 1967 Israeli-Arab war (e.g., home demolition, evictions, land confiscation, the Wall, etc.).

Intifada
Connotes periods when the Palestinian people rose up to shake off their oppression. Though there have been several periods in Palestinian history when this term applies, the term general refers to two main events: the First Intifada, when a popular uprising spread throughout the OPT against Israeli occupation beginning in 1987 and ending in 1991 (the Madrid Conference). This Intifada is sometime referred to as the “Intifada of the stones.” The Second Intifada (sometime referred to as “the Al Aqsa Intifada”) began in September 2000 following the collapse of the Oslo peace process. There is no clear ending date to this Intifada, as developments on the ground transformed the popular struggle into evolving forms of military confrontation with Israel’s occupation army.

Green Line
See “Armistice Line” above.

Integration
One of three durable solutions afforded to refugees and displaced persons. Unlike repatriation, refugees do not have a fundamental right to voluntarily integrate into the host state.

Jewish National Fund (JNF)
Established by the Zionist movement in 1901 to purchase land in Palestine and Syria for Jewish colonization and state building. The JNF was incorporated as an Israeli company (Keren Kayemeth LeIsrael) in 1953 and given public functions. It holds and develops land exclusively for the benefit of Jews. In the 1950s, the state of Israel sold more than 2 million dunums of Palestinian refugee property to the JNF. The JNF holds nine of nineteen seats in the governing body of the Israel Lands Administration, the government body responsible for land policy and administration.

Jewish State
A term used by Israel to define the character of the state. Israel’s High Court (Ben-Shalom vs. Central Election Committee) states that the Jewish character of the state is defined by three inter-related components: (1) that Jews form the majority of the state; (2) that Jews are entitled to preferential treatment including the Law of Return; and (3) that a reciprocal relationship exists between the state and Jews outside of Israel.
Judaization (in Hebrew: Yehud)
A term designating Israeli governmental policies aimed at creating Jewish majorities in Palestinian areas. It gained publicity in the 1950s, when Israel launched an official campaign with the purpose to create a Jewish majority in the Galilee (in Hebrew: Yehud haGalil). Similar state-led campaigns have and continue to be implemented for the judaization of the Naqab (Negev) and 1967 occupied eastern Jerusalem. Non-state Zionist actors are also engaged in these campaigns.

Mandate for Palestine
A type of international trusteeship entrusted by the League of Nations in 1920 to Great Britain. The purpose of the Mandate system was to facilitate the independence of non-self-governing territory. The Mandate for Palestine, however, facilitated the colonization of the country through Jewish immigration and settlement in line with the Balfour Declaration (see above).

Nakba
An Arabic term meaning “catastrophe”, referring to the mass displacement and dispossession of Arab Palestinians between 1947 and 1949 due to colonization and ethnic cleansing by Zionist militias and the state of Israel.

National
A person recognized as having the status of a legal bond with a state as provided for in law. Some states use the word “nationality” to refer to this legal bond, while others use the word “citizenship.” Israel differentiates between nationals and citizens: Jews are nationals and citizens, while non-Jews (Palestinians) are only citizens.

Non-refoulement
A core principle of refugee law that prohibits states from returning refugees in any manner whatsoever to countries or territory in which their lives or freedom may be threatened. The principle of non-refoulement is a part of customary international law and is therefore binding on all states, whether or not they are parties to the 1951 Refugee Convention.

Occupied Palestinian Territory (OPT)
The part (22 percent) of pre-1948 Palestine that was occupied by Israel in 1967. The total area of the OPT is 6,225 km² which includes the West Bank (including occupied and annexed eastern Jerusalem, the Latroun salient and northern Dead Sea) with a total area of 5,860 km² and the Gaza Strip with a total area of 365 km².

Palestine Liberation Organization (PLO)
The body formed in May 1964 to represent the Palestinian people and restitute their rights in their historic homeland as set forth in the Palestine National Charter. The two most important institutions of the PLO are the Palestinian National Council (PNC), the exile parliament and its 18-member Executive Committee. The PLO includes economic and social institutions, and the multiple unions into which Palestinians have organized themselves. The PLO holds permanent observer status with the UN General Assembly. PLO institutions have been largely dormant since the establishment of the Palestinian Authority in 1994 (see below).

Palestine Refugee
The term used by UNRWA to refer to any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict. Humanitarian assistance by UNRWA was later extended to include 1967 refugees but the agency’s working definition of the term remained unchanged.

Palestinian Authority
The body established under the 1993 Declaration of Principles on Interim Self-Government Arrangements and the 1994 Agreement on the Gaza Strip and Jericho Area to administer those parts of the 1967-occupied Palestinian territory evacuated by Israel pending a final peace agreement. The Palestinian Authority is an organ of the Palestine Liberation Organization.
Palestinian Refugee
Common language used to designate all those Palestinians who have become (and continue to be) externally displaced (with regard to 1948 refugees, outside the area that became the state of Israel, and with regard to 1967 displaced persons, outside the OPT) in the context of the ongoing Israeli-Palestinian conflict, as well as their descendants. The term refers to the following three groups:

1. 1948 refugees under UNGA Resolution 194(III) (“Palestine Refugees” in UNRWA terminology, including both registered and non-registered refugees);
2. 1967 refugees under UNSC Resolution 237 ("Displaced Persons" in UN terminology and used by UNRWA with particular reference to UNGA Resolution 2252);
3. Neither 1948 nor 1967 Palestinian refugees who are unable or unwilling to return to Israel or the OPT owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Population Transfer
The systematic, coercive and deliberate movement of a population into or out of an area with the effect or purpose of altering the demographic composition of a territory, particularly when that ideology or policy asserts the dominance of a certain group over another.

Present Absentee
Palestinian who is regarded as an absentee under Israel’s 1950 Absentees’ Property Law, but who remained in that part of former Palestine that became the state of Israel in 1948.

Protection
Protection encompasses all activities aimed at obtaining full respect for the human rights of refugees and IDPs, including the search for durable solutions.

Quadripartite Committee
A committee composed in the 1990s by Egypt, Jordan, the PLO and Israel to discuss the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967. The committee is inactive.

Refugee Camp
A plot of land placed at the disposal of UNRWA for Palestine refugees by a host government in order to accommodate Palestinian refugees and set up facilities to cater to their needs.

Refugee Rehabilitation Authority (RRA)
Israeli agency that operated during the early 1950s, primarily in official and semi-official “shelter villages.” The number of Palestinian IDPs handled by the RRA was small.

Refugee Working Group
A body established in 1992 to improve the living conditions of Palestinian refugees and displaced persons without prejudicing the final status negotiations, to ease and extend access to family reunification, and to support the process of achieving a viable and comprehensive solution of the refugee issue. The body was comprised of Egypt, Israel, Jordan, Lebanon, the Palestinians and Syria, although Lebanon and Syria have boycotted the Group. The Refugee Working Group was headed by Canada. It has been inactive since the start of the second Intifada.

Registered Refugee
A 1948 Palestinian refugee who is registered with UNRWA.

Reparation
A remedy that removes all consequences of an illegal act and restores the situation which would, in all probability, have existed if that act had not been committed. Full reparation includes restitution (see below), compensation and satisfaction, rehabilitation and guarantees of non-repetition, as required by the circumstances.
Repatriation
One of three durable solutions afforded to refugees and displaced persons. Voluntary repatriation in safety and
dignity, based on the fundamental right to return to one's home and country, is recognized as the most appropriate
solution to refugee flows. It is based on the fundamental right of refugees to return to their country of origin and
is enshrined in human rights and humanitarian law. The right of return is independent from the acquisition of
citizenship or any other legal status.

Resettlement
One of three durable solutions afforded to refugees and displaced persons. Unlike repatriation, refugees do not
have a fundamental right to resettle in a third state.

Restitution
The legal remedy that strives to restore the victim to the original situation before the gross violation of international
human rights law or serious violation of international humanitarian law occurred. Restitution includes, as
appropriate; restoration of liberty; enjoyment of human rights, identity, family life and citizenship; return to one's
place of residence; return of property; and restoration of employment. Property restitution is also a component of
durable solutions for refugees under international refugee law.

Road Map
An international framework adopted by the United States, Russia, the European Union and the United Nations
in 2003 and setting out a three-stage process based on UN Security Council resolutions 242 (1967), 338 (1973)
and 1397 (2002) for a two-state solution to the Israeli-Palestinian conflict.

Stateless Person
A person who is not considered a national by any state under the operation of its law.

Unofficial Camp
Camps established to provide additional accommodation for Palestinian refugees. Official and unofficial camps
have equal access to services provided by UNRWA (see below), except for solid waste collection.

UN Mediator
The special representative of the UN mandated to facilitate a solution to the Israeli-Palestinian conflict in 1948.
The Mediator, Count Folke Bernadotte, was assassinated by a Zionist militiaman in September 1948 shortly after
releasing his recommendations. These became the basis for UN General Assembly Resolution 194(III) calling
upon Israel to permit the return of refugees displaced during the war.

United Nations Conciliation Commission for Palestine (UNCCP)
The international organ established by the UN in 1948 to protect and facilitate durable solutions for all persons
displaced during the 1948 Arab-Israeli conflict in accordance with UNGAR 194 and to facilitate a solution to all
outstanding issues between the parties.

United Nations High Commissioner for Refugees (UNHCR)
The primary body established by the UN in 1949 mandated to provide international protection, assistance and
seek solutions for refugees worldwide

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)
The international organ established by the UN in 1949 to provide humanitarian assistance to persons displaced
during the 1948 Arab-Israeli conflict. The UN later requested the Agency to provide assistance to persons displaced
during the 1967 Arab-Israeli conflict.

Voluntariness
A key principle governing durable solutions. Voluntariness means not only the absence of measures that push or
coerce the refugee to repatriate, but also that s/he should not be prevented from returning.
The Wall and its Associated Regime
Israel's Wall in the occupied West Bank is either a concrete wall approximately 8-9 meters high with watchtower and sniper positions, or an electric barrier approximately 3-5 meters high with a buffer zone, ditches, razor wire, electronic sensors and cameras. The Associated Regime is a set of administrative decisions composed of military orders (land, property confiscation), closed areas, and a permit system and regulations at checkpoints (or terminals) and gates. Since 2004, the International Court of Justice and the UN General Assembly have called upon Israel to dismantle the illegal Wall and grant reparation to the Palestinian victims.

Zionism
A political movement established in the late 19th century by sections of European Jewry in response to persecution. The movement posited that the discrimination suffered by Jews could not be overcome through fighting for equality, but only through the creation of a state run by fellow Jews. The Zionist movement employed ancient religious-spiritual notions of Jews as a “chosen people” and of “Eretz Israel”, in order to justify Jewish colonization of Palestine. Political support was provided by the British Empire (see above: Balfour Declaration) and later the United Nations, whose 1947 Partition Plan triggered armed conflict, Zionist conquest and Palestinian mass displacement. After 1948, the major Zionist organizations (World Zionist Organization, Jewish Agency, Jewish National Fund, a.o) were given quasi-public status under Israeli law and continued their mission of “ingathering of the exiles” (Jewish immigration) and “redeeming the land” (Jewish colonization, dispossession and displacement of Palestinians).
# Abbreviations

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ADRID</td>
<td>Association for the Defence of the Rights of the Internally Displaced Persons in Israel</td>
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<td>CAC</td>
<td>Civil Affairs Committee of the Palestinian Authority</td>
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<td>CAP</td>
<td>Consolidated Appeals Process</td>
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<td>CAT</td>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<td>CERD</td>
<td>Convention on the Elimination of All Forms of Racial Discrimination</td>
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<td>CoE</td>
<td>Council of Europe</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>DCO</td>
<td>District Coordination Office</td>
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<td>DWG</td>
<td>Inter-Agency Displacement Working Group</td>
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<td>ECOSOC</td>
<td>Economic and Social Council of the United Nations</td>
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<td>EP</td>
<td>European Parliament</td>
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<td>E.U.</td>
<td>European Union</td>
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<td>FAFO</td>
<td>Institute for Applied Social Science</td>
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<td>GAPAR</td>
<td>General Authority for Palestine Arab Refugees</td>
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<td>GCC</td>
<td>Gulf Cooperation Council</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IDP</td>
<td>Internally displaced person</td>
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<td>ILA</td>
<td>Israel Lands Administration</td>
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<td>IUED</td>
<td>Graduate Institute of International and Development Studies / University of Geneva</td>
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<td>JNF</td>
<td>Jewish National Fund</td>
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<td>LACC</td>
<td>Local Aid Coordination Committee</td>
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<td>LAS</td>
<td>League of Arab States</td>
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<td>LASC</td>
<td>Council of the League of Arab States</td>
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<td>NAM</td>
<td>Non-Aligned Movement</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
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<td>OAU</td>
<td>Organization of African Unity</td>
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<td>OCHA</td>
<td>Office of the Coordinator of Humanitarian Affairs</td>
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<td>OHCHR</td>
<td>Office of the UN High Commissioner for Human Rights</td>
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<td>OIC</td>
<td>Organization of the Islamic Conferences</td>
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<td>OPT</td>
<td>Occupied Palestinian Territory</td>
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<td>PA</td>
<td>Palestinian Authority</td>
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<td>PCSB</td>
<td>Palestinian Central Bureau of Statistics</td>
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<td>PCWG</td>
<td>Inter-Agency Protection Cluster Working Group</td>
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<td>PLO</td>
<td>Palestine Liberation Organization</td>
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<td>RRA</td>
<td>Refugee Rehabilitation Authority</td>
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<td>RWG</td>
<td>Refugee Working Group</td>
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<td>SHC</td>
<td>Special Hardship Case</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNCCCP</td>
<td>UN Conciliation Commission for Palestine</td>
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UNDP  UN Development Program
UNGA  UN General Assembly
UNHCR  UN High Commissioner for Refugees
UNRPR  UN Relief for Palestine Refugees
UNRWA  UN Relief and Works Agency for Palestine Refugees in the Near East
U.S.  United States
USAID  U.S. Agency for International Development
UNSC  UN Security Council
UNSG  UN Secretary General
UNTSO  UN Truce Supervision Organization
WFP  World Food Program
WHO  World Health Organization
WJC  World Jewish Congress
WWI  World War One
Chapter One
HISTORICAL BACKGROUND AND CAUSES OF PALESTINIAN DISPLACEMENT

The remains of the Palestinian village of Lifta. (© Anne Paq / BADIL)
HISTORICAL BACKGROUND AND CAUSES OF PALESTINIAN DISPLACEMENT

Preface

At the beginning of the 20th century, most Palestinians lived inside the borders of Palestine, which is now divided into the state of Israel and the occupied West Bank and Gaza Strip. Until 1947, Palestinians owned and used approximately 90 percent of Palestine’s land. Five major episodes of forcible displacement have transformed Palestinians into the largest and longest-standing unresolved refugee case in the world today. Approximately 82 percent of the land has been confiscated by Israel.

As many as 150,000 Palestinians were arbitrarily displaced within or expelled from Palestine during the British Mandate (1922 – 1947). More than 750,000 Palestinians were displaced during the “Nakba”, the Arabic word for “Catastrophe”, referring to the ethnic cleansing of Palestinians that took place in the context of a UN plan to partition Palestine, armed conflict and the establishment of the state of Israel. Several tens of thousands of Palestinians were displaced within and expelled from Israel between 1949 and 1967. Approximately 400,000 to 450,000 Palestinians were displaced from the West Bank, including eastern Jerusalem, and the Gaza Strip during the 1967 Israeli-Arab war and Israel’s occupation of these areas.

Palestinian displacement and dispossession are caused by a policy of forced population transfer which has been employed by the Zionist movement and the state of Israel with the aim to colonize Palestinian land and establish a Jewish demographic majority in it.

Since 1967, Israel has developed a regime that combines occupation, apartheid and colonization which acts as the root cause of contemporary forced displacement. Hundreds of thousands of additional Palestinians have been displaced on both sides of the Green Line, and forcible displacement is ongoing as a result of policies and practices of Israel’s unlawful regime. Increased awareness of forced displacement of Palestinians amongst local and international organizations has led to the identification of a number of core ‘triggers’ including excessive and indiscriminate use of force, home demolition and forced eviction, violence by Jewish settlers and other non-state actors, revocation of residency rights, closure and segregation, confiscation and discriminatory distribution of land, and settler implantation.

Secondary displacement of Palestinian refugees has continued in various countries of exile, most recently in Iraq and Lebanon. Denied reparation and durable solutions based on their right to return, displaced Palestinians remain vulnerable to the impact of armed conflicts and human rights violations in their host countries.
1.1 Background

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Palestinians Displaced/Expelled</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Mandate: 1922–1947</td>
<td>100,000 – 150,000</td>
</tr>
<tr>
<td>Nakba: 1947–1949</td>
<td>750,000 – 900,000</td>
</tr>
<tr>
<td>Israeli Military Government: 1949–1966</td>
<td>35,000 – 45,000</td>
</tr>
<tr>
<td>1967 War</td>
<td>400,000 – 450,000</td>
</tr>
<tr>
<td>Occupation, Colonization, Apartheid 1967-2009</td>
<td>Hundreds of thousands</td>
</tr>
</tbody>
</table>

Note: For sources and more detail about these figures see Appendix 1.1 at the end of this chapter.

Table 1.2: Estimated Area of Palestinian Land Expropriated, by Period of Expropriation

<table>
<thead>
<tr>
<th>Year</th>
<th>Area of Confiscated Palestinian Land (km²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Mandate: 1922–1947</td>
<td>–</td>
</tr>
<tr>
<td>Nakba: 1947–1949</td>
<td>17,178</td>
</tr>
<tr>
<td>1967 War</td>
<td>849 (of which 119 were decolonized in Gaza in 2005)</td>
</tr>
<tr>
<td>Occupation, Colonization, Apartheid 1967-2009</td>
<td>3,785</td>
</tr>
<tr>
<td>Total</td>
<td>22,393</td>
</tr>
</tbody>
</table>

Note: The total area of historical Palestine (Israel and OPT) is 27,343 km², and the total area of the OPT is 6,225 km² (occupied West Bank, including eastern Jerusalem, and Gaza Strip). Between 1925 and 1947 Zionist colonization associations purchased some 714 km² of Palestinian land. For a more detailed analysis of these figures and references, see Appendix 1.2 at the end of this chapter.

At the beginning of the 20th century, most Palestinians lived inside the borders of Palestine, now divided into the state of Israel, and the occupied West Bank and Gaza Strip (hereafter OPT). Until 1947, they owned or used approximately 90 percent of the land in Palestine.

Five major periods or episodes of forcible displacement from former Palestine have transformed Palestinians into the largest and longest-standing unresolved refugee case in the world today. Approximately half of the Palestinian people have been displaced outside their former homeland and 82 percent of the land has been expropriated.

The major periods or episodes of forcible displacement include:
- the British Mandate (1922-1947) when more than 100,000 Palestinians were displaced within and beyond the borders of Palestine in the context of British support of Zionist colonization;
- the Nakba (1947-1949) when over 750,000 Palestinians were displaced in the context of a UN General Assembly recommendation to partition Palestine, armed conflict, ethnic cleansing and the establishment of the state of Israel;
- Israel’s military government (1949-1966) when 35,000 to 45,000 Palestinians who had managed to remain in the area that became the state of Israel in 1948 were displaced, including many returning refugees;
- the 1967 Arab-Israeli war when 400,000 to 450,000 Palestinians were displaced in the context of armed conflict and Israel's occupation of the Palestinian West Bank and Gaza Strip, the Egyptian Sinai peninsula and the Syrian Golan Heights;
- Israel's occupation, apartheid and colonization (1967 – 2009) when hundreds of thousands of Palestinians have been displaced, and forced displacement is ongoing on both sides of the Green Line.

Palestinian displacement and dispossession are the result of forced population transfer (“ethnic cleansing”), defined by the UN as the “systematic, coercive and deliberate… movement of population into or out of an area … with
the effect or purpose of altering the demographic composition of a territory, particularly when that ideology or policy asserts the dominance of a certain group over another.1) The Zionist movement and state of Israel have prevented self-determination2 of the Palestinian people, forcibly displaced them and barred the return of the displaced to their homes and properties for the purpose of colonization of Palestinian land and establishing a Jewish demographic majority in it.

Population Transfer and Political Zionism

Population transfer played a key role in Zionist thinking since the founding of the Zionist movement in the late nineteenth century.2 According to the movement’s Basle Program (1897), “the aim of Zionism is to create for the Jewish people a home in Palestine secured by public international law”4 as the only solution to the persecution of Jews around the world.

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

Transfer was succinctly expressed by Theodor Herzl, the founding father of political Zionism: “We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country. The property owners will come over to our side. Both process of expropriation and removal of the poor must be carried out discreetly and circumspectly.”5

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

The idea of transfer did not end with the establishment of Israel in 1948. Between 1948 and 1966, various official and unofficial transfer plans were put forward to resolve the “Palestinian problem.” These included plans to resettle Palestinian refugees in Iraq (1948), in Libya (1950–58), and further plans for resettlement as a result of the 1956–57 Israeli occupation of the Gaza Strip and the Sinai.6 Israel also established several transfer committees during this period.

The notion of population transfer was raised again during the 1967 war.7 Resettlement schemes focused on the Jordan Valley, but also considered locations as far afield as South America. Thousands of refugee shelters were destroyed in the Gaza Strip in an attempt to resettle refugees outside of refugee camps. Similar proposals for population transfer also emerged during the second Intifada against the Israeli occupation of the West Bank and Gaza Strip.

Transfer has existed on both the left and right wings of the Zionist political spectrum as ideology and political program. While the right-wing has formed entire political parties explicitly for this purpose, it was left-wing (Labor) Zionism which controlled the pre-state movement, governed Israel during the mass expulsions of Palestinians of 1948 and 1967, and formulated the policies of not allowing refugees and IDPs to return. Transfer policies continue against the Palestinian population of Israel and the OPT. For example the 2009 Israeli government coalition includes political parties and individuals who have directly or indirectly called for such transfer.8

1.1.1 British Mandate (1922-1947)

During the First World War, Allied forces under British command occupied Palestine, which was then one of several Arab territories part of the Ottoman Empire. The British government had secretly come to terms with France and Tsarist Russia in the Sykes–Picot Agreement of 1916, determining that parts of Palestine would fall beneath its sphere of influence with the anticipated decline of the Ottoman Empire.9 Additionally in November 1917, the British cabinet issued the Balfour Declaration, a one-page letter from Arthur Balfour, the British Secretary of Foreign Affairs to Lord Rothschild, head of the British Zionist Federation. The Balfour declaration granted explicit recognition of and support for the idea of establishing a Jewish “national home” in Palestine through immigration and colonization.10 The indigenous Palestinian population is simply referred to in the text as “the non-Jewish communities.”
Map 1.1: Palestine under British Mandate Administration (1917-1948)
At the time, Jews constituted only 8% of the population of Palestine, and owned less than 3% of the total land. The majority of the indigenous Jewish community of Palestine did not support the Zionist idea of creating a separate and exclusive Jewish state in the country. The great majority of European Jewry also did not view Zionism as an answer to their systematic persecution. Despite widespread Palestinian Arab opposition to the Balfour Declaration, Great Britain viewed Zionist colonization as a way to advance British interests in the region. Likewise the Zionist leadership understood the role it was to play for its future imperial backer, as quid pro quo for supporting the creation of a Jewish state.

Publicly Great Britain reaffirmed commitment to the principle of self-determination of the Arabs. In November 1918, France and Great Britain signed the Anglo-French Declaration, which affirmed that their goal “... was the complete and final liberation of the peoples who have for so long been oppressed by the Turks, and the setting up of national governments and administrations deriving their authority from the free exercise of the initiative and choice of the indigenous populations.” In 1919, the Allied powers met in Paris to determine the status of the non-self-governing territory that had been part of the former Ottoman Empire. Member states of the League of Nations decided to establish a temporary “Mandate System” in accordance with the Covenant of the League of Nations to facilitate the independence of these territories. The August 1920 Treaty of Sèvres between the Allied Powers and Turkey affirmed that Palestine “be provisionally recognised as an independent State subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.”

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

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

The British administration in Palestine promulgated new laws, including the 1925 Citizenship Order and the 1928 Land (Settlement of Title) Order, which enabled Jews from around the world to acquire citizenship and immigrate to Palestine. Thousands of Palestinian Arabs who were abroad at the time were unable to acquire citizenship under the 1925 law. By the early 1940s, the average rural Palestinian Arab family had less than half of the agricultural land required for their subsistence.
Rising Palestinian disenchantment led to a series of uprisings including the “Great Revolt”, which lasted from 1936 to 1939. The British responded with a combination of military force and administrative measures severely curtailing basic civil and political rights. Palestinian Arab leaders were arrested, jailed and deported. Thousands of Palestinian Arab homes were demolished. Some 40,000 Palestinian Arabs fled the country during the mid-1930s alone.

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

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

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

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

(i) Whether the indigenous population of Palestine has not an inherent right to Palestine and to determine its future constitution and government;

(ii) Whether the pledges and assurances given by Great Britain to the Arabs during the first World War (including the Anglo-French Declaration of 1918) concerning the independence and future of Arab countries at the end of the war did not include Palestine;

(iii) Whether the Balfour Declaration, which was made without the knowledge or consent of the indigenous population of Palestine, was valid and binding on the people of Palestine, or consistent with the earlier and subsequent pledges and assurances given to the Arabs;

(iv) Whether the provisions of the Mandate for Palestine regarding the establishment of a Jewish National Home in Palestine are in conformity or consistent with the objectives and provisions of the Covenant of the League of Nations (in particular Article 22), or are compatible with the provisions of the Mandate relating to the development of self-government and the preservation of the rights and position of the Arabs of Palestine;

(v) Whether the legal basis for the Mandate for Palestine has not disappeared with the dissolution of the League of Nations, and whether it is not the duty of the Mandatory Power to hand over power and administration to a Government of Palestine representing the rightful people of Palestine;

(vi) Whether a plan to partition Palestine without the consent of the majority of its people is consistent with the objectives of the Covenant of the League of Nations, and with the provisions of the Mandate for Palestine;

(vii) Whether the United Nations is competent to recommend either of the two plans and recommendations of the majority or minority of the United Nations Special Committee on Palestine, or any other solution involving partition of the territory of Palestine, or a permanent trusteeship over any city or part of Palestine, without the consent of the majority of the people of Palestine;

(viii) Whether the United Nations, or any of its Member States, is competent to enforce or recommend the enforcement of any proposal concerning the Constitution and future Government of Palestine, in particular, any plan of partition which is contrary to the wishes, or adopted without the consent of, the inhabitants of Palestine.

Historical Background and Causes of Palestinian Displacement

Map 1.2: The United Nations Partition Plan for Palestine (1947) and the 1949 Armistice Line
In September 1947, the UN Special Committee on Palestine (UNSCOP) presented its final report which included majority and minority proposals given Committee members’ inability to reach consensus on the future status of the country. The majority opinion supported the partition of Palestine into two states, one Arab and the other Jewish, although it conceded that, “[w]ith regard to the principle of self-determination, although international recognition was extended to this principle at the end of the First World War and it was adhered to with regard to the other Arab territories, at the time of the creation of the “A” Mandates, it was not applied to Palestine, obviously because of the intention to make possible the creation of a Jewish National Home there. Actually, it may well be said that the Jewish National Home and the sui generis Mandate for Palestine run counter to that principle.”

The minority proposal called for one federal state for Arabs and Jews. Committee members of the minority were clear in their warnings of the consequences of partition: “Future peace and order in Palestine and the Near East generally will be vitally affected by the nature of the solution decided upon for the Palestine question. In this regard, it is important to avoid an acceleration of the separatism which now characterizes the relations of Arabs and Jews in the Near East, and to avoid laying the foundations of a dangerous irredentism there, which would be the inevitable consequences of partition in whatever form. […] Partition both in principle and in substance can only be regarded as an anti-Arab solution. The Federal State, however, cannot be described as an anti-Jewish solution. To the contrary, it will best serve the interests of both Arabs and Jews.”

Despite the warnings, on 29 November 1947, the UN General Assembly passed Resolution 181(II) recommending the partition of Palestine. This Resolution proposed two states, one Arab and one Jewish, in which all persons were to be guaranteed equal rights. The proposed Jewish state was allotted 56 percent of the land, even though the Jewish community comprised less than one-third of the population of Palestine at the time and owned no more than 7 percent of the land, including 714 km² acquired by Zionist colonization associations mostly from large landowners who did not live in Palestine. The dispersal of the Arab and Jewish populations in the country also meant that nearly half the population of the proposed Jewish state consisted of Palestinian Arabs, who owned nearly 90 percent of the land.

From the beginning of the British Mandate in Palestine in 1922, to the end of 1947 when the United Nations recommended the country be partitioned into two states, an estimated 100–150,000 Palestinians - nearly one-tenth of the Palestinian Arab population - was expelled, denationalized or forced to leave their homes. Tens of thousands of Palestinians were internally displaced as a result of Zionist colonization, the eviction of tenant farmers, and punitive home demolitions by the British administration.

1.1.2 The Nakba (1947-1949)

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

In November 1947 fighting erupted in Jerusalem and other localities of Palestine. The first Palestinian village to be fully ethnically cleansed was Qisarya (Caesarea) on 15 February 1948, together with four other villages in the area. The success of these operations led to the formulation and adoption of Plan D (or Plan Dalet) in March 1948 – two months before the British Mandate was set to end. The plan provided guidelines for the ethnic cleansing of Palestinian communities and was designed “to achieve the military fait accompli upon which the state of Israel was to be based.”

According to Plan D, “[.] operations can be carried out in the following manner: either by destroying villages (setting fire to them, by blowing them up, and by planting mines in their rubble), and especially those population centers that are difficult to control permanently; or by mounting combing and control operations according to the following guide lines: encirclement of the villages, conducting a search inside them. In case of resistance, the armed forces must be wiped out and the population expelled outside the borders of the state.”
Plan D resulted in the greatest outflow of refugees in April and early May 1948, before the start of the first Arab-Israeli war. A massacre of more than 100 men, women and children committed by Zionist forces in the Palestinian village of Deir Yassin on 9 April 1948 is widely acknowledged to have contributed to the fear and panic that led to the mass displacement.40

The unilateral declaration of the establishment of the state of Israel by the Zionist movement in Tel Aviv on 14 May 1948 coincided with the withdrawal of British forces from Palestine and the collapse of the UN partition plan. The subsequent entry of Arab forces into Palestine marked the beginning of the first Israeli-Arab war. Palestinians fled their homes as a result of attacks on civilians by Israeli forces, massacres, looting, destruction of property and other atrocities. At least 70 massacres took place throughout the Nakba.41 Massacres were conducted in a manner which went beyond the immediate objective of taking control over a particular village and were designed to create an environment of terror that would result in the flight of the population. Villages were encircled, bombarded and surviving residents sent through openings in the line of attack, toward Arab areas. The choice of a village was not random. Often there was a clear relationship between the timing of a massacre in an outlying village and the assault on a major nearby town or city.42

Palestinian villages and towns were shelled by Zionist forces to encourage flight, especially in areas deemed to be of strategic importance to the new state, or where there was local resistance. Palestinians fleeing their villages in search of temporary refuge were fired on to ensure their departure. Incidents like these occurred in major cities throughout the country, including Haifa, Jaffa, Akka, Ramle, Lydd and Jerusalem, as well as in many villages.43 Many sought temporary refuge elsewhere after hearing news of atrocities against the civilian population.44 This included a spate of nine reported massacres in October 1948, in which Palestinian Arab villagers were raped, bound, executed and dumped in mass graves.45 In the village of Dawayima, for example, Israeli forces killed 80–100 men, women and children. The children were killed by blows to their heads with sticks. Several elderly women were put in a house which was then blown up.46

Palestinians were also physically expelled from their villages and towns.47 In early July 1948, for example, then Lt. Colonel Yitzhak Rabin issued orders to expel the inhabitants of Ramle and Lydd.48 In late October 1948, an official cable was issued to all Israeli division and district commanders in the north: “Do all you can to immediately and quickly purge the conquered territory of all hostile elements in accordance with the orders issued. The residents should be helped to leave the areas that have been conquered.”49 In the case of Lydd alone, it is estimated that 1,000 people were killed or died in the town’s death march of July 1948.50 Zionist militias also used flame-throwers51 and biological weapons to induce flight of villagers and to weaken Arab armies during the war.52

Israeli military forces systematically destroyed hundreds of Palestinian villages during the war, as one of six measures included in a “Retroactive Transfer” plan approved in June 1948 by the Israeli Finance Minister and Prime Minister to prevent Palestinian refugees from returning homes.53 The destruction of homes and entire villages was accompanied by large-scale looting.54

750,000 to 900,000 Palestinians (55 to 66 percent of the total Palestinian population at the time) were displaced between the end of 1947 and early 1949.55 Half of these were displaced before 15 May 1948, when the first Arab-Israeli war began. 85 percent of the indigenous Palestinian population who had been living in the territory that became the state of Israel was displaced.56 Most refugees found refuge in those parts of Palestine (22 percent of the total area) not
under the control of Israeli military forces following the cessation of hostilities.

In several of the sub-districts of former Palestine that were wholly incorporated into Israel – Jaffa, Ramla and Beersheba – not one Palestinian village was left standing. In total, some 500 Palestinian villages, with a land base of more than 17,000 km², were depopulated. An estimated two-thirds of Palestinian refugee homes inside the new state of Israel were destroyed; the remaining third were expropriated and occupied by Jews.

Estimates of Palestinian Property and Losses, 1948

In 1950, the UN Conciliation Commission for Palestine (UNCCP) established a sub-office, the Office for the Identification and Valuation of Arab Refugee Property, to identify, value and compile information on refugee properties inside Israel. An initiative to identify Palestinian property, both globally and individually, was conducted based on British mandate records, in order to establish a comprehensive record of individual Palestinian property and so verify individual property claims.

According to the global identification process, 16,324 km² of 26,320 km² (the total area of Mandate Palestine) were determined to be private property owned by Palestinian Arabs. The individual identification process was completed in the early 1960s. The UNCCP property database contains some 453,000 records documenting around 1.5 million individual holdings. This database is archived at the United Nations. The Commission itself, and several independent experts, have noted that the UNCCP records are problematic in several areas. More recent studies that attempt to compensate for errors in the UNCCP records estimate the total amount of refugee land inside Israel at 17,178 km². Digitization of the UNCCP database was completed in the late 1990s. The UNCCP records still provide the most comprehensive database of Palestinian refugee property to date.

Due to political considerations, the UNCCP decided against releasing information concerning the total value of refugee properties based on the individual valuation process. According to recent research, however, Commission records of the individual assessments as of 29 November 1947 valued total Palestinian Arab land in Israel at 235,660,250 Palestinian pounds, of which 31 million pounds worth of property was owned by Palestinians inside Israel, leaving 204,660,190 pounds worth of refugee land. The UNCCP estimate has served as the basis for subsequent studies applying different models of property valuation.

Estimates of Palestinian Refugee Losses in 1948 (US$ millions)

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<tbody>
<tr>
<td>1948</td>
<td>484</td>
<td>3,050</td>
<td>2,994 property</td>
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<tr>
<td>1998(3)adjusted for inflation</td>
<td>3,373</td>
<td>21,259</td>
<td>20,868 property</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>33,198 property and human capital</td>
</tr>
<tr>
<td>1998(4)adjusted for inflation and real rate of return</td>
<td>23,958</td>
<td>150,975</td>
<td>148,203 property</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>235,769 property and human capital</td>
</tr>
</tbody>
</table>

(3) The original valuations were in Palestinian pounds (LP). Currency and inflation adjustments were made utilizing an exchange rate of LP=$4.03.
(4) Based on changes in the U.S. Consumer Price Index for 1947 to 1998.
Source: Table compiled by PRRN as part of the summary of the July 1999 workshop on compensation for Palestinian refugees. Available at: http://www.prrn.org.
1.1.3 Israeli Military Government (1949-1966)

After the war more Palestinians were expelled from their homes and lands primarily during military operations aimed to optimize Israel’s demographic and strategic positioning, border corrections resulting from armistice agreements, and by policies and practices of the Israeli military government. Military rule was established over the 150,000 Palestinians who remained in what became the territorial borders of Israel as a means to control and further dispossess them, and to prevent refugee return. Most strongly affected by internal population transfer and expulsion were Palestinian communities in the northern border villages, the Naqab, the “Little Triangle” (an area ceded to Israel under the armistice agreement with Jordan), and those in villages partially emptied during the war.

The war ended in 1949 and armistice agreements were signed with Egypt in February, Lebanon in March, Jordan in April, and Syria in July. Within days of the signing of the Egyptian-Israeli General Armistice Agreement, some 2,000–3,000 Palestinians from the villages of Faluja and Iraq al-Manshiya were beaten, robbed and forced to leave their homes by Israeli forces, despite stipulations in the armistice agreement that nothing would befall their population after the Egyptian troop withdrawal. After the March 1949, Israeli forces expelled the inhabitants of Umm Rashrash and founded the city of Eilat. According to UN observers, some 7,000 Palestinians residing west of the southern armistice lines near the Palestinian town of Dura were expelled from Israeli-held territory in March 1949.

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

After the war, Israel held at least 9,000 detainees in so-called prisoner of war (POW) camps. The majority of the detainees were not combatants but rather Palestinian males of “recruitment age” who were ultimately
“exchanged” (expelled) for Jewish POWs as part of armistice agreements with Arab states. Detention camps also served as labor camps and living conditions in them were poor. In November 1948, the Red Cross visited four camps and concluded that prisoners were used “to obtain from them work extremely useful to the economy of the State.” According to testimony of a prisoner held in Ljil labor camp, prisoners were used to demolish Arab homes, remove debris from already demolished houses, and carry salvaged items to Jewish homes. The prisoners remained in these camps for two to five years, and by 1955 the camps were closed.

Israeli police carried out raids on Palestinian villages to search for refugees who had returned to their homes or lands. Returnees (referred to as “infiltrators”) were subsequently transported to the border and expelled. In January 1949, for example, refugees from the Palestinian towns and villages of Shafa’amr, Ma‘ilya and Tarshiha who tried to return home were detained, their passports and money were confiscated, they were loaded onto trucks, driven to the border, and forced to cross into Jordan. In some case, Israeli kibbutz members were paid by the Israeli army for the number of Palestinians they could catch, which were then delivered to the army each morning. By 1956, Israeli forces had killed some 5,000 refugees who had tried to return to their homes.

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

From the end of the 1948 war through 1966, Israeli forces committed a number of additional massacres inside Israel, in the Jordanian-annexed West Bank, and in the Gaza Strip. For example, in 1953, Unit 101, headed by Ariel Sharon, attacked the village of Qibya west of Ramallah, killing more than 50 residents of the village. The most well known massacre during this period took place in Kufr Qassem, with the killing of 49 Palestinians at the start of the 1956 Suez war in the Sinai. The latter was intended to induce the flight of the remaining Palestinians in Israel, but failed to do so. Two lesser well-known massacres took place during the Israel occupation of the Gaza Strip and Sinai during the 1956 war. At least 275 people (140 of whom were refugees) were killed on 3 November 1956 in Khan Younis, as Israel collected males within the city and refugee camp and shot them in groups. 111 people (103 of whom were refugees) were killed in Rafah nine days later on 12 November after calling on residents to gather in a local refugee school.

Several 1948-depopulated Palestinian villages in Israel were destroyed as part of a government campaign to render border areas “clean” [Hebrew: naki] and “empty” [Hebrew: reik]. The displacement of villagers from Kafr Bir‘im and Iqrith took place despite an Israeli Supreme court injunction calling upon the army to allow them to return. By the middle of the 1960s, Israel had nearly completed what was referred to as “cleaning up the national views in Israel.” The names of more than 500 depopulated Palestinian villages were erased from the map, while the Arabic names of remaining places and other geographical landmarks were replaced with Hebrew names.

Following the 1948 war, Israel established a military government in the Galilee, the Triangle, the Naqab, and the cities of Ramleh, Lydd, Jaffa, and Majdal-‘Asqalan to control the Palestinian population remaining inside Israel and prevent the return of Palestinian refugees. Jewish affairs in the country however were governed by the civilian government. Freedom of expression was severely restricted, and Palestinians were confined to controlled areas; written permission from the military commander was required for those leaving Palestinian towns and villages. A special network of military courts was set up to ensure compliance with emergency regulations; military court rulings could not be appealed and could instruct the “detention, expulsion, or banishment [from Israel], seizure and control of property and land, or the imposition of fines.” A network of collaborators was erected to ensure compliance with military orders and to identify Palestinian refugee “infiltrators” attempting to return to their
HISTORICAL BACKGROUND AND CAUSES OF PALESTINIAN DISPLACEMENT

The Systematic Destruction of Palestinian Villages

While many villages were destroyed throughout the course of fighting or soon after the forced eviction of their residents as a means to prevent return, others remained standing and were quickly settled with Jewish immigrants upon the initiative of the Israeli government. But there remained many villages which stood deserted for years after the Nakba in various stages of disrepair dotting the pastoral landscape.

In the spring of 1965, the Israel Land Administration (ILA) began a policy of demolishing ("leveling") more than one hundred Palestinian villages, with the aim of "clearing" the country.89 One of the bodies responsible for the decision to demolish the depopulated villages was the Israeli Foreign Ministry whose officials claimed that the presence of Arab villages provoked tourists to raise "superfluous questions." Another agency was the Society for Rural Enhancement, which held that only architecturally beautiful buildings should be spared. The process of "leveling" the villages was done in parallel with a process of expropriating land and settling the Galilee with Jewish immigrants.

An Israeli paratrooper named Hanan Davidson was hired by the Israel Land Administration to head up the razing with the intention to "conduct the operation quietly, without too much fuss. It was clear to all that if large numbers of villages were demolished all at once, there would be a public outcry. The plan was to 'level' an area stretching from the Galilee panhandle southward; to include every hill, mound, and hut, so that the land would be 'clean,'" according to interviews with persons involved in the operation.87 This was seen as necessary so as to "prevent Arab villagers from claiming one day: 'That is my tree. This was my village.'"

The Israeli Department of Antiquities was brought on board to assist with surveying sites targeted for demolition. The recruitment of the archaeological and academic community into the project resulted in the Israel Land Administration paying the Israel Archaeological Survey Society one thousand Israeli Liras for every village surveyed. Once the survey for each village was completed, an order to start demolition work was issued immediately. In total over 100 villages were combed, surveyed and demolished between 1965 and 1967.

After the 1967 war, the surveying resumed, including in the newly occupied territories of the Palestinian West Bank and the Syrian Golan Heights. In the Golan Heights alone a list of 127 villages were submitted for demolition by Dan Urman, Head of Surveying and Demolition Supervision for the Golan Heights. Here too, the Israeli archeological community played an important role in surveying and assessing what was "significant" archeology.

villages. The military government remained in place until 1966, after which many of its features of monitoring and controlling Palestinian citizens of Israel were transferred to civilian bodies.91

Israel also adopted new laws to ensure that Palestinian refugees would not be able to return and repossess their homes and properties. Excluded from entitlement to citizenship in the state of Israel under the 1952 Citizenship Law, Palestinian refugees were “denationalized” and turned into stateless refugees in violation of the law of state succession. (See Chapter Three) A web of new laws was adopted to facilitate the expropriation of refugee property and its transfer to the state and the Jewish National Fund (JNF). These included emergency regulations and laws relating to so-called “Palestinian absentee property.”92 The Basic Law: Israel Lands (1960) categorizes expropriated Palestinian land as “Israel Lands” administered by the Israel Lands Administration (ILA). Such lands cannot be sold, but transfers between the state and the JNF are permitted. The JNF acquires property in Israel “for the purpose of settling Jews on such lands and properties” and holds 49 percent of seats in the ILA Council.93

Between 1949 and 1966, Israel expropriated some 700 km² of land from Palestinians who remained within the territory of the new state.94 In this period, Israel displaced 35,000 to 45,000 Palestinians. Tens of thousands of Palestinians lost their homes and lands, the majority during the 1950s. By the mid-1950s, the number of Palestinians expelled by Israeli authorities comprised some 15 percent of the total Palestinian population inside Israel (approximately 195,000 persons).95
1.1.4 The 1967 Arab-Israeli War

The 1967 War witnessed Israel launching a surprise attack against Egypt, Jordan, and Syria. Israeli plans to control and colonize the remainder of British Mandatory Palestine (the Jordanian controlled West Bank, including eastern Jerusalem, and the Egyptian controlled Gaza Strip), existed since 1948, and preparations for instituting a military government there had been ongoing since 1963.

As in 1948, Israeli military forces attacked numerous Palestinian civilian areas that had no military significance. Both The Guardian and The London Times reported that “Israeli aircraft frequently strafed the refugees on the road from Jerusalem to Jericho, destroying and burning.” The refugee camps of Ein as-Sultan and Aqbat Jabr in Jericho were bombed by the Israeli air force, leading to an exodus of tens of thousands of refugees. Israeli forces also destroyed Nuweimeh and al Ajajra refugee camps in Jericho in 1967 and the camp at Karameh on the Jordanian side of the border in 1968.

Israel completely destroyed several Palestinian villages, including Imwas, Yalu and Beit Nuba in the Latroun salient northwest of Jerusalem, home to 10,000 people. The order to destroy the villages was given by Israeli chief of staff Yitzhak Rabin. The Jewish National Fund of Canada would later spearhead a campaign to fund the establishment of a recreational park on village lands, describing the park as “a proud tribute to Canada and
to the Canadian Jewish community whose vision and foresight helped transform a barren stretch of land into a major national recreational area for the people of Israel."106

Also during the 1967 war, the entire Moroccan quarter in the Old City of Jerusalem, adjacent to the Western Wall, was razed to make way for a large plaza for Jewish religious and national events. In the West Bank town of Qalqilya, Israeli military forces destroyed half of the town’s 2,000 homes. The Palestinian villages of Beit Marsam, Beit Awa, Jiftlik, Nuseirat, Arajish, and al-Burj were also razed though residents were eventually able to return to at least part of village lands.

By the time the 1967 war came to an end, Israel had occupied the West Bank, including eastern Jerusalem, and the Gaza Strip (OPT), as well as the Syrian Golan Heights and the Egyptian Sinai. More than one-third (400,000 to 450,000) of the Palestinian population of the OPT were displaced during the war. Half of them (193,500) were refugees of 1948 and displaced for a second time, while 240,000 were displaced from the West Bank and Gaza Strip for the first time.107 Up to 95 percent of these displaced persons went to Jordan, while some found refuge in Syria and Egypt. The areas of the occupied West Bank most affected by forced displacement included the Jordan Rift, Hebron, and the frontier areas of the Ramallah district. Israel expropriated 849 km² of Palestinian land, including more than 400 km² owned by Palestinians who had been displaced from the West Bank and Gaza Strip during the war.108

1.1.5 Occupation, Apartheid, Colonization (1967-2009)

With the 1967 occupation of the OPT, Israel came in effective control of the entire territory of historical Palestine. Since then Israel has developed a legal, political and military regime over the Palestinian people that combines occupation, apartheid and colonization,109 and causes the forced displacement of Palestinians on both sides of the Green Line. Former UN Special Rapporteur on the Situation if Human Rights in the OPT, John Dugard, has identified the existence of these overlapping regimes throughout OPT, and underscored the international community's consensus around them “as inimical to human rights.”110

| Belligerent occupation is accepted as a possible consequence of armed conflict though under the law of armed conflict (international humanitarian law), it is intended to be a temporary state of affairs. Israel has a temporary right of administration over the OPT but is not allowed to exercise sovereignty over it. International law prohibits the unilateral annexation or permanent acquisition of territory as a result of the threat or use of force and is obliged to abide by the relevant rules of the law of armed conflict—principally the provisions of the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949—in its administration of the territories. |
|Colonization, is a practice in which a state, as defined in the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960) as a state in which the acts of a State have the cumulative outcome that it annexes or otherwise unlawfully retains control over territory and thus aims permanently to deny its indigenous population the exercise of its right to self-determination. Colonialism is considered to be a particularly serious breach of international law because it is fundamentally contrary to core values of the international legal order. |
| Apartheid is one of the most severe forms of racism, “a political system where racism is regulated in law through acts of parliament.”111 Article 3 of the Convention on the Elimination of Racial Discrimination (CERD) defines apartheid as a form of racial segregation. The Convention on the Suppression and Punishment of the Crime of Apartheid (1976) defines apartheid as “similar policies and practices of racial segregation and discrimination as practiced in southern Africa” which have “the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them, in particular by means such as segregation, expropriation of land, and denial of the right to leave and return to their country, the right to a nationality and the right to freedom of movement and residence (Article II). The Rome Statute defines apartheid as inhumane acts “committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.” Apartheid constitutes a crime against humanity. Members of organizations and agents of an apartheid state are subject to criminal prosecution, irrespective of the motive involved, and whenever they commit, participate in, directly incite or inspire, directly abet, encourage or cooperate in the commission of the crime of apartheid (Article III, 1976 anti-Apartheid Convention). All states are obliged to condemn, suppress and punish those involved in the crime of apartheid.112 |
Racial discrimination against the indigenous Palestinian people was formalized and institutionalized at an early stage through the creation by law of a “Jewish nationality” that is distinct from Israeli citizenship; no “Israeli” nationality exists. The 1950 Law of Return is an effective nationality law, because it entitles all Jews and Jews only to the rights of nationals, namely the right to enter “Eretz Israel” (Israel and the OPT) and immediately enjoy full legal and political rights. “Jewish nationality” under the Law of Return is extra-territorial in contravention of international public law norms pertaining to nationality. It includes Jewish citizens of other countries, irrespective of whether they wish to be part of the collective of “Jewish nationals”, and excludes “non-Jews” (i.e., Palestinians) from nationality rights in Israel. In combination with the 1952 Citizenship Law, Israel has created a discriminatory two-tier legal system whereby Jews hold nationality and citizenship, while the remaining indigenous Palestinian citizens hold only citizenship and Palestinian refugees hold no legal status at all. Under Israeli law the status of Jewish nationality is accompanied with first-class rights and benefits which are not granted to Palestinian citizens.

Since 1967 Israel has extended its colonial apartheid regime to the OPT in the guise of belligerent occupation. Modelled on the military regime of 1949 - 1966, a second Israeli military government was established in the OPT in 1967 in order to control and oppress the occupied Palestinian population. With more than 1,200 military orders issued since 1967, Israel as the occupying power has altered the administrative and legal situation in the OPT in violation of international humanitarian law (IHL). Other parts of the occupied West Bank, including eastern Jerusalem, were annexed by Israel immediately after the 1967 war and colonization of the occupied city is ongoing in violation of international law.

The contemporary features of Israel’s regime over the Palestinian people have been shaped by the Oslo peace process (1993 – 2000) and the effort to suppress the second Palestinian Intifada (2000 to the present). The features of apartheid evolved in particular when the OPT (excluding eastern Jerusalem) was divided into non-contiguous “areas A, B, and C.” Limited powers were transferred to the newly created Palestinian Authority (PA) which took up operations in the areas with large Palestinian populations (so-called areas A and B currently comprising 18.2% and 21.8% of the West Bank respectively). Israel retained overall military control of the entire OPT, and exclusive control over area C containing the Jewish colonies and most of the land (currently 60% of the West Bank). Since then, Israeli civil law has been applied to the Jewish settlers and colonies, while the occupied Palestinian civilian population has been subjected to an oppressive military regime.

Also in the context of the Oslo peace process, Israeli governments adopted “Hafrada” (in Hebrew: separation, segregation) as the official policy directed towards Palestinians in the OPT. It has been planned, publicly endorsed and promoted by members of the government, parliament, political parties, the military, the academy and the media in Israel.

Israeli courts, in particular the Supreme Court, have been complicit in the policies and practices of the legislative and executive, denying effective and adequate recourse for Palestinian victims and contributed to the impunity of Israeli police, soldiers and Jewish settlers for offenses and crimes against Palestinians in Israel and the OPT. (See Chapter Three) “Hafrada” and the two-tier legal system have institutionalized racial discrimination against the Palestinian population in the OPT and served as the engine of Jewish colonization. Some 3,785 km² of additional Palestinian land on both sides of the Green Line have been confiscated by Israel in this period.
1.2 Root Causes and ‘Triggers’ of Contemporary Forced Displacement

Israel’s regime combining occupation, apartheid and colonization is the root cause of contemporary and ongoing forced displacement of Palestinians on both sides of the Green Line. Contemporary forced displacement is induced by a set of inter-related, discriminatory and oppressive Israeli policies and practices which are implemented in the context of military operations and routine administration.

Some of these policies and practices have caused large numbers of forcibly displaced Palestinians in a very direct and immediate manner, among them: excessive and indiscriminate use of force by military or police forces; deportation; detention and torture; home demolition and forced eviction; and, attacks and harassment by violent non-state actors. Other policies and practices appear to trigger forced displacement in a more indirect and long-term manner, among them: revocation of residency rights; closure and segregation; confiscation and discriminatory distribution of land; and settler implantation and “judaization” of Palestinian localities. The latter create a situation of vulnerability among the affected Palestinian population and are directly related to the root cause of the conflict.

Hundreds of thousands of Palestinians have been forcibly displaced internally and externally in numerous incidents throughout the past four decades. Many of those affected are refugees displaced for a second or third time. By 2009, Palestinian communities in the OPT facing the risk of forced displacement include communities in the path of the Wall (498,000 Palestinians in 92 communities), Palestinian Bedouin, Palestinians residing in the Jordan Valley, eastern Jerusalem, Hebron, Southern Gaza and the Gaza Strip buffer zone, (which extends from 500 meters to one kilometer in from the Gaza Strip's border). Among Palestinian citizens of Israel, the Bedouin in the Naqab and Palestinian communities in the Galilee and the so-called ‘mixed cities’ are particularly vulnerable to forced displacement.

Israel’s Military Assault on the Gaza Strip “Operation Cast Lead”

Israel’s military assault on the Gaza Strip codenamed “Operation Cast Lead” took place between 27 December 2008 and 18 January 2009. The operation entailed the targeting of public and private civilian property and infrastructure throughout Gaza’s cities, villages, and refugee camps, encompassing residential neighborhoods, hospitals, schools, universities, government ministries, water/sewer lines, electricity generating stations, greenhouses, commercial establishments, infrastructure and roads. Three weeks of almost uninterrupted Israeli aerial bombardments, artillery shelling from land and sea, and ground operations resulted in the killing of 1,414 people, including 313 children and 116 women, and over 5,000 injured. More Palestinians were killed in Gaza during the three weeks of Israel’s military operation than during the entire first Intifada (December 1987 - September 1993). The first 24 hours of the operation resulted in the highest casualty toll in one day in the OPT since 1967: 230 fatalities and 520 injuries.

Surveys conducted immediately after the ceasefire indicate that 38 percent of Gazans - over half a million people - fled their homes at some point during the conflict. The destruction was so encompassing that “the option to become an internally displaced person was, as a practical matter, unavailable to the civilian population,” in the words of UN Special Rapporteur Richard Falk. The UN High Commissioner for Refugees also noted that Gaza is “the only conflict in the world in which people are not even allowed to flee.”

An estimated 2.6 percent of homes in Gaza were completely destroyed, and an additional 20 percent sustained serious damage. An estimated 80-90,000 people were forced to leave their homes and live in open space in the dead of winter. 219 major factories, among them several industrial sites, including food processing plants, Gaza’s largest concrete factory, and the only operating flour mill were also among the toll of destruction. An estimated 80 percent of agricultural land and crops were damaged, while arable land was also contaminated by spills of sewage and toxic munitions.

1.2.1 Excessive and Indiscriminate Use of Force; Deportation; Detention and Torture

In the OPT - Since the beginning of the second Intifada, Israel has launched dozens of military operations with the aim to suppress the Palestinian uprising. Israel as the occupying power routinely employs excessive and indiscriminate force, willful killing and extrajudicial assassination. At least 39,000 Palestinians have been injured and 6,322 killed in the current Intifada since 29 September 2000. This number includes the approximately 6,800
Palestinian casualties (1,414 dead, more than 5,000 injured) in the Gaza Strip – the overwhelming majority of them refugees – inflicted by Israel’s military operation between 27 December 2008 and 18 January 2009. Among those killed since 2000 are 1,165 Palestinian children and 279 women. Among the dead are 742 persons murdered in extra-judicial assassinations, as well as 11 journalists and 26 medical personnel.

Since 1968 Israel has deported approximately 2,000 Palestinians. This does not include between 6,000 and 20,000 Bedouin farmers evicted from the Rafah salient southwest of the occupied Gaza Strip between 1969 and 1972. Deportees include Palestinians who fought against the Israeli occupation and served time in Israeli prisons, political activists, school principals and supervisors who protested against censorship of textbooks, teachers and students who initiated school boycotts, and attorneys who organized lawyers’ strikes. A substantial but unknown number of them were able have their deportation orders rescinded in the mid-1990s. Since 2002, Israel has also forcibly transferred (“assigned residence”) to at least 76 Palestinians from the occupied West Bank to the segregated Gaza Strip.

Since 1967, Israel has imprisoned an estimated 700,000 Palestinians on charges related to the political struggle and resistance. At least 40 percent of all Palestinian males in the OPT are estimated to have served time in prison. At the end of July 2009, Israel held 7,430 Palestinians in detention facilities, including 333 minors. Additional Palestinians were held without trial in so-called “administrative detention.” Palestinian prisoners in Israeli jails are subjected to various forms of torture and inhuman and degrading treatment.

In Israel - At least 43 Palestinian citizens of Israel have been killed since September 2000 by Israeli police and state security forces, or Jewish citizens. In only one incident was a police officer convicted for killing a Palestinian citizen, with the perpetrator sentenced to 6 months in prison. This despite a governmental commission set up in the wake of the police killings of 13 citizens in October 2000, which recommended the state do away with discrimination. 2008 witnessed at least 17 incidents of violence of police or security forces resulting in injury of Palestinian citizens.

Approximately 150 Palestinian citizens of Israel are held in Israeli prisons on charges related to the political struggle and resistance.

1.2.2 Home Demolition and Forced Evictions

In the OPT - Between 1967 and the beginning of 2009, Israel demolished over 24,102 Palestinian homes and other structures in the OPT. This does not include the estimated 10,000 refugee shelters destroyed in the 1970s and 1980s in several refugee camps in the Gaza Strip, affecting more than 62,000 refugees. More than 3,000 Palestinian-owned structures in the West Bank have pending demolition orders which can be immediately executed without prior warning.

65.5 percent of all demolitions are “land clearing demolitions” or “demolitions for military purpose.” So-called “administrative demolitions” account for 27 percent of all cases. They are carried out because the Palestinian structure lacks the required building permits as designated by the occupation authorities. These demolitions
HISTORICAL BACKGROUND AND CAUSES OF PALESTINIAN DISPLACEMENT

are most common in eastern Jerusalem and Area C of the West Bank. “Punitive demolitions” (8.5 percent) involve the demolition of homes of alleged Palestinian resistance fighters, including cases where the alleged militant is already imprisoned or killed.150

Israeli military operations have caused massive damage and destruction to Palestinian homes, in particular in the Gaza Strip. Between 2000 and the end of 2008, UNRWA estimates that over 11,000 refugee homes were destroyed or damaged, whilst in the course of Israel’s military assault “Operation Cast Lead” a further 3,540 homes were destroyed or damaged beyond repair. Another 55,766 homes sustained major or minor damage. An estimated 20,000 persons remained displaced by July 2009; the continued ban on entry of construction materials prevented the reconstruction of their homes. Meanwhile, an estimated 4,400 homes destroyed before the Israeli assault, have yet to be rebuilt.151

In occupied and annexed eastern Jerusalem, the Israeli municipality demolished 65 homes in 2007 and 89 in 2008.152 29 homes were demolished in the first half of 2009, resulting in the displacement of 170 Palestinians, including 80 children. In August 2009, 53 Palestinian refugees, including 20 children, were forcibly evicted from their homes in the Sheikh Jarrah neighborhood, after an Israeli court issued a judgment in favor of a Jewish settler organization claiming ownership of the buildings in the area. OCHA estimates that a further 475 Palestinians in Sheikh Jarrah are at risk of forced eviction, dispossession and displacement due to ongoing actions by Jewish settler organizations. Plans are also underway to demolish 90 homes with 1,500 inhabitants in the Bustan neighborhood of Silwan, in order to construct a Jewish archaeological park. In a situation where Palestinians are generally denied building permits by the Israeli authorities, OCHA also estimates that at least 28 percent of all Palestinian homes in eastern Jerusalem were built without the required permit, making 60,000 people at risk of having their homes demolished.153

In Area C of the occupied West Bank the Israeli authorities denied over 94 percent of applications for building permits submitted by Palestinians between January 2000 and September 2007.154 During that period, 5,000 demolition orders were issued, and over 1,600 Palestinian buildings were demolished. Between January and July 2009, OCHA recorded the demolition of 221 Palestinian-owned structures, including 90 homes, affecting 1,002 persons among them 513 displaced persons. OCHA data suggests that demolitions and displacement in Area C are on the rise.155 Official Israeli statistics indicate that for each permit allowing Palestinian construction in Area C, 18 other buildings are destroyed and 55 demolition orders are issued for structures.156

In September 2007, the UN Special Rapporteur on the situation of human rights in the Palestinian territories John Dugard visited Al Hadidiya in the Jordan Valley,
In 2008 in the town of Jaffa alone, 497 eviction orders were issued against local families, potentially effecting 3000 people, or 18 percent of the total Palestinian population in Jaffa. 

In the Naqab, Israel carried out 143 demolitions in 2005, followed by 320 between February 2006 and February 2008. Israel has also begun filing ex parte “Requests for Demolition Orders without Conviction,” which are perfunctorily granted by Israeli courts. In these cases, the state claims the identity of the owner of the structure in question to be “unknown” and the hearing takes place in the absence of the affected parties, in violation of their rights to due process. Israeli officials contend that there are 45,000 existing structures that have been built illegally in the Naqab and are thus potential targets for demolition because they violate zoning and building codes. This despite the fact that Israel has no specific, objective criteria to determine whether a locality should be given recognized status, and there is no official process by which a community can apply for recognition. In some cases demolition orders have been issued for entire neighborhoods or even whole villages, such as the unrecognized village of al-Sira, next to the Nevatim air base, or Atir–Umm el-Hieran which has more than one thousand inhabitants. In some cases, communities have had their crops sprayed with toxic chemicals to induce their displacement.

### 1.2.3 Attacks and Harassment by Non-State Actors

In the OPT – Attacks and harassment by Jewish settlers prevent Palestinians from accessing their land, result in the destruction of Palestinian property and livelihood, and in some cases, lead to the forced displacement of Palestinian communities. Attacks include killings, physical assault, criminal trespassing, property damage, threats of violence, abuse and intimidation, killing of animals, desecration of cemeteries and mosques, dumping of waste, and sexual harassment. Incidents of settler violence in 2008 were most concentrated in the Hebron region (42%) and the outskirts of...
Nablus (21%), a trend also witnessed in previous years. 290 settler-related incidents targeting Palestinians and their property were recorded in the first 10 months of 2008 as compared to 182 in 2006 and 243 in 2007.\textsuperscript{166}

A study of over two thousand Palestinian structures in the vicinity of Jewish settlements and their access roads in Hebron showed that at least 1,014 Palestinian homes (41.9 percent) had been vacated by their occupants.\textsuperscript{167} Another report revealed that 90 percent of Israeli police investigations into Jewish settler offenses against Palestinians ended in failure: investigation files were closed on the grounds of “lack of evidence” and “perpetrator unknown,” and in some cases complaints were filed, lost and never investigated.\textsuperscript{168}

\textbf{In Israel} – On some occasions, violent riots carried out by vigilante groups of Jewish nationalists have led to forced displacement of Palestinian citizens. In October 2008, pogrom-like activity erupted against the Palestinian community in Akka (Acre) after a Palestinian allegedly drove his car on the Jewish Yom Kippur holiday.\textsuperscript{170} Fourteen Arab family homes were attacked and damaged, and more than 80 people were evacuated.\textsuperscript{171}

Wide sections of the Zionist right-wing engage in incitement against Palestinian citizens describing them as a demographic threat, and a fifth column.\textsuperscript{172} They are allowed to operate thanks to a culture of permissiveness, where incitement against Palestinian citizens is a part of Israeli political culture. Leftist and centrist Zionist political parties abet such incitement by advocating for the principle of separation, and population exchanges (between Jewish settlers and Palestinian citizens) as part of negotiations with the Palestinian leadership in the OPT. Several Israeli NGOs, influential rabbis, Israeli newspapers and internet sites, directly incite racism and call for racist actions against the Palestinian Arab community.\textsuperscript{173} There is also a tangible increase in involvement of the Jewish settler population of the OPT in the affairs of Palestinian citizens of Israel.\textsuperscript{174} The right-wing Zionist organization “the Seeds of the Settlements,” for example, has increased its activities in Lydd, Ramleh, Akka, Jaffa and other areas where it perceives a “demographic risk” posed by large Palestinian communities. Encouraged by local authorities, these organizations have begun to carry out “social work,” including the establishment of some 200 yeshivas in Akka alone.\textsuperscript{175}

\subsection*{1.2.4 Revocation of Residency Rights}

\textbf{In the OPT} – Since 1967, Israel has retained exclusive control over the movement of persons to and from the OPT and the granting of resident status there. Neither the Oslo peace process of the 1990s nor the 2005 unilateral pull out of Israel’s army from the Gaza Strip have resulted in a transfer of relevant powers to the Palestinian Authority.

Between 1967 and 1994, Israel treated Palestinians in the OPT as “resident aliens” whose status in their country was revoked if they stayed abroad for longer periods and failed to renew their Israeli re-entry visa. In occupied and annexed eastern Jerusalem, revocation of residency rights was pursued in accordance with the express policy of limiting the ratio of Palestinians to no more than 28 percent of the city’s population.\textsuperscript{176} By 1991, Israel had revoked the residency rights of more than 100,000 Palestinians by administrative decision.\textsuperscript{177}

Palestinian inhabitants of the OPT were finally granted protected resident status based on a 1995 interim agreement between Israel and the PLO, but occupied and annexed eastern Jerusalem was excluded from the interim agreements of the Oslo peace process. Israel’s interior ministry rather instigated a new “center of life” policy whereby residency status was revoked from approximately 3096 Palestinian Jerusalemites.
and their dependents between 1995 and 1999 on the grounds that they were living outside the municipal boundaries.178 Israeli authorities subsequently scaled down this policy but resumed large scale revocations (4,577) in 2008.179

Since 1967, Israel has systematically violated the rights of the Palestinian family in the OPT. Hundreds of thousands have been denied unification with non-resident spouses and children by Israel’s military government. Many eventually leave the country in order to avoid separation. In 2000 Israel suspended all procedures for visitor’s permits and family unification, impacting approximately 120,000 Palestinian residents of the OPT married to foreign born spouses, most of whom are Palestinian refugees born and raised outside Israel or the OPT.180 In 2007, Israel instituted a policy of defining as “illegal aliens” all Palestinians from the Gaza Strip who were present in the West Bank without a permit.181 Israel refuses to transfer the registered address of a Palestinian from Gaza to the West Bank, even if s/he has lived in the West Bank for years.182

In Israel – Unlike Jewish citizens and immigrants, Palestinian citizens must obtain family unification for foreign spouses and children in order to legally reside in Israel with their families.183 The Minister of Interior can issue decisions without explanation, and the burden of proof that a decision is discriminatory or unreasonable lies with the applicant during appeal. Since 2003, Israel’s parliament has regularly extended the discriminatory Citizenship and Entry into Israel Law (2003). This law severely restricts family unification in Israel for Palestinian citizens and their Palestinian spouses and children from the OPT, causing the separation and forced relocation of such families.184

In 2008, the Knesset approved the Citizenship Law (Amendment No. 9) (Authority for Revoking Citizenship) which allows citizenship to be revoked on the grounds of breach of trust vis-à-vis the state.185 Proceedings have been launched to revoke the citizenship of several Palestinian citizens of the state based upon security pretexts, including some elected parliamentarians.186

1.2.5 Closure and Segregation

In the OPT – Since the early 1990s, Israel has restricted Palestinian access to occupied and annexed eastern Jerusalem and areas west of the Green Line, as well as movement between the occupied West Bank and the Gaza Strip. Since 2000, Israel has undertaken additional measures with the aim to close the non-contiguous Palestinian areas that were created during the Oslo peace process in the 1990s, confine the Palestinian populations, and separate them from each other and from their land located in Area C.

Closure and segregation trigger forced displacement, mainly because the arbitrary and discriminatory curtailment of the right to freedom of movement has a detrimental impact on a range of other rights, including the right to education, work, family and religious rights and health care. This applies particularly to enclaves, buffer zones and areas close to the Wall where Palestinians are forced to leave because access is denied to sources of income and essential services.

Studies on the impact of Israel’s Wall in the occupied West Bank indicate that it had triggered the forced displacement of 15,000 persons from 145 localities by 2005.195 By 2006, 17 percent of all Palestinians in occupied eastern Jerusalem who had changed their previous place of residence since 2002 stated that they had done so as a direct result of the Wall. More people than in the past (64 percent compared to 52 percent) were considering to move.196 In mid-2007 OCHA found that only 18 percent of those who used to work their land located in what became a “closed area” received a permit to do so after the construction of the Wall. 29 communities reported that entire households had left because of the Wall, and another 36 reported that heads of households had left to seek employment elsewhere in the West Bank. 197

By 2009, 498,000 Palestinians in 92 communities live in areas severed from the rest of the West Bank,198 including 263,200 people in 81 communities who are caught in the so-called “closed areas and seam zones.” All
Map 1.4: Israel's Wall and Isolated Palestinian Localities

Isolated Palestinian Localities
Population 2008
- No Data
- 500 - 1 (5 %)
- 3000 - 5001 (24 %)
- 8000 - 30001 (57 %)
- 11179 - 8001 (14 %)

- Segregation Wall
- Main Roads
- Israeli Controlled Roads
- West Bank Governorates
- Israeli Settlements
- Palestinian Areas
- Eastern Segregation Zone
- Western Segregation Zone
- Nature Reserve

Applied Research Institute - Jerusalem
Main Israeli Measures of Closure and Segregation

Checkpoint and Permit System

Israel has established an elaborate checkpoint system along the network of roadways throughout the West Bank functioning as controlling valves, opening or closing regions at the occupation’s discretion, with no recourse for Palestinians. Though the number of impediments to Palestinian movement fluctuates over time, as of 29 September 2009, there were 592 movement obstacles in the West Bank.187 The Israeli army limits the movement of West Bank Palestinians on 430 kilometers of roads, on which Israelis are allowed free movement. On 137 kilometers of these roads, the army completely prohibits Palestinian travel; on the other 293 kilometers, only Palestinians who have permits are allowed to travel.188

The Wall and its Associated Regime in the Occupied West Bank

Despite the 2004 advisory opinion of the International Court of Justice (ICJ), demanding that Israel cease construction, destroy what was built and provide reparation for the Palestinian victims, almost 60 percent of the Wall has been built and additional 10 percent was still under construction in 2009. In total, 86 percent of the Wall is built inside the West Bank.189 69 Jewish colonies (including 12 in East Jerusalem) comprising 83 percent of the Jewish settler population, are thereby de facto annexed to Israel on the western side of the Wall.190 Palestinian communities caught west of the Wall, between the Wall and the Green Line (“seam zone”) have been declared a closed military area, and all Palestinians aged 16 and above are required to obtain a permit in order to be able to access their land and/or homes.191

Closure of the Jordan Valley

Israel has announced plans to double the number of Jewish settlers in the Jordan Valley,192 including the Jordan Rift, the area along the northern Dead Sea and the eastern slopes of the West Bank mountains, and declared 400km² of the area a “closed military zone. Since 2005, access to the Jordan Valley has been closed or restricted for Palestinians not registered as residents of the area.193 56,000 Palestinians (39 percent of whom are refugees) live in 44 communities in the Jordan Valley. 9,400 Jewish settlers live in 38 Jewish colonies and seven “outposts.”

Closure and Blockade of the Gaza Strip

Taking advantage of the political opportunity offered by the international sanctions imposed on the 2006 elected Hamas-led Palestinian government in the OPT, Israel has since imposed an almost hermetic closure and blockade on the approximately 1.5 million Palestinians living in the Gaza Strip. In general, no movement of Palestinians is permitted into Israel and the West Bank via Israel’s Erez crossing, and since 2007 the Rafah crossing into Egypt has also remained closed for most of the time. By 2009, the ban on exports remains in place and imports are restricted to basic humanitarian supplies, creating severe damage to the economy and the environment and resulting in a major rise in poverty and unemployment and consequently dependency on humanitarian aid. Israel also prevents farmers and agricultural workers from accessing arable land close to the border, which has been declared a “buffer zone.” The movement of fishermen is limited to three nautical miles from the coast, compared to 20, as stipulated under the Oslo Accords.194
of them face the risk of forced displacement. Those at risk of forced displacement includes 25 percent of the 253,000 Palestinians living in occupied eastern Jerusalem who are cut off from the city by the Wall, among them approximately 11,000 Palestinian refugees from the Shu’fat refugee camp. As noted by the UN Special Rapporteur already in 2006, “the wall in the Jerusalem area is being constructed to transfer many Palestinians with Jerusalem identity documents to the West Bank.”

The closure of the Jordan Valley has also resulted in forced displacement. The number of Palestinians who have changed their places of residence from the Jordan Valley to elsewhere increased from 945 persons in 2004 to 1,935 in 2005, and over 3,000 in the first months of 2006.

In the occupied Gaza Strip, internal forced displacement is induced by Israel’s closure and blockade, as well as military operations. Approximately 267 families (over 1,450 persons) of the Palestinian refugee Bedouin community at Umm al-Nasser were displaced in March 2007 when a nearby basin of the Beit Lahia wastewater treatment plant flooded their homes because Israel prevents urgent repair and development of the treatment plant. In the summer of 2006, approximately 5,100 Palestinians were forcibly displaced by Israel’s “Operation Summer Rains”, with refugee Bedouin communities in the “buffer zone” most affected.

In Israel – The state maintains separate “Arab and Jewish sectors” as a matter of public policy which results in systematic racial discrimination of Palestinian Arab citizen in public service allocation and decision making. Although Palestinian citizens make up more than 20 percent the population, Palestinian municipalities and local councils received only 7.6 percent of the state development budget for the year 2008. Less than 6 percent of civil servants are Palestinian citizens; the private sector shows a similar disparity. With regard to education, the “Arab sector” lacks at least 7,000 classrooms, in addition to a scarcity of supplementary spaces such as playgrounds, theater halls, and computer and science laboratories. The Palestinian community in Israel lacks a state-funded Arab university despite appeals to the state that date back to 1981. Discrimination against Arab students in the Jewish-Israeli higher education system has compelled more than 7,000 Palestinian students to leave the country and pursue higher education abroad.

A policy of physical closure and segregation is implemented in particular against Palestinian Bedouin citizens in the Naqab.

1.2.6 Confiscation and Discriminatory Distribution of Land

In the OPT - Israel uses military orders and British and Jordanian law in order to expropriate Palestinian land, including privately-owned land, “abandoned” land, and “state property” for military use and “public purpose.” Palestinian property confiscation by the Jewish National Fund (JNF) is considered the inalienable property of the Jewish people. This and the fact that expropriated Palestinian land is allocated for Jewish colonization (“settlements”) suggests de facto permanent confiscation and possibly annexation.

By the end of 2008, Israel had confiscated or (de facto) annexed approximately 70 percent (4,102 km²) of the land in the occupied Palestinian West Bank. Some 60 percent of this land was already expropriated by the mid-1980s. At least 119,000 dunums of Palestinian land expropriated in the Gaza Strip immediately after the 1967 War returned to Palestinian ownership and control in 2005 as a result of Israeli decolonization (“Gaza disengagement”).

Approximately one-third of the land Israel illegally annexed in occupied eastern Jerusalem has been expropriated and 12 settlements have been built there for some 193,700 Jewish settlers. The majority of the remaining land was re-zoned so as to prevent Palestinian use. While Palestinians constitute over 50 percent of the population of East Jerusalem, only 13 percent of the Israeli-annexed land in the city is currently zoned for Palestinian construction, and most of this land is already built-upon.
On 24 September 2007 the Israeli military commander of the West Bank signed a land expropriation order targeting Palestinian land for the construction of a settler road that would link the southern, eastern and northern areas of the West Bank at the expense of Palestinian property rights, territorial contiguity and ultimately, self-determination. The road will circumvent the Israeli colony of Ma’ale Adumim and other adjacent settlements, and run near the southern and eastern edge of the planned route of the Wall surrounding these colonies. Once constructed, the enclosed “Adumim bloc” will de facto confiscate 61 km² of the occupied West Bank, an area referred to by Israel as “E-1.”

In Israel – Palestinian citizens of Israel constitute approximately 20 percent of the population but their local authorities use and control only 3.4 percent of the land. Approximately 76 percent (1,113 km²) of their privately and collectively owned land was expropriated between 1948 and 2001. 93 percent of the land in Israel has been nationalized, while the discriminatory land regime managed by the Israel Land Administration (ILA) and the Jewish National Fund (JNF) denies Palestinian citizens equal access to land and bars land restitution in court.

The 1965 Planning and Building Law gave official recognition to 123 Palestinian communities but little or no space for expansion. All other Palestinian communities, even if established prior to the creation of the state of Israel, are classified as illegal and referred to as “unrecognized villages.” Unrecognized villages cannot apply for building licenses and homes can be demolished. Nearly 100,000 Palestinian citizens of Israel live in unrecognized villages.

By 2008, nearly all Palestinian-Arab communities still lack approved master plans for their future development and suffer from related developmental problems, including a lack of industrial zones, open public spaces and effective public service institutions.

89 percent of all towns and villages in Israel are classified as Jewish. Palestinian Arab citizens are excluded from purchasing leasing rights in 78 percent of these towns and villages. In these so-called community or agricultural towns, “selection committees” (which include a senior officer from the Jewish Agency or the World Zionist Organization) screen applications for housing units. Palestinians are filtered out often under the pretext that they are not “suited for social life in a small community or agricultural settlement.”

1.2.7 Settler Implantation and the Policy of “Judaization”

In the OPT - Israel withdrew 22 Jewish colonies from the occupied Gaza Strip in 2005 but colonization has continued and accelerated in the occupied West Bank, in particular in and around eastern Jerusalem. At the beginning of 2008, the Jewish settler population was 63 percent higher than it was in 1993 when the Oslo peace process began.
**Mixed Cities** - Approximately 90,000 Palestinians live in the towns of Lydd, Ramleh, Jaffa, Haifa, and Akka which also have majority Jewish populations. Public “Judaization” policies there are fourfold: 1) instituting discriminatory service provision practices that marginalize Palestinian areas; 2) erasing the Arab identity of these towns through the destruction of historic buildings and inscriptions, and renaming Arabic streets and historic sites; 3) acquisition of Palestinian-owned buildings and property by public, state-owned companies that discriminate against Palestinians under their statutes and Israeli law; and 4) rehabilitation and gentrification of Arab, Moslem and Palestinian sites and areas by transforming them into artist quarters, galleries and tourist projects without consultation and participation of the Palestinian inhabitants who find it difficult to remain there for economic, social or cultural reasons.

According to official Israeli figures, by the end of 2008 there were 133 Jewish colonies in the occupied West Bank, including 12 large ones and several “smaller settlement points” in eastern Jerusalem. In addition, there are 105 so-called “outposts” throughout the West Bank, i.e., informal structures that serve as a prelude to a new settlement. They are nominally “unauthorized” but are still funded by Israeli government ministries. 478,700 Jewish settlers live in these colonies. The annual growth rate of this population (excluding eastern Jerusalem) is 4.7 percent, far higher than the 1.6 percent growth rate inside the Green Line. 476 The jurisdictional area of Jewish settlement “local and regional councils” exceeds more than 40 percent of the West Bank.

Since the Annapolis conference in November 2007, at which the parties and the diplomatic community at large reaffirmed their support for a two-state solution, construction has taken place in over 100 West Bank settlements and 58 outposts, and 16 new outposts have been established. Between August 2007 and June 2008, Israel issued tenders and plans for a total of 23,653 new housing units in Jewish settlements, with 64 percent of them to be built in occupied eastern Jerusalem and the Bethlehem area. Settlement construction is underway not only west of the Wall in the areas Israel intends to annex (or already has annexed). In the first half of 2008, 55 percent of new settlement construction was taking place east of the Wall.

In Israel - “Judaization” was formulated as a public policy in the 1950s when Israeli governments first sought to create a Jewish majority in the Galilee (in Hebrew: Yehud ha-Galil) in order to prevent the formation of “a nucleus of Arab nationalism within the Jewish state.” Over 50 percent of Israel’s Jewish population lives in central Israel, while over 70 percent of its Palestinian population lives in the Naqab and the Galilee. Under the euphemism of public development, “Judaization” policies are implemented in these areas and in the so-called “mixed cities”, in order to restrict the growth and development of the Palestinian population and build Jewish
majorities in every area within Israel.232 Efforts for this purpose have increased, particularly with the onset of the second Intifada.233

In 2004, former Israeli Prime Minister Ariel Sharon launched “an emergency plan to save the outlying areas” in the Naqab and Galilee which was subsequently integrated in the government’s 2005 Gaza “disengagement plan.”234 Jewish settlers who evacuated the occupied Gaza Strip were encouraged to resettle in these areas through tax breaks and subsidized housing.235 Shimon Peres led the effort to raise funds for the task, describing “[t]he development of the Negev and the Galilee as “the most important Zionist project of the coming years.” Israel coordinated its activities with the U.S. administration which agreed to provide $2.1 billion in financial support to Israel’s redeployment from the Gaza Strip, more than half of which was intended for “development of the Galilee and the Negev.”236 Railroad connections were improved between the two regions and the greater metropolitan area of Tel Aviv; the Trans-Israel Highway, built mainly on Arab lands, was extended; military bases were relocated to the Naqab, and more townships were developed for the forced resettlement of Bedouin citizens.

1.3 Secondary Forced Displacement in Host Countries

Many Palestinians who sought refuge outside their homeland experienced further forced displacement. With their right to a nationality, identity and travel document denied by Israel, they became stateless refugees246 who have been particularly vulnerable to the impacts of armed conflicts and human rights violations in their respective host countries.

In the 1950s, Arab Gulf oil-producing states expelled striking Palestinian workers. When factions within the PLO challenged the power of the Hashemite Kingdom in 1970, vast numbers of Palestinians were expelled (between 18,000 and 20,000) and their camps demolished. This war, known as “Black September”, also resulted in the expulsion of the PLO from Jordan and its relocation to Lebanon.

In south Lebanon, Israeli warplanes bombed and destroyed the al-Nabatiya refugee camp near the city of al-Nabatiya in 1974. Refugees were displaced to Ein al-Hilwe refugee camp and other camps in Beirut. Two years later, right-wing Lebanese Christian militias backed by Syrian army reinforcements razed Tel e-Zatar (Dekwana) and Jisr al-Basha refugee camps in eastern Beirut, massacring an estimated 2000 people.247 Refugees were displaced yet again to Ein al-Hilwe and other Beirut camps. The 1982 Israeli invasion of Lebanon led to the massacre of several thousand Palestinian refugees in the Beirut refugee camp of Shatila and the adjacent neighborhood of Sabra, by Israeli-allied Christian Phalangists in September 1982. Palestinian refugees were also displaced as a result of the “war of the camps” (1985–87) between the Lebanese army and PLO forces that remained after the departure of the PLO.248

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

Close to 200,000 Palestinian refugees were displaced and some 30,000 killed between 1982 and the late 1980s, as a result of Israel’s
invasion, the departure of the PLO forces (14,000) to Tunisia, Libya, Sudan, Yemen and Syria, and the subsequent civil war."\(^{249}\) Since the 1980s, it is estimated that about 100,000 Palestinians have emigrated from Lebanon or sought protection from persecution in the Gulf countries and Northern Europe, mainly in Germany, Sweden and Denmark.\(^{250}\)

### Table 1.3 Refugee Camps Destroyed in Lebanon

<table>
<thead>
<tr>
<th>Camp</th>
<th>Land Area</th>
<th>Population</th>
<th>Year of Destruction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Official Camps</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Nabatiya (South)</td>
<td>103,455</td>
<td>6,500</td>
<td>1974</td>
</tr>
<tr>
<td>Dhbaia (Beirut)</td>
<td>83,576</td>
<td>5,500</td>
<td>1975</td>
</tr>
<tr>
<td>Jisr al-Basha (Beirut)</td>
<td>22,000</td>
<td>3,000</td>
<td>1976</td>
</tr>
<tr>
<td>Al-Dekwana (Tel eZa’atar) (Beirut)</td>
<td>56,646</td>
<td>15,100</td>
<td>1976</td>
</tr>
<tr>
<td>Meih Meih (Sida)</td>
<td>54,040</td>
<td>4,500</td>
<td>1982</td>
</tr>
<tr>
<td>Naher el-Bared</td>
<td>31,400</td>
<td></td>
<td>2007</td>
</tr>
<tr>
<td><strong>Unofficial Camps</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Maslakh (Eastern Beirut)</td>
<td>1,250</td>
<td></td>
<td>1975</td>
</tr>
<tr>
<td>Burj Hammoud (Eastern Beirut)</td>
<td>4,500</td>
<td></td>
<td>1976</td>
</tr>
<tr>
<td>Al-Naba’a (Eastern Beirut)</td>
<td>1,450</td>
<td></td>
<td>1976</td>
</tr>
<tr>
<td>Hursh Shatila (Western Beirut)</td>
<td>3,600</td>
<td></td>
<td>1985</td>
</tr>
<tr>
<td>Al-Hai al-Gharbi Shatila (Western Beirut)</td>
<td>1,450</td>
<td></td>
<td>1985</td>
</tr>
<tr>
<td>Al-Daouq (Western Beirut)</td>
<td>3,250</td>
<td></td>
<td>1985</td>
</tr>
<tr>
<td><strong>Marginal Camps</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Al-Shawakir (Sur)</td>
<td>82</td>
<td></td>
<td>1986</td>
</tr>
<tr>
<td>Ras al-Ein (Sur)</td>
<td>75</td>
<td></td>
<td>1986</td>
</tr>
</tbody>
</table>


In Kuwait, during the 1991 Gulf War, most of the Palestinian population (350,000 –400,000) was forced to leave the country as collective punishment for PLO support for Iraq. Most Palestinians in Kuwait were UNRWA-registered 1948 refugees with Jordanian passports or Egyptian travel documents. Palestinians were mainly displaced to Jordan (250,000–280,000) and Iraq (2,000). Those with residency status in the OPT (30,000–40,000) were able to return. The PLO estimated that only some 27,000 Palestinians remained in Kuwait.\(^{251}\)

In 1994, Libya announced its intention to expel Palestinians (35,000) as an expression
of its dissatisfaction with the Oslo peace process. Measures taken by the Libyan government included non-renewal of Palestinian residency permits and cancellation of valid ones. In September 1995, Libyan President Qaddafi expelled thousands of Palestinians from Libya on ships and trucks. Some were allowed entry into Jordan, the OPT, Syria and Lebanon, but many who had no valid travel documents were left stranded in extremely harsh conditions in the Saloum refugee camp on the border between Egypt and Libya. In January 1997, the Libyan parliament announced that Palestinians who had been stranded for 16 months at the Egyptian border could return to Libya.\(^{252}\)

In Iraq, the situation of Palestinian refugees has dramatically deteriorated since 2003 as a result of the U.S.-led war and occupation. Palestinian refugees are not only victims of the general violence, but are also persecuted on grounds of nationality. Persecution has taken the form of eviction from their homes, arbitrary detention, kidnapping, torture, rape, and extra-judicial killings. The U.S./U.K. forces and the Iraqi authorities are unable or unwilling to protect Palestinian refugees in Iraq. Of a population estimated at 34,000 persons in 2003, over 15,000 have left Iraq. The whereabouts and legal status of those who have fled remain largely unknown to UN agencies because of the difficulties of working in Iraq, as well as financial constraints. Some Palestinian refugees have been reported by UNHCR offices in locations as far afield as India and Thailand.
Palestinians fleeing the violence of Iraq were denied entry to Syria and Jordan, except for a small group placed in Al Hol camp (340 people) just inside the Syrian border. A second group of 940 refugees ended up in a camp in the seven kilometer long no-man’s-land between Syria and Iraq at al Tanf, while a third group of 1,750 was blocked from entering this zone and were placed in a camp at Al Waleed, on the Iraqi side of the border. By 2008, more than 2,600 Palestinian refugees from Iraq were still stranded in these camps. Another 4,000 are believed to be living in Damascus illegally after entering the country using forged passports.

In April 2008, the Chilean government began resettling 116 Palestinians from the al Tanf camp. In 2008 the PLO also reached a tri-partite humanitarian relocation agreement with UNHCR and the Sudanese government as a temporary solution for the plight of Palestinians in the camps of al Tanf and al Waleed. The agreement is yet to be implemented. In July 2009, the U.S. State Department confirmed that it would resettle 1,350 Palestinian refugees from Iraq to begin that fall. About 10,000 Palestinian refugees, mainly the most vulnerable who are unable to flee, are believed to have remained in Baghdad. Other Palestinian refugees fleeing Iraq have been resettled in Iceland and Sweden.

Israel’s war with Lebanon in the summer of 2006 (12 July - 14 August) led to inflows and outflows of displaced persons from Palestinian refugee camps. Although the camps were not generally directly targeted, on many occasions bombing and shelling took place in the immediate vicinity of the camps. Moreover, as many as 25,000 Palestinian refugees residing outside the camps in the southern villages near the Israeli border faced the same conditions as the Lebanese population. Around 16,000 Palestinian refugees were displaced both within Lebanon and to neighboring countries. The Palestinian refugee camps of Rashidieh, al-Buss, Burj al-Shamali, Mich Mich, and Ein el-Hilweh hosted internally displaced Lebanese and Palestinians. The majority of these IDPs returned to their homes after the end of hostilities. The war exacerbated the vulnerability of Palestinian refugees.

Between May and September 2007, the Nahr el Bared refugee camp in northern Lebanon was destroyed displacing some 31,400 Palestinian refugees. 105 days of fighting between the fundamentalist Fateh al Islam group and the Lebanese army leveled most of the camp, including entire residential blocks, commercial properties, mosques, UNRWA facilities, water reservoirs, sewage and electricity networks, roads and telephone lines. The majority of families fleeing the conflict sought refuge in and around the Beddawi refugee camp on the outskirts of Tripoli, nearly doubling this camp’s population overnight. Nearly 1,000 families were scattered elsewhere throughout Lebanon.

The destruction of the camp on the 60th year of the Nakba engendered comparisons amongst the refugee population that it had experienced a ‘second Nakba’ losing everything their families had worked for over six decades. UNRWA rebuilding efforts are expected to be complete by mid-2011.
Appendix 1.1: Notes for Table 1.1

Estimated Number of Palestinians Displaced, by Period of Displacement

Provided below is a selection of prominent data and sources illustrating forced displacement at the time it occurred. Updated statistical estimates of the current scope of forced displacement and the size of specific groups and categories of forcibly displaced Palestinians are provided in Appendix 2.1.

The British Mandate (1922–1947)

The estimate (100,000 – 150,000) for the number of Palestinians displaced between 1922 and 1947 is based on British archival data and academic studies on deportation, denationalization, forced evictions, and punitive house demolitions.

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

An estimated 54,000 Palestinians were denationalized under the 1925 Palestine Citizenship Order. Palestine Royal Commission Report, Cmd. 5479. London: HMSO, 1937

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


As many as 70 Palestinian rural villages disappeared. Kanaana, Sharif, Still on Vacation, Jerusalem International Center for Palestinian Studies, 1992, p. 96.

The Nakba (1947–1949)

Estimates for the total number of Palestinians displaced in this period (750,000 – 900,000) are derived largely from United Nations estimates, as well as several academic studies.

Final Report of the United Nations Survey Mission for the Middle East (Part I). UN Doc. A/AC.25/6, cites a figure of 750,000 refugees. The total number of refugees rises to around 900,000 if the number of persons who lost their livelihood but not their homes is added. This includes approximately 100 “border” villages where the 1949 armistice lines separated villagers from their lands. The British Foreign Office estimated the total number of refugees to be 810,000 in February 1949, subsequently issuing revised estimates in September 1949 of 600,000 (Foreign Office Research Department) and 760,000 (UNCCP Technical Office).

Israel estimated the total number of Palestinian refugees to be 530,000 as of 1949. This estimate was based on the difference between the total number of non-Jewish inhabitants in the area of Palestine that became the state of Israel at the end of 1947 (with a deduction of 6%, based on the assumption that Mandate population
statistics for Palestinian Arabs were exaggerated) and the number of Palestinians that remained inside Israel after the 1948 war. This estimate did not include the estimated 30–40,000 refugees who “infiltrated” the state (i.e., returned spontaneously) – even though they might have remained internally displaced – since November 1948. See ISA FM2444/19, Dr H. Meyuzam, to Asher Goren, the Political Department of the Foreign Ministry, 2 June 1949. In a private letter, however, then Director General of the Israeli Foreign Ministry, Walter Eytan, noted that UNRWA registration numbers, which were substantially higher than the Israeli estimate, were “meticulous” and that the “real number was close to 800,000.” See CZA A340/24, Eytan to Daniel Sirkis (Hatzele), 10 November 1950. According to Israeli officials, “if people … became accustomed to the large figure and we are actually obliged to accept the return of the refugees, we may find it difficult, when faced with hordes of claimants, to convince the world that not all of these formerly lived in Israeli territory…. It would, in any event, seem desirable to minimize the numbers….” See ISA FM 2564/22, Arthur Lourie to Eytan, cited in Morris, Benny, The Birth of the Palestinian Refugee Problem 1947–1949. Cambridge: Cambridge University Press, 1987. The British Foreign Office considered the Israeli estimate low due to the fact that it did not account for natural increases in the population since 31 December 1947; neither did it include displaced Bedouins who had become refugees. Moreover, the Foreign Office did not agree with Israel’s assertion that Mandate population figures for Palestinian Arabs were exaggerated and should therefore be reduced by 6%. (See below) See PRO FO371-75436 E10083/1821/31, Foreign Office to UK Delegation to the United Nations (New York), 2 September 1949.


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

The number of displaced/expelled Palestinians is calculated based on the population of 531 depopulated Palestinian localities in Village Statistics 1944, prepared by the British Mandate and updated to 1948 based on an average annual population increase of 3.8%, compared to the number of Palestinian Arabs remaining in Israel (according to various Israeli and other sources). The population of the Bir Saba’ District was estimated from Arif al-Arif, Bedouin Law [Arabic], Jerusalem Press, 1938; and S.W. Dajani, “The Enumeration of the Beer Sheba Bedouins in May 1946,” Population Studies 3, 1947, and correlated with other sources. The total number of Palestinian refugees at this point was 804,767. However, if the extra villages registered with UNRWA at the time are included, the total number of refugees rises to 935,573. These additional villages include those whose land was taken over by Israel in 1948, while the village houses themselves remained in the West Bank and Gaza Strip; Jewish villages or lands in which refugees used to live and work; Palestinian Arab villages which remained in Israel, while some of their inhabitants became refugees; and villages or sites which were satellites of or extensions to listed villages. See Abu Sitta, Salman, The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine. London: The Palestinian Return Centre, 1998 and 2001.
Israel's Military Government (1949–1966)

The estimate for the total number of Palestinians displaced (35,000 – 45,000) between 1949 and 1966 is based on academic studies which rely primarily on Israeli archival documents.

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

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

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

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


On 30 October 1956, a day after the massacre of 49 Palestinian citizens of Kafr Qassim, General Yitzhak Rabin expelled 2,000–5,000 residents of the villages of Krad al-Ghanamah and Krad al-Baqarah to the south of Lake Hulah in Syria. See Masalha, Nur, A Land without a People: Israel, Transfer and the Palestinians. London: Faber & Faber, 1997.

The Arab-Israeli 1967 War

Estimates for the total number of Palestinians displaced as a direct result of the 1967 war (400,000 – 450,000) are derived largely from United Nations estimates, as well as several academic studies.

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


See also: Report of the Secretary General under General Assembly Resolution 2252 (ES-V) and Security Council Resolution 237 (1967). UN Doc. A/6797, 15 September 1967. Earlier on, the number of persons who had fled from the areas under Israeli occupation during and after the June hostilities was estimated at about 550,000. This figure includes: about 200,000 persons (of whom 95,000 were refugees registered with UNRWA) who had moved from the West Bank to the East Bank in Jordan; about 110,000 persons, according to Syrian sources, and not more than 85,000, according to Israeli sources (of whom about 17,000 were UNRWA-registered refugees), who had moved from the south-western corner of Syria, mainly to the areas of Damascus and Dera’a; and about 55,000 persons (of whom 5,000 were UNRWA-registered refugees in the Gaza Strip) who had moved across the Suez Canal from the Gaza Strip or Sinai. See United Nations, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Official Records of the General Assembly, Twenty-second Session, Supplement No. 13, 1 July 1966 – 30 June 1967 (A/6713)*. New York: United Nations, 1967.

As of June 1967 there were an estimated 1,400,000 Palestinians living in the West Bank (including eastern Jerusalem) and the Gaza Strip. According to unofficial Israeli estimates, by August–September 1967, the Palestinian population in these areas was around 950,000. The total estimated refugee population was 400,000 from the West Bank and 50,000 from the Gaza Strip. See Abu-Lughod, Janet, “The Demographic Transformation of Palestine,” *The Transformation of Palestine*. Ibrahim Abu-Lughod (ed.). Evanston, Illinois: Northwestern University Press, 1971, p. 162.


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


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

**Occupation, Apartheid, Colonization (1967–2009)**

Prominent illustrative data about the ongoing internal and external forced displacement of Palestinians in this period are listed below. These data are provided mainly by UN agencies, NGOs and occasional academic studies. Estimates of the overall scope of ongoing forced displacement remain difficult due to the lack of systematic monitoring and documentation, in particular concerning external displacement. Available estimates are included in Appendix 2.1.
Internal displacement:

- During October-November 1999, 700 residents of the southern Mount Hebron area were expelled from their homes, forced to live in caves and shacks in al-Mufqara, Tuba, Jineba, and other sites. ("Expulsion of Palestinian Residents from the South Mt. Hebron Area", October-November 1999, B’Tselem Case Study No. 9, February 2000.)
- Since Israel’s 1967 occupation of the West Bank and Gaza Strip, Israeli civilian and military authorities destroyed 24,130 Palestinian homes and structures in the OPT (ICAHD, Jan 2009). In occupied eastern Jerusalem, roughly 800 houses were demolished from 1991 to 2007; between 2003 and 2007, 993 Palestinians were made homeless, or displaced, as a result of house demolitions (ICAHD, March 2007; B’Tselem, August 2008).
- Israel demolished 3,302 homes in the West Bank between 2000 and 2004 displacing 16,510 people (Save the Children U.K. Fact Sheet, June 2007).
- Between September 2000 and October 2004, more than 24,500 people were displaced by house demolitions in the Gaza Strip (OCHA, 1 October, 2004).
- Over 4,000 homes were demolished between 27 December, 2008 and 18 January, 2009 during Israel’s military operation in Gaza. ("Direct Losses in Infrastructure", PCBS, January 2009). At the peak of hostilities, 200,000 people were estimated to be displaced, among them 112,000 children. ("IOF Escalates Its Attacks on Gaza", Al Mezan Center for Human Rights, press release, January 2009).
- 200 families comprising 6,000 people from the Bedouin community of Al Hadidiya in the Jordan Valley were displaced in September 2007 when their homes near to the Jewish settlement of Roi were demolished by the IDF (A/HRC/7/17 of 21 January, 2008, p. 18, para 42.)
- In the Naqab, Israel carried out 143 demolitions in 2005 ("Off the Map." Human Rights Watch, 2008), followed by 320 between February 2006 and February 2008 (See: Regional Council of Unrecognized Villages, www.rcuv.net.)
- An estimated 6,000 people have left Qalqiliya following impact of the construction of the wall (UN Economic and Social Council, E/CN.4/2004/6/Add.1, 27 February, 2004, para.24)
- 14,364 persons were displaced as of July 2005 in the 145 localities through which the wall passes (PCBS, 2008: Jerusalem Statistical Yearbook no. 10, p. 366.)
- By 2006, 17 percent of all Palestinians in occupied eastern Jerusalem who had changed their previous place of residence since 2002 stated that they had done so as a direct result of the Wall. (Displaced by the Wall, BADIL Resource Center and the Internal Displacement Monitoring Center (IDMC), Bethlehem and Geneva, September 2006.)
- About 1,200 households have left because of the wall, while an additional 1,100 heads of households were said to have left to find work elsewhere (OCHA, November 2007).
- In the Old City of Hebron, a combination of stringent security restrictions in movement and settler intimidation and violence has led to over 1,800 businesses shutting their doors and over 1,000 Palestinian homes vacated since 2000; 41% of Palestinian homes in the periphery of settlements and settlement access roads were thus vacated. (May 2007, B’Tselem/The Association for Civil Rights in Israel, Report (Ghost Town).
- Palestinians displaced as a result of revocation of residency rights in Jerusalem: the total number of ID cards confiscated since 1967 amounts to 8,269 (see PCBS, 2008: Jerusalem Statistical Yearbook, no.10, p. 358). This number does not include the children (under the age of 16 years) of persons whose resident status was revoked (other sources estimate that 80,000 persons have been affected by the revocation of Jerusalem ID cards since 1967), and it does not account for ID cards that may have been reinstated due to the lack of information;
- 21,000 Palestinians from the OPT and Palestinian citizens of Israel, can no longer live in Israel with their spouses because of an amendment to Israel’s Nationality Law. (“Citizens without Sovereignty: Transfer and Ethnic Cleansing in Israel” Robert Blecher, Comparative Studies in Society and History (2005), 47:4;725-754 Cambridge University Press
Approximately 267 families (over 1,450 persons) of the Palestinian refugee Bedouin community at Umm al-Masser were displaced in March 2007 when a nearby basin of the Beit Lahia waste water treatment plant flooded their homes because Israel prevents urgent repair and development of the treatment plant. (On the Brink of Disaster, The Beit Lahia Treatment Plant and Rights. Gaza: Al Mezan Center for Human Rights, 2003; also: UN OCHA, "Beit Lahia Waste Water Treatment Plant-Floods" Humanitarian Situation Report nos 1 – 3, March-April 2007.)

**External displacement:**

- In the summer of 1971, the IDF destroyed approximately two thousand houses in the refugee camps of the Gaza Strip displacing nearly 16,000 people. At least two thousand of the displaced were moved to al-Arish, in the Sinai peninsula (then also under Israeli control), and several hundred were sent to the West Bank. (Martin van Creveld, *The Sword and the Olive: A Critical History of the Israel Defense Force*, (New York: Public Affairs, 2002), p. 339; Sara Roy, The Gaza Strip, p. 105; Razing Rafah: Mass Home Demolition Human Rights Watch Report, 17 October 2004.)


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


- Between 1969 and 1972, some 6,000 to 20,000 Bedouin farmers were evicted from the Rafah salient southwest of the occupied Gaza Strip. Between 1968 and 1972, over 1,095 Palestinians were deported from the occupied West Bank and Gaza Strip. Between August 1985 and January 1988, some 46 Palestinians were expelled from the occupied Palestinian territory. From the beginning of the first Intifada in December 1987 until the end of 1989, 64 Palestinians were deported, with eight more deported in 1991. On 16 December 1992, 413 Palestinians were deported. (Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber Ltd, 1997.) See also: Amro, Taysee, “Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee], Table 5, “Palestinian Estimate of Displaced Persons and Refugees During the 1967 War,” in: 14 Article 74 (December 1995). Jerusalem: BADIL/ Alternative Information Center for Palestinian Residency and Refugee Rights. For similar figures from Israeli sources, see: Deportation of Palestinians from the Occupied Territory and the Mass Deportation of December 1992. Jerusalem: B’Tselem, 1993.

- The average rate of forced migration is estimated at 21,000 persons per year. (Kossaifi, George F., *The Palestinian Refugees and the Right of Return*. Washington, DC: The Center for Policy Analysis on Palestine, 1996.)

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

- An analysis of Israeli border police records shows that the net-migration of Palestinians from the OPT was 10,000 in 2000-2003, 12,000 in 2004, 16,000 in 2005 and 25,000 in 2006. A further significant rise in the scope of emigration was expected for 2007. Khawaja, Mustafa, *Palestine: The Demographic and Economic Dimension of Migration 2008*: http://www.carim.org/publications/AR2005CARIM_lite03.pdf
## Appendix 1.2 – Notes for Table 1.2

### Estimated Area of Palestinian Land Expropriated, by Period of Expropriation

**Note:**

- 1 km² = 1,000 dunums
- Total area of historical Palestine (Israel and OPT): 27,343 km², of this: 6,225 km², of this: 5,860 km²
- OPT (West Bank and Gaza Strip), total area: 27,343 km²
- West Bank, total area: 6,225 km²
- Gaza Strip, total area: 365 km²

### The British Mandate (1922–1947)

It is estimated that private and public land owned or used by Palestinians amounted to at least 24,000 km² (88%) of the total area of Palestine in 1947. This includes land held in customary ownership by Palestinian Bedouin tribes in the Naqab for grazing and rain-fed agriculture.

At the end of 1945, it is estimated that Jews owned 1,588,365 dunums of land in Palestine. At the end of 1946, the estimated land owned by Jews amounted to 1,624,000 dunums. The total area of land classified as state domain under the British Mandate was 1,560,000 dunums. This included 660,000 dunums of which title to was settled under the Land (Settlement of Title) Ordinance, and 900,000 dunums where records indicated that the land was probably state land. As of the end of 1946 the total estimated state domain amounted to 1,700,000 dunums. It was noted that upon completion of the settlement of rights to land, the total amount of state domain would probably increase as it would include land for communal use and development of so-called hill villages. *A Survey of Palestine*, prepared in December 1945 and January 1946 for the information of the Anglo-American Committee of Inquiry, Volume 1 and Supplement. Reprinted in full with permission from Her Majesty's Stationery Office. Washington, DC: Institute for Palestine Studies, 1991.

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


The Nakba (1947–1949)

Total land ownership of Palestinians that remained inside the territory that became the state of Israel is estimated at 1,465,000 dunums as of 1948 (i.e., before further expropriation). Abu Sitta, Salman, The End of the Palestinian-Israeli Conflict: From Refugees to Citizens at Home. London: The Palestine Land Society and the Palestinian Return Centre, 2001.

In total Israel expropriated 17,178,000 dunums (17,178 km²) of Palestinian refugee land. This includes land as calculated in Village Statistics and vast areas in the southern Bir Saba’ District, which were held under traditional or customary ownership by nomadic Bedouin. Customary ownership of these areas is identified by reference to maps and other documents delineating Bedouin tribal areas. The entire District comprised some 12,000,000 dunums or approximately 60% of the land incorporated into the state of Israel in 1948.

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

Palestinian land expropriated in 1948 included land in 77 border villages where the built-up area of the village remained in Arab-held territory (i.e., West Bank and Gaza Strip) but had 1,255,000 of inaccessible land located in Israeli-held territory and three villages located in ‘no mans’ land of which 18 km² was located in Israeli-held territory. The UN Special Committee on Palestine (UNSCOP) estimated that Palestinian ownership of land in 1947 amounted to 22,374,547 dunums. See Hadawi, Sami, Palestinian Rights and Losses in 1948. London: Saqi Books, 1988.

See also:

Israel’s Military Government in Israel (1949–1966)

It is estimated that as of 1962, Israel had expropriated 704,298 dunums from among the 1,465,000 dunums of the remaining Palestinian-owned land inside Israel. The figure is based on a survey of 79 selected Palestinian villages for the period 1945–1962. See Jiryis, Sabri, The Arabs in Israel. London: Monthly Review Press, 1976. This includes, for example, 1,200 dunums expropriated in 1957 from Palestinian landowners of Nazareth and surrounding villages to establish the Jewish colony of Upper Nazareth; land expropriated from Palestinian villagers of Tarshiha and Ma‘iliya in 1957 for the establishment of the Jewish colony of Ma‘alot; and 5,100 dunums expropriated from the Palestinian villages of Nahaf, Deir al-Asad, Bi‘nreh, and Majd al-Krum in 1964 to establish the Jewish colony of Karmiel. See Abu Hussein, Hussein and McKay, Fiona Access Denied: Palestinian Access to Land in Israel. London: Zed Books, 2003.

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

“Palestinians that remained [in Israel] lost about 40–60% of the land they possessed.” Citing Kark and Golan in


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


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

The 1967 Arab-Israeli War

It is estimated that Israel expropriated 730,000 dunums of West Bank land and 119,000 dunums of Gaza land as absentee and state land immediately after the 1967 war.


Occupation, Apartheid, Colonization (1967–2009)

OPT - It is estimated that Israel expropriated another 3,372 km² of Palestinian land in the occupied West Bank in this period. This, while in 2005 Israel decolonized some 119 km² of Palestinian land in the occupied Gaza Strip.

After 1967, Israel annexed 70.5km² of the West Bank in East Jerusalem and its periphery – 35% (24.5km²) of which has been used for settlements. (OCHA-OPT, “Planning Crisis in East Jerusalem”, April, 2009.

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

By 2002 it was reported that “Estimates place the proportion of Palestinian land confiscated by Israel at more than 70% of the West Bank and 33% of Palestinian land in East Jerusalem, and all but 7–8% of the area has been closed to Palestinian construction.” Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kohari, Addendum, Report of visit to the OPT, 5–10 January
HISTORICAL BACKGROUND AND CAUSES OF PALESTINIAN DISPLACEMENT


See also: Close to 50,000 dunums were confiscated and about 300,000 dunums are isolated by the Wall. (“Special Report on the 59th Anniversary of the Nakba,” PCBS, May 10, 2006, p. 6). Israel has confiscated more than 900,000 dunums in the West Bank under the pretext that it was not being cultivated (Peace Now, “Despite Promises – Land Confiscation Continues Throughout 2008”, January 2009).

In Israel - It is estimated that land confiscated from Palestinian citizens in this period amounts to approximately 413 km² of land (in addition to the 700 confiscated in the previous period).


The right to self-determination, i.e. freedom from foreign rule and exploitation, was recognized by the League of Nations and would later become enshrined in the Charter of the United Nations. The right of self-determination of the Palestinian people was again explicitly affirmed in UNGA Resolution 3236 of 22 November, 1974.


According to a book published by the Israeli state archives in May 2005 (see Haaretz 1 July, 2005), former Israeli PM Yitzhak Rabin proposed transferring Palestinians from the West Bank while serving as a Maj. General in the Israeli army in 1956.

Segev, Tom 1967 Israel, the War, and the Year that Transformed the Middle East. Metropolitan Books, 2007, p. 523-542

The Israeli political parties Israel Beitenu and Habeb Hayehudi are members of the 2009 Israeli government coalition and have advocated transfer. In April 2002 Israel Beitenu head Avigdor Lieberman stated that there was “nothing undemocratic about transfer.” Members of the Likud have also advocated transfer. Moshe Feiglin for example, who heads the party’s Jewish Leadership committee, calls for “induced emigration” of Palestinian citizens of Israel.

The British were allotted direct rule over Haifa and Akka, and the south of the country was to be part of the “Arab state under British protection.” The heartland of Palestine was to be under the control of all three powers.


Cofounder of the World Zionist Organization Max Nordau articulated the imperial role the future Jewish state was to play for the British empire in a speech delivered at Albert Hall in London on July 12, 1920. “… During a dangerous moment in the World War [WWI] you thought that we, the Jews, could render you a useful service. You turned to us, making promises that were rather general but could be considered satisfactory [a reference to the Balfour declaration]… We made a pact with you. We considered carefully the dangers and commitments of this pact. We know what you hope to receive from us. We must protect the Suez Canal for you. We shall be the guards of your road to India as it passes through the Middle East. We are ready to fulfill this difficult military role but this requires that you permit us to become powerful so as to be able to fulfill our role. Loyalty for loyalty, faithfulness in return for faithfulness.” See Nodau, Max Zionism Work Vol. 4, The Zionist Library (Jerusalem: The Executive of the Zionist Organization, 1962), 2003.

Anglo-French Declaration, 7 November, 1918.

Article 22 of the Covenant of the League of Nations stipulates that “[c]ertain communities formerly belonging to the Turkish Empire [including Palestine] have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.” Covenant of the League of Nations, 28 June, 1919, reprinted in Survey of Palestine, Vol. I. Washington, DC: Institute for Palestine Studies, 1991, p. 2–3.

The Treaty of Peace between the Allied and Associated Powers and Turkey, signed at Sèvres, 10 August, 1920, Part II, Section VII, Art. 94.

The Mandate did not come into force until 29 September, 1923. Class A Mandates was designated for areas deemed to “have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.” The Mandate for Palestine, 24 July, 1922, is reprinted in Survey of Palestine, Vol. I. Washington, DC: Institute for Palestine Studies, 1991, p. 4–11.

HISTORICAL BACKGROUND AND CAUSES OF PALESTINIAN DISPLACEMENT


This included massacres in Mansurat al-Khayt (18 January, 1948), Dayr Yassin (9 April, 1948), Khirbat Nasir el-Din (12 April, 1948), and other incidents. *Ibid.*, para. 10(d).


For the proposed texts of the questions to be submitted to the ICJ, see *Iraq (UN Doc. A/AC.14.21); Syria (UN Doc. A/AC.14/25); and Egypt (UN Doc. A/AC.14/14).*


*Ibid.*, Chapter VII Recommendations (III), paragraphs 10 and 11. Incidentally, the United States State Department, the Department of Defense, the Joint Chiefs of Staff, staff of the National Security Council and the newly established Central Intelligence Agency (CIA) were united in warning of the dangers partition might inflict to strategic US interests. In public and private statements they also explained that the UN partition proposals were not workable and in contravention to international law and the UN Charter: “[they] ignore such principles as self-determination and majority rule. They recognize the principle of a theocratic racial state and go even so far in several instances as to discriminate on grounds of religion and race against persons outside of Palestine. We have hitherto always held that in our foreign relations American citizens, regardless of race or religion, are entitled to uniform treatment. The stress on whether persons are Jews or non-Jews is certain to strengthen feelings among both Jews and Gentiles in the United States and elsewhere that Jewish citizens are not the same as other citizens.” Loy Henderson, State Department Office of Near Eastern and African Affairs, 22 September, 1947, quoted by Donald Neff, “Truman Overrode Strong State Department Warning Against Partitioning of Palestine in 1947” *Washington Report*, Sept./Oct. 1994.

GA Resolution 181(ID), 11 November 1947, UN GAOR, 1st Sess., UN Doc. A/64 (1947).


The proposed Jewish state had a population of 498,000 Jews and 497,000 Palestinians, including 90,000 Bedouins. The proposed Arab state had a population of 725,000 Palestinian and 10,000 Jews. Jerusalem was to be under international status, with a population of 105,000 Palestinians and 100,000 Jews. Report of the UN Special Committee on Palestine, *The Question of Palestine*. UN Doc. A/364, 31 August, 1947. State land comprised less than 3% of the proposed Jewish state.

See Appendix 1.1 (The British Mandate).  

Nathan Krystall “The Fall of the New City”, *Jerusalem 1948 the Arab Neighbourhoods and their Fate in the War*, Salim Tamari (ed.) Badil Resource Center for Refugee and Residency Rights & the Institute of Jerusalem Studies, 1999, p. 92-155


Leaders of Zionist militia organizations at the time reported that 245 people had been killed in the village. The reports were broadcast by Arab and foreign media. See Khalidi, Walid, *Day Yassin: Friday, April 9, 1948* (Arabic), Beirut: Institute for Palestine Studies, 1999.


For example the massacre in Nasir el-Dien was just a few days before Tiberias was besieged. The multiple massacres in Ein Zaytoun were used to “soften up” Safad before the final assault on that city. Cited in *Ibid.*.


54 For descriptions of incidents of looting and destruction of property, see, e.g., Morris, Benny, *The Birth of the Palestinian Refugee Problem*, p. 32; 50, 52, 54, 62–3, 88, 101–2, 106, 112–13, 116, 119, 125, 128, 215, 221 and 230. Also see Segov, Tom, 1949: *The First Israelis, New York: The Free Press*, 1986, p. 68–91. In the city of Jaffa, for example, it was estimated that the Israeli military removed 30,000 pounds worth of Palestinian movable property daily (Segov, p.73.) Looting was so widespread that Ben Gurion described it as “the mass robbery in which all parts of the population participated.” Theft of Palestinian property was not restricted to individual acts, which in any case were widespread, but was a practice systematically carried out by the army. Israel designated a “Custodian of Abandoned Property”, to oversee warehouses in which Palestinian property from 45,000 homes and apartments, 7,000 shops and business, 500 workshops and industrial plants, and 1,000 warehouses was stored away and eventually redistributed or sold off. This aside from the enormous agricultural wealth left behind from over 800,000 acres of orchards and fields.Israeli police Minister Behor Shitrit would later tell a colleague in the Ministerial Committee for Abandoned Property that he had seen the looting with his own eyes: “From Lydda alone the army took out 1,800 truck-loads of property.”

55 See Appendix 1.1 (The Nakba).


57 This included vast areas in the southern Naqab (Negev) region held according to traditional or customary ownership by nomadic Bedouin. See Appendix 1.2.


59 These included microphotographs of registers of title supplemented by the original registers when the microfilm was missing or defective; Registers of Deeds; Tax Distribution Lists and, failing these, taxpayers’ registers; Field Valuation Sheets, and, failing these, valuation lists and taxpayers’ registers; schedules of rights (in respect of blocks for which no registers of title had been prepared); parcel classification schedules; land registrars’ returns of depositions; and village maps and block plans. For a comprehensive study, see Fischbach, Michael, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*. New York: Columbia University Press, 2003.


67 Israeli Foreign Ministry reports indicate that some 17,000 Bedouins were expelled from the Naqab between 1949 and 1953. “Investigation Report,” Simon and Vermeersch, UNA DAG-13/3.3.1–18, cited in Morris, Benny, *Israel’s Border Wars*, p. 170.

68 Ben Gurion’s Diary, 17 November, vol. 3, p.839

69 *Constituent Violence 1947-1950: A Genealogy of a Regime and a Catastrophe from their point of view* Ariella Azoulay, Reising Tel Aviv 2009, p. 34–40, 53

HISTORICAL BACKGROUND AND CAUSES OF PALESTINIAN DISPLACEMENT

71 Salman Abu Sitta in response to Etain Bronstein’s question about the existence of labor camps in Palestine during and after the Nakba, May 19, 2002. Available on the Zochrot Website: http://www.zochrot.org/

72 Reviewing official Israeli government documents, Morris estimates that 30–90,000 Palestinian refugees attempted to return to their homes and villages between the middle of 1948 and 1953. Most were expelled. Morris, Benny, Israel’s Border Wars, p. 152, p. 39.


74 “The Makings of History/ Secrets of the Olive Trees”, Tom Segev Haaretz, 25 July, 2008. Segev refers to events at Kibbutz Carmia which wrote about this place in a publication on the occasion of its 35th anniversary: “They came at night to steal fruit from the orchards and go back to Gaza laden with loot … We guarded the area of the kibbutz from them … We would catch prisoners, bring them back to the kibbutz and the army picked them up every morning and paid us … Inside the kibbutz there was a kind of ‘jail’ - a small tin shack - where they would keep the prisoners until the army took them.”

75 Morris, Benny, Israel’s Border Wars, p. 147.


77 These included Qibya, Nahalin, Bethlehem, Beit Jala, Shazafar, Qalqilya, Khan Younis, and Rafah. For descriptions of these events, see Masalha, n.p.n. note 62; Khalidi, Walid, (1988); and Tubi, Tawfik, Kafq Qaseem, the Misacre and the Lesson [Arabic], Haifa: Emile Touma Institute for Social and Political Studies, 2001.

78 For a detailed description, see Morris, Benny, Israel’s Border Wars, pp. 257–69.

79 Ibid., p. 433.


82 These included the villages of Iqrit, Bir’am, al-Faluja, Iraq al-Manshiya, Farraddiya, Inan, Saffurriya, al-Khisa, Qeitiya, Khirbet Muntar, Ghabisiya and al-Hamma. The terms were used by Israel’s first Prime Minister, David Ben Gurion, during a Cabinet meeting on 26 September, 1948. Morris, Benny, 1948 and After: Israel and the Palestinians, p. 218.

83 See “Returning to Kafr Bir'im” Badil, October 2006.

84 For a more detailed discussion, see Benvenisti, Meron, Israel’s Border Wars, p. 152, p. 39.

85 Reviewing official Israeli government documents, Morris estimates that 30–90,000 Palestinian refugees attempted to return to their homes and villages between the middle of 1948 and 1953. Most were expelled. Morris, Benny, Israel’s Border Wars, p. 152, p. 39.

86-106. All information on the destruction of Palestinian villages derives from this source.

87 Ibid.

88 For a detailed description, see Jiryis, Sabri, 1976.

89 Ibid., p. 16.

90 Ibid., p. 10.


92 For a detailed study of these laws, see, e.g., Boling, Gill J., “Absenent’s Property Laws to Israel’s Conflagration of Palestinian Property: A Violation of UN General Assembly Resolution 194 and International Law,” 11 Palestine Yearbook of International Law 73 (2000–2001). These regulations include the 1948 Abandoned Areas Ordinance; the 1948 Emergency Regulations Concerning Absentee Property; the 1945 Defence (Emergency) Regulations; the 1949 Emergency Regulations (Security Zones); the 1949 Emergency Regulations (Cultivation of Waste [Uncultivated] Lands); the Emergency Law Requisition (Regulations) Law; the 1950 Absenent’s Property Law; the 1950 Development Authority (Transfer of Property) Law; the 1953 Land Acquisition (Validation of Acts and Compensation) Law; the 1965 Absenents’ Property (Amendment No. 3) (Release and Use of Endowment Property) Law; the 1970 Legal and Administrative Matters (Regulation) Law (Consolidated Version); the 1976 Absenents’ Property (Compensation) (Amendment) Law; the 1943 Land (Acquisition for Public Purposes) Ordinance; the 1951 State Property Law; the 1958 Prescription Law (No. 38); and the Negev Land Acquisition (Peace Treaty with Egypt) Law 1980. See also Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine, Badil Resource Center & Center on Housing Rights and Evictions (COHRE), May 2005.

93 See: ILA Law (1960) and 1961 memorandum between the ILA and JNF; Also see “The Palestinians in Israel: Between the Hammer of Land Privatization and the Anvil of Land Nationalization” Jamil Dakwar, Adv., Adalah, 30 March, 2005


95 At least 30,000 Palestinians were expelled from Israel between 1949 and 1956. By 1955, there were about 195,000 Palestinians living inside Israel. Israel Central Bureau of Statistics, Statistical Abstract of Israel, No. 52 (2001), Table 2.1, “The Population by Religion and Population Group.”


97 See Segev, Tom 1967, Israel, the War, and the Year that Transformed the Middle East, Metropolitan Books, 2007, p.458.


100 “According to UNRWA, the population of Asfar Jaber refugee camp decreased from 28,008 in June 1967 to 4,991 in September 1967. Likewise, the population of ‘Ein as Sultan refugee camp decreased from 19,042 to 2,310 between June and September 1967.” Under the Pretex of Security: Colonization and Displacement in the Occupied Jordan Valley, Ramallah, Negotiations Affairs Department, Palestinian Monitoring Group, July 2006, p. 3.

101 For descriptions of specific incidents, see, e.g., Masalha, Nur, A Land without a People: Israel, Transfer and the Palestinians. London: Faber & Faber, 1997, p. 81, 85, 87 and 91–94.

102 Doss, Peter and Barakat, Haim, River without Bridges: A Study of the Exodus of the 1967 Palestinian Arab Refugees, p. 40; and Masalha, Nur, A Land without a People: Israel, Transfer and the Palestinians, p. 92.


104 Uri Woods, Park With No Peace (Canada Broadcasting Corporation, 1991)

105 Al Haq, 2007 p.29

106 “The international community has identified three regimes as inimical to human rights - colonialism, apartheid and foreign occupation. Israel is


108 See Appendix 1.2 (The 1967 Arab-Israeli War).


110 “The international community has identified three regimes as inimical to human rights - colonialism, apartheid and foreign occupation. Israel is clearly in military occupation of the OPT. At the same time elements of the occupation constitute forms of colonialism and of apartheid, which are contrary to international law.” Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard Implementation Of General Assembly Resolution 60/251 Of 15 March 2006”, A/HRC/41/7, 29 January 2007.


113 Thus, for example, former Israeli Prime Minister Golda Meir explained: “the frontier [of Israel] is where Jews live, not where there is a line on the map.” Dajani, Souad A. Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine, Center on Housing Rights and Evictions (COHRE) and BADIL, 2005, p.72.


115 In the official translation into English, this law is misleadingly called “Law of Nationality.”


117 For an overview, see Shehadeh, Raja, Occupier’s Law: Israel and the West Bank. Washington, DC: Institute for Palestine Studies, 1985, p. 63–75. The illegal annexation of Jerusalem was first brought about by an amendment to the Law and Administrative Ordinance 1948, passed on 27 June, 1967. For the response of the United Nations, see UNSC Resolution 252 of 21 May, 1968, which “[c]onsiders that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status.” See also UNSC Resolution 478 of 20 August, 1980, affirming that “the enactment of the ‘basic law’ by Israel constitutes a violation of international law and does not affect the continued application of the Fourth Geneva Convention of 12 August, 1949 Relative to the Protection of Civilian Persons in Time of War in the Palestinian and other Arab territory occupied since June 1967, including Jerusalem” and “[d]etermines that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent ‘basic law’ on Jerusalem, are null and void and must be rescinded forthwith.” See also Security Council Resolutions 267 (1960); 298 (1971); 446 (1979); 465 (1980); 476 (1980); 605 (1987).


120 The Israeli Knesset has issued legislation which extends Israeli law to the OPT as a matter of extraterritorial jurisdiction, for example: Emergency Regulations (Offence Committed in Israeli-Held Areas) Ordinance, the Knesset Election Law of 1969, the Income Tax Ordinance of 1978, the Value Added Tax of 1978, a.o. Palestinian courts still rendered judgments against Jewish settlers under civil and criminal law prior to the 1993 Oslo Accords. Under the Oslo Accords and subsequent interim agreements between Israel and the PLO, however, jurisdiction over Jewish persons and settlements in the OPT was granted to the State of Israel and its courts in violation of international law. Since then the scope of extension of Israeli law into the OPT has massively increased. 
A regime based on Israeli military orders and remnants of Ottoman, British, Jordanian and Egyptian law and regulations.

Since the early 1990s, Hafrada (הפרדה) has been adopted and implemented on the Palestinians in the OPT. It refers not only to Israel's siege of Gaza, but also to the system of military checkpoints, closures and the Wall which isolate and fragment Palestinian communities in the occupied West Bank. Other names for hafrada in English usage include "unilateral separation" or "unilateral disengagement." B'Tselem and the Association for Civil Rights in Israel have described Israel's "separation policy" applied since 2001 constituting "a policy of expulsion of Palestinians"; see: "Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron." Jerusalem: B’Tselem, May 2007.

No precise estimates are available, because forced displacement since 1967 has not been monitored and documented in a systematic manner. For illustrative examples of contemporary forced displacement, see Appendix 1.1 (Occupation, Apartheid, Colonization). For available statistical estimates of the current size of Palestinian refugee and IDP populations, see Chapter Two.


A brief overview of some Israeli military operations in Gaza from 2004 on: "Operation Rainbow", 12-14 May 2004: 66 killed, 261 homes destroyed in Rafah; "Operation Days of Penitence", 28 September – 15 October 2004, Jabaliya Refugee Camp and Beit Lahya: 105 dead, 4,000 displaced, 83 homes destroyed, 18 workshops, 19 public institutions; 210 acres of agricultural land razed; end of March – mid-May 2006, Israel undertakes a policy of firing artillery shells at Gaza. The Israeli media reports 5,100 shells fired during this time; "Operation Summer Rains", 25 June – 15 November 2006: a wide scale campaign involving many sub-operations each of which lasts several days. They include: "Operation Southern Shalit" (28 June); "Operation Bashan Oake" (2 July); "Operation Feedback" (12 July); "Operation Final Grade" (July 16); "Operation Samson's Pillars" (26 July); "Operation Horizon Line (August 2); "Operation Locked Garden" (26 August); "Operation Rain Man" (14 October); "Operation Four Kinds" (16 October); "Operation Squeezed Fruit" (17 October); and "Operation Autumn Clouds" on 1 November. In total 434 Palestinians were killed; in 2007 some 290 Palestinians were killed in more military operations, including, "Operation Warm Winter", 29 February, 2008: 69 Palestinians killed in Jabaliya.

The Palestinian Center for Human Rights documents the deaths of 3741 Palestinians during the Second Intifada at the hands of the Israeli occupation army, between 29 September, 2000 and 20 December, 2008. A further 1130 Palestinians were killed in armed clashes and 742 were assassinated. See PCHR website "Statistics related to the Al Aqsa Intifada" at: http://www.pchrgaza.org/alaqsaintifada.html. A concise example of Israel's use of excessive and indiscriminate force was seen in Israel's assault against the Gaza Strip in operation codenamed "Cast Lead." The United Nation's fact finding committee established in the wake of the assault affirmed this conclusion, hinting at the Israeli Occupation army committing war crimes and crimes against humanity. See Report of the United Nations Fact Finding Mission on the Gaza Conflict, Human Rights Council, Twelfth session, A/HRC/12/48, 15 September, 2009.

For statistics based on a variety of official and NGO sources, see for example: http://www.ifamericansknew.org/ (last visited 13 May, 2009).


See Masalha, Nur, A Land without a People: Israel, Transfer and the Palestinians, London: Faber & Faber Ltd, 1997. For more detail and additional references, see Appendix 1.1 in this Chapter.

Between October 2000 and 2004, for example, Israel "assigned residence" in the Gaza Strip to approximately 50 Palestinians from the occupied West Bank. Annual Report for 2004, Palestinian Center for Human Rights, 2005, p. 40. "Under a secret agreement brokered with international assistance, 39 of the Palestinians [who had been besieged in Bethlehem's Church of Nativity] were deported or transferred on 10 May, 2002. 26 of them to the Gaza Strip and 13 others abroad, mainly to Europe." "Israel's Deportations and Forceful Transfers of Palestinians out of the West Bank During the Second Intifada" Cookley, Kate and Oberg, Marko Divac, Occasional Paper 15, Ramallah: Al Haq, April 2006, p. 3.

"Human Rights in the Occupied Territories. 2008 Annual Report", B’Tselem


At the end of 2008, Israel held at least 9,000 Palestinians, including 248 children and 69 women. 900 Palestinians, including elected members of the Palestinian parliament in the OPT, were held in administrative detention. PCHR Annual Report 2008.

See, for example, PCHR Annual Report 2008, p. 52.
by Jewish citizens; and 2 Arab citizens shot dead by private security companies; 2 Arab citizens shot dead by Israeli soldiers serving in police and border patrol. “October 2000, the events in Akka…Today Um El-Fahem…what is the future?” Mosswa Center, 15 December, 2008.


July 1991


151 UNRWA; Situation Overview – shelter sector in Gaza, July 2009.


156 Data provided to Israeli MK Chaim Oron in response to a parliamentary query he placed, and later published by Peace Now in: Area C: Palestinian Construction and Demolition Stats – February 2008. Available at: www.peacenow.org.il


161 “News Update” Adalah, 16 August, 2007


163 “Adalah’s Report to CERD In Response To The List Of Issues Presented To Israel”, 1 February, 2007.

164 “Adalah Demands that Court Prevent the Expulsion of 1,000 Arab Bedouin from their Homes and the Destruction of their Village in the Nahag in Israel” Adalah Newsletter, Vol. 54, November 2008.


167 “Ghost Town”, B’Tselem and the Association for Civil Rights in Israel, May 2007.


170 Violent harassment against the Palestinian residents of Akka on the eve of the Jewish Yom Kippur holiday in 2008 preceded those events and date back to the establishment of a Yeshiva with the involvement of Jewish settlers from the OPT. See: “October 2008 in Akka (Acre) Course of Events,” Akka Residents Coalition, 14 October, 2008.

171 Main findings of the Mosswa Center’s Racism Report 2009, Mosswa, March 2009.


174 For example, the Jewish National Front, closely associated with the Hebron settlers, conducted a provocative march through the Palestinian town of Umm El Fahem in March 2009, “Israeli far-right plans march into Arab town”, Jonathan Cook, Global Research, 6 December, 2008.


176 Benvenisti, Meron,

177 Quigley, John, “Family Reunion and the Right to Return to Occupied Territory,” George Town Immigration Law Journal, 6 (1992). Israel could do so, because it is in control of the population registry; only those Palestinians (and their offspring) registered in Israel's September 1967 census are registered as legal residents of the OPT. See also: Families Torn Apart, Separation of Palestinian Families in the Occupied Territory Jerusalem: B’Tselem, 1999, p. 17.


181 The permit must be obtained from the military and is valid for three months only. Permits are conditioned upon the applicant proving that s/he has been present in the West Bank for the past eight years continuously; is married with children; has security and police clearance; and must have “humanitarian” grounds for needing the permit. Even if an applicant meets all the above mentioned conditions, the military may still refuse the application. See “Separated Entities - Israel Divides Palestinian Population of West Bank and Gaza Strip” Hamoked
HISTORICAL BACKGROUND AND CAUSES OF PALESTINIAN DISPLACEMENT


203 Of the 592, there are: 69 permanently staffed checkpoints, 23 partial checkpoints and 500 unstaffed obstacles (earthmounds, road gates, roadblocks, earthwalls, trenches and road barriers) “Protection of Civilians,” OCHA OPT, 30 September – 6 October 2009.

204 “Israel begins revoking citizenship of four Arabs” Haaretz 6 May, 2009. Also see “Arab MKs slam Yishai for seeking power to cancel citizenship,” Jerusalem Post 6 June, 2009.

205 Only Palestinians registered as residents of the northern Jordan Valley, those with a work permit for the Jewish colonies, and Jericho ID holders have been allowed unrestricted access to the Valley. All other Palestinians require a special access permit, including landowners residing outside the Jordan Valley. Permits are issued for daytime stay only, while travel on parts of Road 90 (the main road in the Jordan Valley) is also prohibited toPalestinians. "The Human Rights Status of the Palestinian Arab Minority, Citizens of Israel”, October 2008, Mossawa, p.24


207 Of the 592, there are: 69 permanently staffed checkpoints, 23 partial checkpoints and 500 unstaffed obstacles (earthmounds, road gates, roadblocks, earthwalls, trenches and road barriers) “Protection of Civilians,” OCHA OPT, 30 September – 6 October 2009.


212 “Gaza After the Pullout/ State’s Refusal to Register Address Changes Sentences Many to Exile” Amirat Hass, Haaretz, 9 October, 2005.

213 “Israel begins revoking citizenship of four Arabs” Haaretz 6 May, 2009. Also see “Arab MKs slam Yishai for seeking power to cancel citizenship,” tel Aviv, 9 October, 2005.

214 “The Protection Sector OPT, 2010 CAP, Needs Analysis Framework. The permits for the closed areas are green (and are referred to as ‘green permits’), and residents usually have to renew them every six months. Green permits are also necessary for another 12 categories of visitor, including students, health workers, teachers, merchants and international workers. More specifically, each gate generally requires a specific permit, and some gates are open to Palestinians, while others are not. Travel is also subject to respective gate hours: gates usually open three times a day for approximately one hour at a time, and at the will of soldiers, who can refuse passage to permit-holders. Some gates open only at arbitrary times and in some cases not at all.

215 Of the 592, there are: 69 permanently staffed checkpoints, 23 partial checkpoints and 500 unstaffed obstacles (earthmounds, road gates, roadblocks, earthwalls, trenches and road barriers) “Protection of Civilians,” OCHA OPT, 30 September – 6 October 2009.

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217 “The Protection Sector OPT, 2010 CAP, Needs Analysis Framework. The permits for the closed areas are green (and are referred to as ‘green permits’), and residents usually have to renew them every six months. Green permits are also necessary for another 12 categories of visitor, including students, health workers, teachers, merchants and international workers. More specifically, each gate generally requires a specific permit, and some gates are open to Palestinians, while others are not. Travel is also subject to respective gate hours: gates usually open three times a day for approximately one hour at a time, and at the will of soldiers, who can refuse passage to permit-holders. Some gates open only at arbitrary times and in some cases not at all.

218 “Israel begins revoking citizenship of four Arabs” Haaretz 6 May, 2009. Also see “Arab MKs slam Yishai for seeking power to cancel citizenship,” tel Aviv, 9 October, 2005.

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220 “The Human Rights Status of the Palestinian Arab Minority, Citizens of Israel” Mossawa, October 2008 p. 11-23


222 “Israel begins revoking citizenship of four Arabs” Haaretz 6 May, 2009. Also see “Arab MKs slam Yishai for seeking power to cancel citizenship,” tel Aviv, 9 October, 2005.

223 “Israel begins revoking citizenship of four Arabs” Haaretz 6 May, 2009. Also see “Arab MKs slam Yishai for seeking power to cancel citizenship,” tel Aviv, 9 October, 2005.

224 “Israel begins revoking citizenship of four Arabs” Haaretz 6 May, 2009. Also see “Arab MKs slam Yishai for seeking power to cancel citizenship,” tel Aviv, 9 October, 2005.

225 “Israel begins revoking citizenship of four Arabs” Haaretz 6 May, 2009. Also see “Arab MKs slam Yishai for seeking power to cancel citizenship,” tel Aviv, 9 October, 2005.

226 “Israel begins revoking citizenship of four Arabs” Haaretz 6 May, 2009. Also see “Arab MKs slam Yishai for seeking power to cancel citizenship,” tel Aviv, 9 October, 2005.


214 “The Planning Crisis in East Jerusalem: Understanding the Phenomenon of ‘Illegal Construction’” OCHA Special Focus, April 2009

215 Open Letter to Quartet Members: Israel’s Recent Land Confiscations East of Occupied Jerusalem, Al Haq Intervention November 1, 2007, Press release ref.: 27.2007E


217 After legal challenges by Palestinians citizens protesting their inability to bid for JNF land, for example, the Israeli state proposed in 2005 that JNF lands be available to Jews and non-Jews, though the Israel Lands Association (ILA) will compensate the JNF with substitute land for any plot purchased by a non-Jew. This allows the JNF to maintain its current hold over 2.5 million dunums of land. See “Adalah’s Report to The UN CERD In Response To The List Of Issues Presented To Israel”, 1 February, 2007, p. 2.


222 Ibid.


230 Y. Nahmani, Ish ha-Galil (Man of the Galilee), Ramat Gan 1969, p. 117-140, 134-135

231 See: “Israel’s population numbers 7,456,500 – some 5,634,300 Jews, 1,513,200 Arabs and 518,000 others – according to the annual pre-Rosh Hashana report released by the Central Bureau of Statistics Wednesday”, Jonny Hadi, Jerusalem Post, 16 September, 2009. See also: “Jewish population in Galilee Declining”, Ofet Petersburg, Yedioth Achronot, 12 December, 2007


233 Israel’s response to the participation of Palestinian citizens of Israel in demonstrations linked to the second Intifada included the ideas that the Jewish settlements of Nazareth Illit and Carmiel were to expand their populations from 40,000 to 100,000, and to develop existing Jewish settlements and build new ones in the Negev, the Gilboa region (on the southern end of Galilee) and near Haifa. Places to be develop include Harish, south of Um al-Fahem, which is to become an ultra-orthodox Jewish center with 20,000 dwelling units. There are also plans to build a new Jewish town in the region of “Tefen” in the Upper Galilee, north of Majd al-Krum. See: “Israel’s Response to the October Uprising: ‘Judaizing’ the Galilee,” Asaf Adv, Challenge no. 67, March-April 2001.

234 Sharon: “The Disengagement Plan is not only about withdrawal from Gaza but also aims to increase Jewish settlement in the Galilee, the Negev [Naqab], and Greater Jerusalem.” Arab Association for Human Rights (HRA), Weekly Review of the Arabic Press in Israel, No. 226, Nazareth, 10–17 June, 2005.


236 “On the Margins” HRA


238 “Adalah Submits Objection against Master Plan for Metropolitan Beer el-Sabe as it Violates the Rights of Arab Residents of the Naqab to Dignity, Equality and Suitable Housing” Adalah Newsletter, Volume 42, November 2007


241 See: Adalah’s Report to CERD, p. 17


243 “Not prepared to concede one metre”, ‘Apartheid in the Galilee”, Jonathan Cook, The Electronic Intifada, 17 May, 2005

244 This refers in particular to Amidar, the public housing company owned by the Jewish Agency, the Jewish National Fund, and the State of Israel, which has a historical record of disposessing and demolishing the homes of Palestinians inside Israel and the West Bank. On March 19, 2007, Amidar published a document titled “A Review of the Stock of Squatted Properties in Jaffa – Interior Committee, Israel Knesset” which reviews properties administered by the company in the Jaffa–Tel Aviv area. The document lists 497 eviction and demolition orders received by Palestinian families in the Ajami and Jabaliyya neighborhoods of Jaffa on grounds of “squatting” and “building additions undertaken without approval from Amidar and without a permit from the planning and building authorities.” Jaffa: From Eminence to Ethnic Cleansing, Sami Abu Shehadeh and Fadi Shibaytah 39/40 (Autumn 2008-Winter 2009).

245 In the second half of the 1980s and the beginning of the 1990s, Jaffa witnessed heavy gentrification in the form of new architectural and real estate development projects. Over time, increasing numbers of Jewish citizens came to live in Jaffa to escape the high population density in Tel Aviv and in search of homes overlooking the sea. Luxurious apartments in two or three-storey buildings are almost the only kind of construction that is currently permitted in Jaffa. This kind of construction, which is taking place on lands where Arab homes had stood, fails to alleviate the housing crisis of Arab residents of Jaffa, whose number today stands at almost 20,000. Thus, the Al Ajami and Jabaliyya neighborhoods and the Old City are slowly being transformed from lively but poor Arab residential areas to wealthy Jewish neighborhoods.

See, for example: Closing Protection Gaps. Handbook on Protection of Palestinian Refugees in States Signatories of the 1951 Refugee Convention, BADIL Resource Center, August 2005, p. 122-125. See also: Chapter Three


248 A 1988 survey of 4,470 displaced Palestinian families found that the majority were displaced because of the 1985–1987 “war of the camps”, and that 73% of them have been forced from their house three or more times. See Jaber Suleiman, “Marginalised Community: The case of Palestinian Refugees in Lebanon”, United Kingdom: Development Research Centre on Migration Globalisation and Poverty, April 2006, p. 6.


251 UNRWA announced that between August 1990 and March 1991, approximately 250,000 persons holding Jordanian passports arrived in Jordan, of whom the majority were registered refugees or of Palestinian origin. See Report of the Commissioner-General of the United Nations for Relief and Works Agency for Palestinian Refugees in the Near East, A/46/13, 20 June, 1991. The Jordanian government estimates that 280,000 persons holding Jordanian passports had entered Jordan by the end of the Gulf War. Shaml Palestinian Diaspora and Refugee Centre estimates that between 30–40,000 Palestinians were able to enter the OPT. Research Report No. 6, Ramallah: Shaml.

252 Shaml Newsletter No. 6, February 1997. Also see Shaml Newsletter No. 1, December 1995.


254 “Al Tanf Camp Trauma Continues for Palestinians Fleeing Iraq”, April 2008 AI Index: MDE 14/012/2008. Palestinian refugees form Iraq who are present in Syrian territory are regularly picked up by Syrian security forces and transferred to the al Tanf camp.

255 “Palestinian refugees from Iraq resettled in Chile”, The Electronic Intifada, 8 April 2008.


257 On three occasions the refugee camp of Ein el-Hilweh was hit by Israeli bombardments and one member of UNRWA staff, as well as two civilians were killed. See “UNRWA Strongly Condemns the Killing of its Staff Member”, UNRWA Lebanon Field Office, Beirut, 15 August, 2006.


264 Ibid. See table p.7

POPULATION SIZE, DISTRIBUTION AND CHARACTERISTICS

Preface

By the end of 2008, at least 7.1 million (67 percent) of 10.6 million Palestinians worldwide were forcibly displaced persons. Among them are at least 6.6 million Palestinian refugees and 427,000 internally displaced persons (IDPs). Palestinians are one of the largest displaced populations in the world today, constituting half of all refugees worldwide.

Palestinian refugees fall into three general categories: the largest group (5.7 million) is composed of 1948 refugees, among them, 4.7 million UNRWA registered refugees. 1967 refugees (940,000) form the second major group. The third category is comprised of an unknown number of Palestinians who are neither 1948 nor 1967 refugees but who have also been displaced outside the area of historical Palestine (Israel and the OPT) and are likely to be refugees.

There are two main categories of Palestinian IDPs. The first (335,000) is composed of Palestinians who have been internally displaced inside Israel since 1948. The second (129,000) is composed of Palestinians who have been internally displaced in the OPT since 1967. Among the second category are approximately 37,000 Palestinian refugees who have suffered multiple displacement in the OPT.

There is no single authoritative source for the global Palestinian refugee and IDP population. Estimates of the current size of Palestinian refugee and IDP populations are based on available data which is uneven and shifting, primarily due to the absence of a comprehensive registration system, frequent forced displacement, and the lack of a uniform definition of a Palestinian refugee.

The majority of the Palestinian refugee and IDP population is distributed throughout the Middle East, primarily in Arab countries that border Israel and the occupied Palestinian Territory (OPT). Most Palestinian refugees (approximately 81 percent) live outside the 58 UNRWA-serviced camps.

No data is available on the demographic and socioeconomic characteristics of Palestinian refugee populations outside UNRWA’s area of operation, and little reliable data is available on the characteristics of internally displaced Palestinians in Israel and the OPT. Available data suggests that differences between the Palestinian refugee populations and the local non-refugee populations are negligible in most Arab host states, with Lebanon constituting the only major exception.

Demographic and socio-economic indicators, such as labor force indicators, poverty, housing, education and health, reflect the vulnerability of Palestinian refugees during six decades of displacement, especially in Lebanon and the OPT.
2.1 The Current Scope of Palestinian Displacement

The Palestinian refugee and IDP population described here comprises the total estimated number of Palestinians and their descendants who have been forcibly displaced from their homes and properties located in former Palestine (now divided into Israel and the OPT) and do not have access to voluntary durable solutions and reparation, including return to their homes of origin and property restitution. Estimates are for the end of 2008, unless stated otherwise. Information about the methodology applied is included in Appendix 2.1 at the end of this chapter.

By the end of 2008, at least 7.1 million (67 percent) of the entire, worldwide Palestinian population of 10.6 million\(^1\) were forcibly displaced persons. Among them were at least 6.6 million Palestinian refugees and approximately 427,000 IDPs.

![Figure 2.1: Percentage Distribution of the Palestinian Population Worldwide by Type of Displacement, End 2008](image)

The largest group of displaced Palestinians is made up of those who were forced to leave their homes and country in 1948 (the Nakba) and their descendants. These total approximately 5.7 million, a figure that includes the 4.7 million Palestinian refugees who are registered with and assisted by the UN Relief and Works Agency for Palestine Refugees (UNRWA) (often referred to as “registered refugees” or “Palestine refugees”), and a further one million refugees who were also displaced in 1948, but are not eligible or did not register for assistance with UNRWA.

The second major group of displaced Palestinians is comprised of those displaced for the first time from their homes and country in the context of the 1967 war and their descendants. 1967 Palestinian refugees number approximately 940,000 persons.

Internally displaced Palestinians can be divided into two groups. The first is composed of persons displaced in the area that became the state of Israel in 1948. This group includes those who were displaced in the 1948 Nakba, (approximately 335,000 persons) as well as those subsequently displaced by the state of Israel. No authoritative data exists for this second category. (See Appendix 1.1 and 2.1) The second group (approximately 129,000 persons) is composed of Palestinians internally displaced in the OPT since 1967 as a result of Israel’s occupation, apartheid and colonization of the area. This figure includes Palestinian refugees who suffered subsequent secondary forced displacement inside the OPT, and whose numbers are estimated to be 37,000 persons at the end of 2008.
Table 2.1: Palestinian Refugees and IDPs by Group

<table>
<thead>
<tr>
<th>Year</th>
<th>UNRWA registered 1948 Refugees</th>
<th>Non-registered 1948 Refugees</th>
<th>1967 Refugees</th>
<th>IDPs in Israel since 1948</th>
<th>IDPs in the OPT since 1967**</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>914,221*</td>
<td>304,740</td>
<td>–</td>
<td>47,610</td>
<td>–</td>
</tr>
<tr>
<td>1955</td>
<td>905,986</td>
<td>301,995</td>
<td>–</td>
<td>56,546</td>
<td>–</td>
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<tr>
<td>1960</td>
<td>1,120,889</td>
<td>373,630</td>
<td>–</td>
<td>67,159</td>
<td>–</td>
</tr>
<tr>
<td>1965</td>
<td>1,280,823</td>
<td>426,941</td>
<td>–</td>
<td>79,763</td>
<td>–</td>
</tr>
<tr>
<td>1970</td>
<td>1,425,219</td>
<td>475,073</td>
<td>266,092</td>
<td>94,734</td>
<td>16,240</td>
</tr>
<tr>
<td>1975</td>
<td>1,632,707</td>
<td>544,236</td>
<td>316,034</td>
<td>112,514</td>
<td>23,901</td>
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<tr>
<td>1980</td>
<td>1,844,318</td>
<td>614,773</td>
<td>375,349</td>
<td>133,631</td>
<td>31,920</td>
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<tr>
<td>1985</td>
<td>2,093,545</td>
<td>697,848</td>
<td>445,797</td>
<td>158,712</td>
<td>41,041</td>
</tr>
<tr>
<td>1990</td>
<td>2,422,514</td>
<td>840,838</td>
<td>529,467</td>
<td>188,500</td>
<td>49,889</td>
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<tr>
<td>1995</td>
<td>3,172,641</td>
<td>1,057,547</td>
<td>628,841</td>
<td>223,879</td>
<td>59,444</td>
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<td>2000</td>
<td>3,737,494</td>
<td>827,022</td>
<td>743,257</td>
<td>264,613</td>
<td>72,758</td>
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<td>2001</td>
<td>3,874,738</td>
<td>857,564</td>
<td>765,555</td>
<td>272,551</td>
<td>74,900</td>
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<tr>
<td>2002</td>
<td>3,973,360</td>
<td>878,050</td>
<td>788,521</td>
<td>280,728</td>
<td>77,064</td>
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<tr>
<td>2003</td>
<td>4,082,300</td>
<td>897,255</td>
<td>812,177</td>
<td>289,150</td>
<td>79,540</td>
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<tr>
<td>2004</td>
<td>4,186,711</td>
<td>916,700</td>
<td>836,542</td>
<td>297,824</td>
<td>81,800</td>
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<tr>
<td>2005</td>
<td>4,283,892</td>
<td>935,641</td>
<td>861,639</td>
<td>306,759</td>
<td>98,673</td>
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<tr>
<td>2006</td>
<td>4,396,209</td>
<td>957,963</td>
<td>887,488</td>
<td>315,962</td>
<td>102,798</td>
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<tr>
<td>2007</td>
<td>4,510,510</td>
<td>975,190</td>
<td>914,112</td>
<td>325,441</td>
<td>111,803</td>
</tr>
<tr>
<td>2008</td>
<td>4,671,811</td>
<td>1,014,741</td>
<td>955,247</td>
<td>335,204</td>
<td>128,708</td>
</tr>
</tbody>
</table>

* Excluding the 45,800 persons (1948) in Israel who received relief from UNRWA until June 1952.
** Including 37,000 persons (2008) who are internally displaced refugees – i.e. refugees displaced at least twice.

The figures above reflect estimates according to the best available sources and population growth projections. Figures are therefore indicative rather than conclusive. For more details about these estimates, see Appendix 2.1 at the end of this chapter.

Not included in this estimate is an unknown number² of additionally displaced Palestinians who are not 1948 or 1967 refugees, but who have also been displaced outside the area of historical Palestine (Israel and the OPT) and are also likely to qualify as refugees under international law. The majority of the latter have likely been forcibly displaced from the occupied West Bank and Gaza Strip since 1967 as a result of the policies and practices of Israel's regime combining occupation, apartheid and colonization. They now reside abroad and are unable or unwilling to return to the OPT or Israel owing to a well-founded fear of persecution.

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To avoid double counting, the percentages of IDPs in the OPT excludes internally displaced refugees (37,000 persons).
2.1.1 Data Sources

There is no single authoritative source for the global Palestinian refugee and IDP population. Available data on the size of the Palestinian refugee and IDP populations is uneven and shifting, primarily due to the absence of a comprehensive registration system, frequent forced displacement, and the lack of a uniform definition of a Palestinian refugee. Internal displacement is also difficult to track because ceasefire lines have changed frequently and there is no internationally recognized border between Israel and the OPT.

The United Nations Relief and Works Agency (UNRWA) has registered 1948 refugees since 1950 and records cover 75 percent of this group of refugees. UNRWA registration data is not statistically valid however, as reporting is voluntary. UNRWA has never carried out a comprehensive census of all Palestinian refugees under its mandate.

In general, UNRWA registration records do not include:

1. Refugees displaced in 1948, who:
   a. failed to meet UNRWA's definition of “Palestine Refugee”;  
   b. were outside the areas of UNRWA operation (and have not filed for registration under UNRWA's 1993 revised eligibility criteria);  
   c. were dropped from the records owing to financial constraints limiting the number of relief recipients;  
   d. are descendants of refugee mothers and non-refugee fathers;  
   e. had an independent income or property (and have not filed for registration under UNRWA's 1993 revised eligibility criteria);  
   f. improved their economic situation to the extent that they no longer met eligibility criteria (prior to the 1993 revision of eligibility criteria);  
   g. refused to register for reasons of pride.

2. Palestinians displaced for the first time in 1967;
3. Palestinians who are not 1948 or 1967 refugees, and are unable (due to revocation of residency, deportation, etc.) or unwilling (owing to a well-founded fear of persecution) to return to the OPT;
4. IDPs in Israel and the OPT.

In 1952, the state of Israel took responsibility for the task of assisting those Palestinians displaced in its territory. UNRWA transferred its IDP registration files to the government of Israel in June 1952 and has not updated them since. In 1982, the UN General Assembly instructed the Secretary-General, in co-operation with the Commissioner General of UNRWA, to issue identification cards to all 1948 Palestine refugees and their descendants, irrespective of whether
or not they received rations and services from the Agency, as well as to all 1967 refugees and their descendants. The initiative failed, however, due to lack of co-operation among host states concerning information on previously non-registered refugees.

Until 1993, refugees wishing to register with UNRWA had to meet requirements of need and initial flight in 1948 into a country where UNRWA operated. Revision of UNRWA’s eligibility and registration criteria in 1993 eliminated these two requirements, which led to the registration of some previously undocumented Palestinian refugees.

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

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

In general, UNHCR has registered only a very minor portion of the Palestinian refugee population whose number has been almost equal in size to 70 percent of the worldwide total number of UNHCR documented refugees and persons in refugee-like situations in 2007 and 2008. Only 342,681 Palestinian refugees were registered with UNHCR as a population of concern at the end of 2008. At the end of 2007, the number was 343,680. The majority resided in Saudi Arabia (240,025), Egypt (70,174), Iraq (12,302) and Kuwait (6,000).

Table 2.2: Refugees, asylum-seekers, IDPs, returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR, 1998-2008

<table>
<thead>
<tr>
<th>End of year</th>
<th>Refugees</th>
<th>Asylum-seekers</th>
<th>Returned refugees</th>
<th>IDPs protected/assisted</th>
<th>Returned IDPs</th>
<th>Stateless persons</th>
<th>Others of concern</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>11,480,900</td>
<td>977,800</td>
<td>1,016,400</td>
<td>5,063,900</td>
<td>207,200</td>
<td>...</td>
<td>1,378,500</td>
<td>20,124,700</td>
</tr>
<tr>
<td>1999</td>
<td>11,687,200</td>
<td>1,027,400</td>
<td>1,599,100</td>
<td>3,968,600</td>
<td>1,048,400</td>
<td>...</td>
<td>1,491,100</td>
<td>20,821,800</td>
</tr>
<tr>
<td>2000</td>
<td>12,129,600</td>
<td>1,087,500</td>
<td>767,500</td>
<td>5,998,500</td>
<td>369,100</td>
<td>...</td>
<td>1,653,900</td>
<td>22,006,100</td>
</tr>
<tr>
<td>2001</td>
<td>12,116,800</td>
<td>1,072,700</td>
<td>462,400</td>
<td>5,096,500</td>
<td>241,000</td>
<td>...</td>
<td>1,039,500</td>
<td>20,028,900</td>
</tr>
<tr>
<td>2002</td>
<td>10,594,100</td>
<td>1,093,500</td>
<td>2,426,000</td>
<td>4,666,600</td>
<td>1,179,000</td>
<td>...</td>
<td>953,300</td>
<td>20,892,500</td>
</tr>
<tr>
<td>2003</td>
<td>9,592,800</td>
<td>997,600</td>
<td>1,094,900</td>
<td>4,181,700</td>
<td>237,800</td>
<td>...</td>
<td>905,300</td>
<td>17,010,100</td>
</tr>
<tr>
<td>2004</td>
<td>9,574,800</td>
<td>885,200</td>
<td>1,434,400</td>
<td>5,426,500</td>
<td>146,500</td>
<td>1,455,900</td>
<td>597,000</td>
<td>19,520,300</td>
</tr>
<tr>
<td>2005</td>
<td>8,662,000</td>
<td>802,100</td>
<td>1,105,600</td>
<td>6,616,800</td>
<td>519,400</td>
<td>2,383,700</td>
<td>960,400</td>
<td>21,050,000</td>
</tr>
<tr>
<td>2006</td>
<td>9,877,700</td>
<td>743,900</td>
<td>733,700</td>
<td>12,794,300</td>
<td>1,864,200</td>
<td>5,806,000</td>
<td>1,045,500</td>
<td>32,865,300</td>
</tr>
<tr>
<td>2007</td>
<td>11,391,000</td>
<td>740,100</td>
<td>730,600</td>
<td>13,740,200</td>
<td>2,070,100</td>
<td>2,937,300</td>
<td>68,700</td>
<td>31,678,000</td>
</tr>
<tr>
<td>2008</td>
<td>10,478,600</td>
<td>827,300</td>
<td>603,800</td>
<td>14,405,400</td>
<td>1,361,400</td>
<td>6,572,200</td>
<td>166,900</td>
<td>34,415,600</td>
</tr>
</tbody>
</table>


1 Since 2007, people in refugee-like situations are included in the refugee estimates. 2007 figures are therefore not fully comparable with previous years.

2 Since 2007, people in IDP-like situations are included in the IDP estimates. 2007 IDP figures are therefore not fully comparable with previous years.

3 Stateless persons were included in the category “others of concern” until 2003.
UNHCR data regarding Palestinian refugees refers to their country of origin as the “occupied Palestinian territory.” This classification may not reflect the actual place of origin, and hence it is not possible to identify how many Palestinian refugees of concern to the UNHCR are 1948 refugees, 1967 refugees, or Palestinians displaced from former Palestine after 1967. Palestinian IDPs in Israel and the OPT are not included in the UNHCR data regarding IDPs worldwide.

Census data and population growth projections represent an additional source of estimates of the Palestinian refugee and IDP populations. The Palestinian Central Bureau of Statistics (PCBS) has conducted two population censuses in 1997 and 2007 which include refugees as a category, as well as questions regarding ongoing forced displacement. PCBS however, only has access to the Palestinian population in the OPT. The Israel Central Bureau of Statistics publishes little statistical data about Israel’s Palestinians citizens and does not keep separate records on internally displaced Palestinians. Few host countries carry out a regular census of their resident refugee population, and some do not include Palestinian refugees as a category of refugees. Some countries, such as Jordan, include Palestinians as a census category, but this data is not publicly available. In North America and Europe, Palestinian asylum-seekers are often included in a general category of “stateless” persons, or classified according to their place of birth, or the host country that issued their travel documents.

2.2 Distribution

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

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

The majority of Palestinian IDPs in Israel were displaced in 1948 in the north and the center of the country (85.5 percent of the total Palestinian population of the north at the time, 75.1 percent of the center’s population). A smaller number were displaced between 1949 and 1967 (7.1 percent of the population in the north and 18.1 percent in the center). These IDPs found refuge in some 47 Palestinian Arab villages that remained within the state of Israel after the 1948 war. Palestinians in the south of the country were mainly displaced after 1967 (77.2 percent).
Most Palestinian IDPs in Israel are currently concentrated in the northern (Galilee) region of the country, including Palestinian cities such as Nazareth and Shaf‘a‘amr, and in cities with a mixed Jewish-Arab population, such as Haifa and Akka (Acre). IDPs are also located in the south (Naqab). The actual distribution of IDPs inside Israel is difficult to determine due to the lack of a registration system and frequent relocation (three to four times on average per family).

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

The distribution of Palestinians displaced from and within the OPT since 1967, including those displaced for the first time, is difficult to determine given the lack of a registration system and frequent displacement over four decades of military occupation.

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

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

Higher numbers of Palestinian refugees in the Gulf from the 1950s onward reflect patterns of economic migration, while a dramatic decrease in the number of refugees in Kuwait occurred as a result of the 1991 Gulf War. Many Palestinians migrated or were expelled from Gulf States, eventually finding shelter in Canada, Scandinavia, the United States, or other countries in the Arab world. Currently, many of the Palestinian refugees experiencing persecution in Iraq are fleeing to Syria, Jordan and other countries, with some reported as far as India and Thailand.
Figure 2.4: Estimates of Palestinian Refugees and IDPs Worldwide, 2008
Today, Palestinian refugees are living in forced exile in many parts of the world. Despite the changes in the pattern of distribution of Palestinian refugees over the last 60 years, the majority of refugees still live within 100 km of the borders of Israel and the 1967 OPT, where their homes of origin are located. In Syria, for example, 70 percent of the registered 1948 refugees are from the Galilee. The number is slightly higher in Lebanon, where 72 percent of the registered 1948 refugees are from the Galilee.

Similarly, a large majority of the refugees in the occupied Gaza Strip originate from the adjacent areas of the former Gaza District. The majority of the refugees from the former Jerusalem District are at present either in the occupied West Bank or in Jordan. The proportion of Palestinian refugees (6 percent) within the total combined population of host states in the region has remained stable since the first wave of massive displacement in 1948.17

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

<table>
<thead>
<tr>
<th>District of Origin</th>
<th>Host Countries/ Territories</th>
<th>Total (all fields)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Jordan</td>
<td>West Bank</td>
</tr>
<tr>
<td>Jerusalem</td>
<td>20.0</td>
<td>33.0</td>
</tr>
<tr>
<td>Gaza</td>
<td>17.0</td>
<td>7.0</td>
</tr>
<tr>
<td>Lydda</td>
<td>40.0</td>
<td>30.0</td>
</tr>
<tr>
<td>Samaria</td>
<td>4.0</td>
<td>12.0</td>
</tr>
<tr>
<td>Haifa</td>
<td>10.0</td>
<td>16.0</td>
</tr>
<tr>
<td>Galilee</td>
<td>9.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>

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

Despite the passing of more than 60 years in exile, the village unit has tended to remain intact to some degree, even after mass displacement. In other words, the majority of the residents of a particular village tended to be displaced to the same host country, and often to the same area within the host country. According to data for Palestinian refugees registered with UNRWA, 72 percent of all 1948 displaced Palestinian villages found refuge in one area, with only 20 percent fleeing to two areas. Only eight percent are distributed between more than two areas.18 Distribution according to village of origin is evident in the structure of Palestinian refugee camps, which are divided into quarters based on the village unit. In Syria, for example, al-Yarmouk camp is divided into quarters based on the refugee villages of origin of al-Tira, Lubya, Balad ash-Sheikh, and ‘Ayn Ghazal.

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

2.2.1 Refugees in Camps19

According to UNRWA records, 1,373,732 Palestinian refugees were registered in UNRWA’s 58 official refugee camps throughout the OPT, Jordan, Lebanon and Syria by the end of 2008. Registered refugees in camps comprise 29.4 percent of the total UNRWA registered refugee population and 20.7 percent of the total Palestinian refugee population. In addition, hundreds of thousands of Palestinian refugees reside in one of at least 17 unofficial camps in the OPT, Jordan, Lebanon and Syria. The majority of Palestinian refugees registered in camps are 1948 refugees, including their descendants.
A smaller number of refugees displaced for the first time in 1967 also reside in refugee camps, primarily in Jordan and Syria. A small but growing number of poor non-refugees, including Palestinians and other Arabs, also reside in refugee camps.

Table 2.4: UNRWA-registered refugees, including refugees in camps

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Registered Refugees</th>
<th>Registered Refugees in Camps</th>
<th>% Registered Refugees in Camps</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953</td>
<td>870,158</td>
<td>300,785</td>
<td>34.6</td>
</tr>
<tr>
<td>1955</td>
<td>912,425</td>
<td>351,532</td>
<td>38.5</td>
</tr>
<tr>
<td>1960</td>
<td>1,136,487</td>
<td>409,223</td>
<td>36.0</td>
</tr>
<tr>
<td>1965</td>
<td>1,300,117</td>
<td>508,042</td>
<td>39.1</td>
</tr>
<tr>
<td>1970</td>
<td>1,445,022</td>
<td>500,985</td>
<td>34.7</td>
</tr>
<tr>
<td>1975</td>
<td>1,652,436</td>
<td>551,643</td>
<td>33.4</td>
</tr>
<tr>
<td>1980</td>
<td>1,863,162</td>
<td>613,149</td>
<td>32.9</td>
</tr>
<tr>
<td>1985</td>
<td>2,119,862</td>
<td>805,482</td>
<td>38.0</td>
</tr>
<tr>
<td>1990</td>
<td>2,466,516</td>
<td>697,709</td>
<td>28.3</td>
</tr>
<tr>
<td>1995</td>
<td>3,246,044</td>
<td>1,007,375</td>
<td>31.0</td>
</tr>
<tr>
<td>2000</td>
<td>3,806,055</td>
<td>1,227,954</td>
<td>32.3</td>
</tr>
<tr>
<td>2003</td>
<td>4,082,300</td>
<td>1,301,689</td>
<td>32.0</td>
</tr>
<tr>
<td>2004</td>
<td>4,186,711</td>
<td>1,226,213</td>
<td>29.0</td>
</tr>
<tr>
<td>2005</td>
<td>4,283,892</td>
<td>1,265,987</td>
<td>30.0</td>
</tr>
<tr>
<td>2006</td>
<td>4,396,209</td>
<td>1,321,525</td>
<td>29.7</td>
</tr>
<tr>
<td>2007</td>
<td>4,504,169</td>
<td>1,337,388</td>
<td>29.7</td>
</tr>
<tr>
<td>2008</td>
<td>4,671,811</td>
<td>1,373,732</td>
<td>29.4</td>
</tr>
</tbody>
</table>

Source: UNRWA. Figures as of 30 June each year except 2008 for end of year.

Not all Palestinian refugees registered with UNRWA living in camps physically reside in an official refugee camp. Several factors explain why Palestinian refugees have remained in or maintained ties with the camps after more than six decades of exile:

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

The largest camp population resides in the occupied Gaza Strip (495,006 or 46% of UNRWA registered refugees in Gaza, end of 2008), comprising about 36 percent of all camp-registered refugees. In the occupied West Bank, there are fewer refugees in camps (193,370, end of 2008). Approximately 38 percent of all UNRWA registered refugees in the OPT reside in camps.

The second-highest number of camp refugees is found in Jordan (338,000 end 2008). However, Jordan is also the host country with the lowest percentage of refugees in camps: only 17.3 percent of the UNRWA registered Palestinian refugees in Jordan reside in camps. This reflects the status afforded to most Palestinian refugees in Jordan as Jordanian citizens.
Lebanon and Syria are the host countries with the largest portion of camp refugees. In Lebanon, approximately 53 percent (222,776, end of 2008) live in official camps. The high percentage of camp refugees in Lebanon is directly related to the restrictions placed on freedom of movement by the Lebanese government, the lack of resources for alternative housing outside of the camps, and concerns about physical safety. In Syria, where approximately 59.3 percent are camp refugees, more Palestinian refugees live in unofficial camps (147,147) than in official camps (125,009), because some unofficial camps, in particular Yarmouk, are located close to the capital Damascus and offer good services.
<table>
<thead>
<tr>
<th>Host Country</th>
<th>Camp (local name)</th>
<th>Population</th>
<th>Year established</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gaza Strip</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Official camps</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jabalia</td>
<td>107,146</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Beach (Shati)</td>
<td>81,591</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Nuseirat</td>
<td>61,785</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Bureij</td>
<td>31,018</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Deir al-Balah</td>
<td>20,653</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Maghazi</td>
<td>23,730</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Khan Younis</td>
<td>67,567</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Rafah</td>
<td>98,660</td>
<td>1948</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td></td>
<td>492,299</td>
<td></td>
</tr>
<tr>
<td>West Bank</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Official camps</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aqabat Jaber</td>
<td>6,488</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Ein al-Sultan</td>
<td>1,943</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Shu‘fat</td>
<td>11,066</td>
<td>1965</td>
</tr>
<tr>
<td></td>
<td>Am‘ari</td>
<td>10,606</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Kalandia</td>
<td>11,088</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Deir Ammar</td>
<td>2,391</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Jalazone</td>
<td>11,281</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Fawwar</td>
<td>8,171</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Al ‘Arroub</td>
<td>10,513</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Dheisha</td>
<td>13,017</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Aida</td>
<td>4,797</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Beit Jibrin (Al ‘Azzeh)</td>
<td>2,101</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Al Far’a</td>
<td>7,644</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Camp No. 1</td>
<td>6,811</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Askar</td>
<td>16,030</td>
<td>1950</td>
</tr>
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### Survey of Palestinian Refugees and Internally Displaced Persons (2008-2009)

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<td>Kufr Bada (Abu al-U’sod)</td>
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<td>Ramadani</td>
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<td>Grand Total</td>
<td><strong>1,556,440</strong></td>
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</table>


a. During the 1970s, the Israeli military administration destroyed thousands of refugee shelters in the occupied Gaza Strip under security pretexts. Large refugee camps were targeted in particular. Refugees were forcibly resettled in other areas of the occupied Gaza Strip, with a smaller number transferred to the occupied West Bank. In the occupied Gaza Strip, several housing projects were established for these refugees. Some of these projects today are referred to as camps. These include the Canada project (1972), the Shuqarari project (1973), the Brazil project (1973), the Sheikh Radwan project (1974), and the al-Amal project (1979).
b. There are more than 4,220 ex-Gaza refugees distributed throughout West Bank camps.
c. An additional 4,000 Palestinians are estimated by UNRWA to be living in the camp as a result of Israel’s policy of residency revocation in Jerusalem.
d. The camp was closed because of unsanitary living conditions, and residents were relocated to Shu’fat refugee camp.
e. Estimated figures based on 2007 PCBS census at annual growth rate of 3 percent, NA refers to not available.
f. As of 31 December 2003, over 15,000 persons were 1967 refugees.
g. Population figures for unofficial camps in Jordan are for 2000, including annual population growth of 3 percent from 2000 to 2008. In 2000, the population of Madaba was 5,500; Sakhtna, 4,750; and al-Hassan, 9,000.
h. Dikwaneh and Nabatieh were completely destroyed in the 1970s, but refugees who were in these camps maintain their registration numbers with these centers until such time as UNRWA’s new Refugee Registration Information System (RRIS) is developed.
i. The camp was evacuated and residents moved to Rashidiye camp.
j. Population figures for unofficial camps in Lebanon are for 2001, updated based on 3 percent annual growth until 2008. In 2001, the population of al-Ma’ashouq was 3,447; Shibliha, 4,829; al-Qasr, 2,634; Kufr Bada (Abu al-U’sod), 813; al-U’rash (Adlon), 1,448; and Shhim, 1,978.
k. The statistics for the unofficial camps in Syria are for 2002, including annual population growth of 3 percent until 2008. The 2002 population of Ein el-Tal was 4,329; al-Yarmouk, 112,550; Ramadani, 1,000; and Lattakia 6,354.
Map 2.1: Palestinian Refugee Communities: Official, Unofficial, Closed, Destroyed, Camps and Housing Projects

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<td>97</td>
<td>Deheisheh (Jericho)</td>
<td>7,620</td>
</tr>
<tr>
<td>98</td>
<td>Deheisheh (Jericho)</td>
<td>7,620</td>
</tr>
<tr>
<td>99</td>
<td>Deheisheh (Jericho)</td>
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<tr>
<td>100</td>
<td>Deheisheh (Jericho)</td>
<td>7,620</td>
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<tr>
<td>101</td>
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<td>102</td>
<td>Deheisheh (Jericho)</td>
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</tr>
<tr>
<td>103</td>
<td>Deheisheh (Jericho)</td>
<td>7,620</td>
</tr>
<tr>
<td>104</td>
<td>Deheisheh (Jericho)</td>
<td>7,620</td>
</tr>
<tr>
<td>105</td>
<td>Deheisheh (Jericho)</td>
<td>7,620</td>
</tr>
<tr>
<td>106</td>
<td>Deheisheh (Jericho)</td>
<td>7,620</td>
</tr>
<tr>
<td>107</td>
<td>Deheisheh (Jericho)</td>
<td>7,620</td>
</tr>
</tbody>
</table>

Legend:
- **Main City**
- **Main Camp**
- **Unofficial Camp**
- **Housing Project**
- **Closed Camp**
- **Destroyed Camp**
- **Armistice Line 1949 (Green Line)**
2.2.2 Refugees Outside of Camps

Most Palestinian refugees (approximately 81 percent) live outside UNRWA’s 58 camps. These refugees reside in and around cities and towns in the host countries, often in areas adjacent to refugee camps. Many West Bank villages and towns host a significant refugee population. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50 percent of the total population.

Between 1997 and 2007, the proportion of refugees living in the West Bank showed a significant change in certain governorates. For instance, the percentage of refugees in Jerusalem decreased from 40.8 percent to 31.4 percent; the refugee population increased in Qalqilya from 39.9 percent to 47 percent, and in Jenin from 28.8 percent to 32.8 percent.

Table 2.6: Percentage of Refugee Population in the OPT by Governorate, 2007

<table>
<thead>
<tr>
<th>Governorate</th>
<th>% of Refugees 1997a</th>
<th>% of Refugees 2007b</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gaza</td>
<td>52.0</td>
<td>57.5</td>
</tr>
<tr>
<td>Deir al-Balah</td>
<td>85.5</td>
<td>88.6</td>
</tr>
<tr>
<td>North Gaza</td>
<td>70.9</td>
<td>71.0</td>
</tr>
<tr>
<td>Rafah</td>
<td>70.9</td>
<td>85.9</td>
</tr>
<tr>
<td>Khan Younis</td>
<td>56.9</td>
<td>63.3</td>
</tr>
<tr>
<td>Hebron</td>
<td>17.4</td>
<td>17.9</td>
</tr>
<tr>
<td>Tubas</td>
<td>15.8</td>
<td>15.7</td>
</tr>
<tr>
<td>Jericho</td>
<td>49.7</td>
<td>51.3</td>
</tr>
<tr>
<td>Jerusalem</td>
<td>40.8</td>
<td>31.4</td>
</tr>
<tr>
<td>Ramallah</td>
<td>28.1</td>
<td>29.3</td>
</tr>
<tr>
<td>Jenin</td>
<td>28.8</td>
<td>32.8</td>
</tr>
<tr>
<td>Tulkarem</td>
<td>31.5</td>
<td>33.6</td>
</tr>
<tr>
<td>Nablus</td>
<td>25.4</td>
<td>26.3</td>
</tr>
<tr>
<td>Bethlehem</td>
<td>28.0</td>
<td>28.4</td>
</tr>
<tr>
<td>Qalqilya</td>
<td>39.9</td>
<td>47.0</td>
</tr>
<tr>
<td>Saltif</td>
<td>7.7</td>
<td>8.3</td>
</tr>
</tbody>
</table>


In Lebanon, UNRWA reported that 47 percent of the Palestinian refugee population was registered outside of camps. Other sources report that between one third and 40 percent of the Palestinian refugee population resides in gatherings, cities and villages, and other non-camp localities. A gathering is defined as a community of 25 or more Palestinian households living together. In Syria, almost 40 percent of Palestinian refugees live in urban centers, with a small number living in rural areas.
2.3 Characteristics of the Refugee and IDP Population

Demographic and socio-economic indicators reflect the vulnerability of internally displaced Palestinians and refugees during six decades of displacement. Lack of personal security and socio-economic wellbeing and stability are the result of Israel’s policies and practices of occupation, apartheid and colonization and a series of armed conflicts in the region, in particular where refugee-hood is compounded with statelessness, ineffective protection and insufficient assistance.

Due to lack of registration and documentation, no statistical data is available on the demographic and socioeconomic characteristics of Palestinian refugee populations outside UNRWA’s area of operation, and little reliable data is available on the characteristics of internally displaced Palestinians in Israel and the OPT. Such data is available almost exclusively for the population of UNRWA registered 1948 refugees, who constitute 66 percent of all displaced Palestinians.

2.3.1 Demographic Indicators

Differences between the Palestinian refugee populations and the local non-refugee populations are negligible in most Arab host states, with Lebanon constituting the only major exception.

The Palestinian refugee population is young. Approximately 31 percent of all registered refugees are below the age of fifteen. 38 percent are less than 18 years old. The occupied Gaza Strip has the youngest refugee population: 46.4 percent are less than 18 years old and 13.7 percent are aged 0-4 years. The percentage of young Palestinian refugees is lowest in Lebanon, where those under 18 make up 28.5 percent of the registered refugee population, while 6.4 percent are aged 0-4 years. The large share of children and youth gives rise to high dependency ratios, a large burden on the refugee labor force, and a strong need for health and education services.

Refugees have a high fertility rate (calculated as the average number of children per woman), but there has been a consistent decline in the fertility rate among Palestinian refugees, in particular in the occupied West Bank (from 6.17 in 1983-1994 to 4.2 in 2006), Jordan (from 6.2 in 1983-1986 to 4.6 in 2000), Lebanon (from 4.49 in 1991 to 2.3 in 2006) and Syria (from 3.8 in 2000 to 2.4 in 2006). In the occupied Gaza Strip, the fertility rate increased between 1983 and 1994 (from 7.15 to 7.69), followed by a slow decrease from 2000 onwards. Declining fertility rates are the result of later marriage, more female enrollment in higher education, increased use of contraceptives, and a slight rise in the participation rate of women in the labor force.

No data is available about the age structure and other demographic indicators of Palestinian IDPs. However, as differences between refugee and non-refugee populations in major Arab host states are negligible, the age structure and fertility rate of Palestinian IDPs are likely to be similar to the general Palestinian population in Israel and in the OPT.
The mortality rate of the Palestinian population in the OPT is relatively low similar to that in Western countries in the early 1960s. Infant and child mortality rates of the refugee population have declined over the past six decades. Infant mortality rates among refugees, for example, declined from around 200 per 1,000 births in 1950, to around 24 per 1,000 births in the OPT in 2006, and eight per 1,000 births in Israel in 2003. Mortality rates of refugee infants and children under five have remained highest in the Gaza Strip, Lebanon and Syria.

In the OPT, infant and child mortality rates were slightly higher among refugees (27.5 and 32.3 per 1000 respectively) than among the general Palestinian population (24.2 and 28.3 per 1000 respectively) in the period of 1999 – 2003.

Table 2.7: Infant and Child Mortality Rates for Palestinian Refugees (per 1,000 births)

<table>
<thead>
<tr>
<th>Country</th>
<th>Infant Mortality</th>
<th>Child Mortality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan (2004)</td>
<td>22.5</td>
<td>25.1</td>
</tr>
<tr>
<td>Lebanon (2006)</td>
<td>26.0</td>
<td>31.0</td>
</tr>
<tr>
<td>Gaza Strip (2004)</td>
<td>31.2</td>
<td>37.3</td>
</tr>
<tr>
<td>West Bank (2004)</td>
<td>20.1</td>
<td>22.5</td>
</tr>
<tr>
<td>Syria (2006)</td>
<td>25.0</td>
<td>30.0</td>
</tr>
<tr>
<td>Israel (Palestinians)*</td>
<td>6.9</td>
<td>0.7</td>
</tr>
</tbody>
</table>


The Palestinian refugee and IDP population has a high, albeit declining, growth rate. This is similar to the Palestinian population as a whole, which has roughly doubled every twenty years. The average annual growth rate of the UNRWA-registered refugee population for the period 1955 – 2008 is 3.3 percent according to the agency’s records, while according to the Palestinian Central Bureau of Statistics, the average annual growth rate of the entire Palestinian population was 3.5 percent for 1949 – 1999, and 3 percent for 2000 – 2008.
2.3.2 Labor Force Indicators

Levels of labor force participation and unemployment rates indicate the level of economic wellbeing of populations. High rates of labor force participation and low unemployment are indicators of a healthy economy that provides a good quality of life for the population. Low levels of participation in the labor force and high unemployment are related to low income levels, high poverty rates and unhealthy living conditions.

In early 2009, shortly after the end of Israel’s military assault on the Gaza Strip, Palestinian refugee households ranked their top-10 needs and concerns: economic security (86%); employment (60%; 66% men and 54% women); personal safety and security (59%); family (45%; 49% women and 41% men); politics (43%); education (39%; 43% women and 36% men); health (35%; 60% in the 55+ age group); marriage (10%; 13% men and 7% women); emigration (10%; 14% men and 6% women); and, recreation (5%).


Less than half of the total Palestinian refugee and IDP labor force in major hosting countries including Israel and the OPT, is economically active. In 2008, labor force participation was highest among refugees in Syria (49.3%) and lowest in the occupied Gaza Strip (37.5 percent).

Table 2.8: Refugee and IDP – Labor Force Participation

<table>
<thead>
<tr>
<th>Country</th>
<th>Total Labor Force Participation %</th>
<th>Participation by women %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan a</td>
<td>41.9</td>
<td>12.9</td>
</tr>
<tr>
<td>Lebanon a</td>
<td>42.2</td>
<td>16.8</td>
</tr>
<tr>
<td>Syria a</td>
<td>49.3</td>
<td>18.0</td>
</tr>
<tr>
<td>Israel b</td>
<td>42.6</td>
<td>18.9</td>
</tr>
<tr>
<td>West Bank c</td>
<td>42.4</td>
<td>16.6</td>
</tr>
<tr>
<td>Gaza Strip c</td>
<td>37.5</td>
<td>13.4</td>
</tr>
</tbody>
</table>

Sources:
b. This number reflects the labor force of the entire Palestinian population in Israel, including IDPs. See: “Palestinians in Israel: Socio-Economic Survey 2007”, prepared by Ahmad El Sheikh Muhammad, The Galilee Society, Rizak, 2008, p. 22.

Labour force participation among refugee women is very low compared to refugee men. Participation generally increases with higher education, especially among women. Research published in 2003 shows that young refugee women aged 15 to 24 in Lebanon and Jordan identified family duties (44 percent and 43 percent respectively) and study (30 percent and 41 percent respectively) as the most important reasons for economic inactivity; among older women, family duties were given as the single most important reason (varying between 66 percent and 86 percent among women over 25 years old). Academic study was given as the most significant reason for economic inactivity among young men (15–24 years old), while discouragement was the most commonly cited reason by young adult men (25 - 45 years old). Older men cited health reasons and retirement as the principal reasons for economic inactivity.

Table 2.9: Unemployment Rates (%) for Palestinian Refugees and IDPs aged 15+ by gender and country

<table>
<thead>
<tr>
<th>Gender</th>
<th>Jordan camp</th>
<th>Jordan non-camp</th>
<th>Lebanon camp</th>
<th>Lebanon non-camp</th>
<th>Syria all</th>
<th>Israel all</th>
<th>Israel refugees</th>
<th>Israel non-refugees</th>
<th>West Bank refugees</th>
<th>West Bank non-refugees</th>
<th>Gaza Strip refugees</th>
<th>Gaza Strip non-refugees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>11</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>13.2</td>
<td>9.1</td>
<td>20.5</td>
<td>19.0</td>
<td>38.3</td>
<td>43.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Females</td>
<td>13</td>
<td>30</td>
<td>18</td>
<td>22</td>
<td>15.5</td>
<td>13.5</td>
<td>17.0</td>
<td>16.5</td>
<td>43.1</td>
<td>41.9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Unemployment rates among the Palestinian refugee population range between 11 percent and 43.1 percent, with the highest rates found in the occupied Gaza Strip. In 2008, the unemployment rate among refugees in the Gaza Strip was 38.3 percent for males and 43.1 percent for females, compared with 20.5 percent for males in the West Bank and 17 percent for females. High unemployment rates among refugees are problematic, in particular because refugees usually have little alternative sources of income. In the OPT, moreover, high unemployment among refugees has a negative impact on the wellbeing of the entire population, as refugees constitute a significant portion of the total population (45 percent) of the OPT (32 percent in WB and 68 percent in GS).

No disaggregate data is available about the socio-economic characteristics of Palestinian IDPs in Israel and the OPT. For IDPs in Israel, data pertaining to the general Palestinian population serves as an indicator: the unemployment rate among the total Palestinian labor force in Israel is 10.1 percent (13.5 percent for females and 9.1 percent for males).

2.3.3 Poverty and Food Insecurity

Annual per capita income among Palestinian refugees in Lebanon, Syria, Jordan and the OPT ranges from US $450 to US $600. Household incomes are higher among refugees in the OPT than elsewhere, and lowest among refugees in Syria. According to UNRWA estimates at the end of 2007, approximately 12 percent of refugee households in Lebanon suffer deep poverty compared with 3 percent in Jordan and 7 percent in Syria.

In the OPT, the per capita income declined by 40 percent between 1999 and 2007, and impoverishment of the Palestinian population continues. By 2007, approximately 30.3 percent of Palestinian households had consumption levels below the poverty line although they were receiving assistance. 57.2 percent of households had a level of income that indicates poverty, whereas 46.3 percent of households had income levels that indicate deep poverty (34 percent in the West Bank and 69.9 percent in Gaza Strip).

Food aid has become increasingly significant as food sources from agricultural areas in the occupied West Bank (Qalqilya, Tulkarem, and the Jordan Valley) and the Gaza Strip have been affected by Israel’s indiscriminate and excessive use of force during military operations and the policy of closure and segregation. From 2000 to 2007, for example, Israel destroyed 2,851 dunums of land, 13,147 dunums of vegetables and 14,076 dunums of Palestinian field crops. Over the course of the past five years, Israel destroyed 455 wells, 37,929 dunums of irrigation network, 1,000 km of main pipelines, 1.9 km of irrigation pools, 930 agricultural stores and 1,862 of animal barns and stables. In the same period 1.6 million Palestinian trees were uprooted, further jeopardizing Palestinian food production. In early 2007, food insecurity and vulnerability were about 40 percent and 12 percent respectively among refugees in the OPT.

The refugee population living in camps had the least food security, which also indicates that food insecurity was highest in the Gaza Strip.

In the OPT, households in refugee camps suffer from the highest rates of poverty as measured according to consumption patterns. Approximately 39 percent of camp households are poor compared with 29.5 percent of urban and rural households. Application of a poverty index also showed that the situation is worse for refugee
households (33.3%) as compared with non-refugee households (29.1 percent). This can be explained by the higher unemployment rates, the high dependency ratio and the big size of refugee camp households when compared with urban and rural households. Another explanation is provided by the higher poverty level in the Gaza Strip where the majority of the population is composed of refugees and camp populations.

In early 2009, 63 percent of Palestinian households interviewed in the Gaza Strip stated that their economic situation had deteriorated as a result of Israel’s most recent military operation. 60 percent of Palestinian households were in need of assistance and 25 percent were in need of psycho-social support. The most pressing needs identified by these households were cash assistance (39 percent), cooking gas (20 percent), house repair (16 percent), and food (12 percent).

In Israel, all 76 Palestinian local authorities are ranked in the lower half of the national socio-economic development scale, with 85 percent of the localities placed in the lowest three deciles. 53 percent of Palestinian families in Israel live below the poverty line, as do 400,000 out of 775,000 Arab children. The most vulnerable group were Palestinian Bedouin, most of whom are IDPs living in localities that are not recognized by the Israeli authorities. Approximately 80 percent of this group lives below the poverty line.

### 2.3.4 Housing

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

Housing problems tend to be more pronounced in camps. Nevertheless, as a result of international assistance, refugee camps often have better infrastructure than areas outside camps. While the area of refugee camps has generally remained the same over the last 60 years, their population has more than quadrupled. In areas where
construction is permitted, this has led to vertical expansion of the camps. In some areas, including Lebanon, the government has prohibited construction in the camps.

According to findings from 2004, Palestinian refugee homes comprise an average of three rooms. Average housing capacity is lowest in Lebanon and Syria. The primary infrastructural problem facing all refugee households is access to safe and secure supplies of drinking water, in particular in Syria, Jordan and Lebanon.

By 2007, the average number of rooms in a Palestinian housing unit in Israel was 4.3 and the housing density was 1.13 persons per room. Palestinian households in Israel, including IDP households, suffer from a shortage of land designated for development. Some 19 percent of Palestinian households have suffered from land confiscation between 1947 and 2007, while 10.8 percent of households have had their homes demolished or confiscated by the Israeli government during the same period. 58.4 percent of the households stated that they would need at least one new housing unit in the next ten years, and 34.1 percent said they would need at least two. This, while 66.8 percent of these households said they were unable to build the needed housing unit/s.

Figure 2.6: Percentage of Overcrowded Households, 2007

The international standard for overcrowding is three or more persons per room. Overcrowding is related to lack of resources with which to expand existing shelters or build new ones, planning and building restrictions, and household size. Overcrowding is most severe in Palestinian refugee camps in Jordan, where one in three households...
experiences overcrowding. In the OPT, Syria and Lebanon, overcrowding is slightly less of a problem. There are no significant differences in crowding between non-refugee households and refugee households outside camps in Jordan and in the OPT. Refugee households outside camps in Lebanon, however, are more overcrowded than households of Lebanese nationals.

2.3.5 Education

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

Education-related problems for refugees differ among host countries, and include inadequate education among young men in camps in Jordan, a significant number of young adults in Syria who lack basic education, and high levels of illiteracy overall.

During the civil war and the Israeli invasion of Lebanon in the 1980s, some refugee children lost more than a year of schooling. In the OPT, refugee children lost between 35 percent and 50 percent of class time during the first Intifada. The second Intifada has also negatively affected access to education and the quality of education provided in the OPT. Israeli military and Jewish settler activity in the OPT has had a negative effect on the capacity of students to concentrate, participate in class, and meet amongst themselves for study purposes. During 2006, a decline was observed in test scores in schools and school attendance in the OPT.

Table 2.10: Enrollment Levels (%) of Palestinian Refugees and IDPs in Lebanon, Jordan, Syria, Israel and OPT

<table>
<thead>
<tr>
<th>Age</th>
<th>Lebanon 2006*</th>
<th>Jordan 2000</th>
<th>Syria 2006</th>
<th>Israel 2007**</th>
<th>OPT 2006***</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>7–9</td>
<td>98.6</td>
<td>98.9</td>
<td>100</td>
<td>100</td>
<td>96.6</td>
</tr>
<tr>
<td>10–14</td>
<td>92.0</td>
<td>94.1</td>
<td>93</td>
<td>94</td>
<td>94.2</td>
</tr>
<tr>
<td>15–18</td>
<td>58.0</td>
<td>68.7</td>
<td>60</td>
<td>51</td>
<td>55.5</td>
</tr>
<tr>
<td>19–24</td>
<td>-</td>
<td>-</td>
<td>12</td>
<td>14</td>
<td>19.6</td>
</tr>
</tbody>
</table>

* Data for the age group 15-18 represents those aged 15-17 years.
** Data represents the age group 5 years and over, among all Palestinians in Israel.
*** Data represents the age group 6-24 years, among all Palestinians in the OPT.

Enrollment rates among Palestinian refugee and IDP children are high in all areas/host countries at the elementary and preparatory stages, whereas the rates decline at the secondary and higher education stages.

Nearly all refugee children are enrolled at the elementary stage, and no statistical differences exist between male and female enrolment at the elementary and preparatory stages. Female enrolment is higher than male enrolment in secondary and higher education (with the exception of Jordan). In Lebanon, fewer Palestinian refugees are enrolled in secondary and higher education than elsewhere.

Table 2.11: Illiteracy (%) among Palestinians aged 15+ by Age Group and Country

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Lebanon 2006</th>
<th>Jordan 2000</th>
<th>Syria 2006</th>
<th>Israel</th>
<th>OPT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>15–19</td>
<td>11.1</td>
<td>7.3</td>
<td>5</td>
<td>2</td>
<td>7.2</td>
</tr>
<tr>
<td>20–24</td>
<td>14.1</td>
<td>8.1</td>
<td>6</td>
<td>4</td>
<td>9.3</td>
</tr>
<tr>
<td>25–29</td>
<td>17.9</td>
<td>13.0</td>
<td>6</td>
<td>5</td>
<td>8.9</td>
</tr>
<tr>
<td>30–34</td>
<td>21.6</td>
<td>17.4</td>
<td>4</td>
<td>6</td>
<td>8.6</td>
</tr>
<tr>
<td>35–39</td>
<td>24.5</td>
<td>22.8</td>
<td>4</td>
<td>12</td>
<td>9.1</td>
</tr>
<tr>
<td>40–44</td>
<td>22.2</td>
<td>29.9</td>
<td>8</td>
<td>30</td>
<td>13.2</td>
</tr>
<tr>
<td>45–49</td>
<td>18.8</td>
<td>32.5</td>
<td>11</td>
<td>49</td>
<td>10.7</td>
</tr>
<tr>
<td>50–54</td>
<td>19.4</td>
<td>49.8</td>
<td>12</td>
<td>63</td>
<td>11.2</td>
</tr>
<tr>
<td>55–59</td>
<td>28.9</td>
<td>71.6</td>
<td>18</td>
<td>82</td>
<td>14.6</td>
</tr>
<tr>
<td>60–64</td>
<td>31.7</td>
<td>82.2</td>
<td>38</td>
<td>89</td>
<td>23.6</td>
</tr>
<tr>
<td>65–69</td>
<td>47.7</td>
<td>92.4</td>
<td>50</td>
<td>98</td>
<td>30.8</td>
</tr>
<tr>
<td>70–74</td>
<td>55.6</td>
<td>91.3</td>
<td>52</td>
<td>99</td>
<td>43.2</td>
</tr>
<tr>
<td>75+</td>
<td>67.6</td>
<td>96.3</td>
<td>67</td>
<td>100</td>
<td>58.4</td>
</tr>
</tbody>
</table>


The average illiteracy rate among Palestinians aged 15 years and over was 25.5 percent in Lebanon (2006), 17.6 percent in the refugee camps in Jordan (2000), 16.5 percent in Syria (2006); 5.7 percent in the OPT (2007) and 4.9 percent among Palestinians in Israel.44

Illiteracy rates have been declining in all countries and areas. Among young age groups, the illiteracy rate has remained the highest in Lebanon. In the OPT and in Israel, more Palestinian women than men are illiterate, a phenomena which exists in younger age groups as well. However there is more illiteracy in Arab host states among young men than women.
2.3.6 Health

The health status of Palestinian refugees is in transition from a developing to a developed stage. The health of women and children has improved dramatically over the course of the last five decades. The best reported health outcomes are in the OPT, Jordan and Syria.

Armed conflict, ineffective protection, and insufficient assistance leave refugees in Lebanon the most vulnerable to health problems. Between 30,000 and 40,000 Palestinians were killed in the 1970s and 1980s during the civil war and Israeli invasions in Lebanon. In the OPT, public health is at risk due to policies and practices of the Israeli occupation. At least 39,000 Palestinians have been injured and 6,322 killed in the current Intifada since 29 September 2000. By 2006, around 42 percent of households affected by the Wall in the occupied West Bank were separated from health services (hospitals and medical centers). Impeded access to medical care was particularly acute in the closed zones between the Wall and the Green Line, where 79 percent of families are separated from health centers and hospitals.

66 percent of chronically ill persons in the occupied Gaza Strip were in need of medical care during Israels 2008/9 military operation “Cast Lead.” Of those, 53 percent received adequate health care, 27 percent received inadequate care, and 20 percent did not receive any health care. 30 percent of those who did not receive care, did not do so because it was too dangerous to try to reach health facilities and hospitals.


2.3.6.1 Women’s and Children’s Health

In general, Palestinian refugee women, including those in camps, have good health indicators. Nearly all refugee women visit health centers during pregnancy, and most of them receive qualified birth assistance. (See Chapter Four)

By 2000, there were no significant differences between maternal health care and delivery assistance available to women inside or outside camps. Prenatal care was generally higher among refugees than host country nationals, except in Lebanon, where nationals are more likely to have assistance with deliveries than Palestinian refugees. Maternal mortality rates were highest in Lebanon and lowest in Syria.

Miscarriages in Gaza during Israel’s 2008/9 Military Assault

A report by UNFPA indicated that miscarriages increased by 40 percent during Israel’s war on Gaza. The report also pointed to an increase in caesarean sections at the al Shifa Hospital, Gaza, during the war, standing at 32 percent in December 2008 and 29 percent in January 2009 of total deliveries during these months. According to the Palestinian Family Health Survey of 2006, the average rate of caesarean sections in normal situations was 15 percent. The report also pointed out an increase in the number of births in January 2009 registering an increase of 1000 births - 5000 births in January 2009 compared to 4000 monthly births per month before the war. The increase in births is largely as a result of the increase in premature births.
Low birth weight is not a significant problem among refugees. (The international standard for low birth weight is less than 2,500 grams.) There are no significant differences in birth weights between camp and non-camp refugee children. In Jordan and Lebanon, low birth weight is more frequent among host country nationals than among refugees.

Standard vaccination programs are well implemented, although rates are lower among Palestinian refugees in Syria and Lebanon than for host country nationals.58

Infant mortality rates are also low despite a stagnation of the infant mortality rate in the OPT.59 Palestinian refugees in Syria have particularly low infant mortality rates, while these rates are highest in Lebanon. Infant mortality rates are higher among host country nationals than Palestinian refugees in Syria and Jordan.

Childhood malnutrition has not been a significant problem, although increasing levels of child malnutrition in the OPT give grounds for concern: 10 percent of Palestinian children there were malnourished in 2006, with children in the occupied Gaza Strip particularly affected.60 In 2005, signs were reported of a resurgence of anemia, affecting 55 percent and 34 percent of children under the age of three in the occupied Gaza Strip and West Bank respectively, as well as micronutrient deficiencies, with 22 percent of children under the age of five suffering from Vitamin A deficiency.61 Acute malnutrition presents more of a problem in camps in Lebanon and Syria than in Jordan.

Rates of chronic illness in camps are higher among refugee boys than refugee girls, and higher than for refugee children outside camps. Palestinian refugee children in Lebanon have the highest rates of chronic illness and disability.

Table 2.12: Selected Child Health Indicators among Palestinian Refugees

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

Source: Finding Means: UNRWA: Financial Situation and the Living Conditions of Palestinian Refugees, Summary Report. FAFO: Institute for Applied Social Science, 2000. Figures for Lebanon and Syria include camps and “gatherings” (defined as a community outside a camp with 25 or more households). Data for low birth weight for the OPT is for births in the last year prior to the survey; the data on Jordan is for the most recent births, while data for Lebanon and Syria is for births during the five years preceding the survey. Infant mortality rates for Syria and Lebanon are from 2006; PCBS
Appendix 2.1

Notes regarding estimates of Palestinian displacement, including Table 2.1

Comparison with earlier estimates

In the 2006-2007 Survey, Badil estimated that 7.4 million Palestinians were forcibly displaced persons by mid-2007, including 7 million refugees and 450,000 IDPs. Badil’s updated estimate for the end of 2008 is 7.1 million displaced Palestinians, including 6.6 million refugees and 427,000 IDPs. The 2008 estimates were calculated based on the methodology adopted previously, as well as the findings of the population census conducted in the OPT in 2007 by the PCBS. (See below)

1948 UNRWA-registered refugees

UNRWA reported 4.7 million registered refugees as of 31 December 2008. UNRWA figures are based on data voluntarily supplied by registered refugees. UNRWA registration statistics do not claim to be and should not be taken as statistically valid demographic data. This information is collected by UNRWA for its own internal management purposes, and to facilitate certification of refugee eligibility to receive education, health, and relief and social services. New information on births, marriages, deaths, and change in place of residence is recorded only when a refugee requests the updating of the family registration card issued by the Agency. UNRWA does not carry out a census, house-to-house survey, or any other means of verifying place of residence. Refugees will normally report births, deaths, and marriages when they seek a service from the Agency. Births, for instance, are reported if the family makes use of UNRWA maternity and child health services, or when the child reaches school age if admission is sought to an UNRWA school, or even later if neither of these services is needed. Deaths tend to remain under-reported. While families are encouraged to have a separate registration card for each nuclear family (parents and children), this is not obligatory. Family size information may therefore include a mix of nuclear and extended families, in some cases including as many as four generations.

1948 non-registered refugees

The number of persons in this group is calculated as being one third of the total registered refugee population based on the assumption that “UNRWA registered refugees represent approximately three-quarters of Palestinian refugees worldwide.” See Annual Growth rate of registered Palestine refugees and female percentage, 1953–2000: http://www.un.org/unrwa/publications/index.html. This assumption was applied to the calculation for the three regions: Syria, Lebanon and Jordan. As for the OPT, the results of the 1997 and 2007 PCBS censuses revealed that non-registered 1948 refugees represent 1.6 percent of the total population in the OPT (accessed 5 February 2009). Thus the total number of 1948 non-registered refugees at the end of 2008 is 1,014,741.

Estimates of the 1948 Palestinian refugee population

The total number of 1948 refugees is calculated by combining UNRWA-registered refugees and non-registered refugees as described above; it amounts to 5,686,552 at the end of 2008.

Alternative estimates: Based on The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine, London: The Palestinian Return Center, 1998; this source assumes an average annual growth rate of 3.5 percent for the Palestinian refugee population based on British demographic data from 1947. Accordingly, the total number of estimated 1948 refugees at the end of 2008 is 6,723,439. If an adjusted annual growth of 3 percent is applied from 2000 onwards – giving proper consideration to the decline of the fertility rate and the annual
growth rate - the total number of 1948 refugees (registered and non-registered) amounts to 6,467,947 by the end of 2008.

1967 Palestinian refugees

Figures are derived from The Report of the Secretary-General under General Assembly Resolution 2252 (EX-V) and Security Council Resolution 237 (1967), UN Doc. A/6797, 15 September 1967 and the average annual growth rate of the Palestinian population (3.5 percent for 1967-1999 and 3.0 percent for 2000-2008).

This figure includes only persons who were externally displaced for the first time in 1967. It does not include internally displaced persons and 1948 refugees displaced for a second time in 1967. See also Takkenberg, Lex, The Status of Palestinian Refugees in International Law, Oxford: Clarendon Press Oxford, 1998, p. 17; approximately 193,500 Palestinian refugees were displaced for a second time, while 240,000 non-refugees were displaced for the first time, bringing the total to over 430,000 persons displaced in 1967. The figure also excludes those refugees who returned under a limited repatriation program between August and September 1967. The figure does not account for Palestinians who were abroad at the time of the 1967 war and unable to return, refugees reunified with family inside the OPT, or those refugees who returned after 1994 under the agreements of the Oslo peace process.

Palestinian IDPs in Israel since 1948

According to Hillel Cohen, the author of a study on displaced Palestinians in Israel, and as stated by the National Committee for the Rights of the Internally Displaced in Israel: “[O]f the estimated 150,000 Palestinians who remained in Israel proper when the last armistice agreement was signed in 1949, some 46,000 were internally displaced, as per UNRWA’s 1950 registry record.” Data for 2008 was calculated on the basis of an estimated average annual growth rate of the Palestinian population inside Israel of 3.5 percent for the period 1949-1999, and 3.0 percent for 2000-2008.

No reliable data exist on internal displacement of Palestinians in Israel after 1948 as a consequence of internal population transfer, land confiscation, house demolition and similar policies and practice. Their number has been conservatively estimated at 75,000 persons. See Internally Displaced Palestinians, International Protection, and Durable Solutions, BADIL Information & Discussion Brief No. 9 (November 2002).

Palestinian IDPs in the OPT since 1967

The estimate (128,708) includes:

a) Persons internally displaced from destroyed Palestinian villages in the OPT during the 1967 war (10,000 persons). This figure is adjusted on the basis of the average annual growth rate (3.5 percent until 2005, and 3.0 percent for the years 2006-2008);
b) persons (13,000 individuals: 2,000 households with an average of 6.5 persons) whose shelters were totally destroyed during Israel’s war on the Gaza Strip at the end of 2008 (see OCHA report on Gaza crisis, 30 March 2009: http://www.ochaopt.org/gazacrisis/admin/output/files/ocha_opt_gaza_humanitarian_situation_report_2009_03_30_english.pdf);
c) the average number of Palestinians displaced by house demolition (1,037) each year between 1967 and 2008 (see BADIL: Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007). This number is not adjusted according to the average annual population growth, because it is not known how many IDPs have been able to return to their homes;
d) persons displaced as a result of harassment by Jewish settlers in the OPT: at least 1,014 Palestinian housing units in the center of Hebron that have been vacated by their occupants in 2007, considering average household of
e) persons displaced as a result of revocation of residency rights in Jerusalem: the total number of ID cards confiscated since 1967 amounts to 8,269 (see PCBS, 2008: Jerusalem Statistical Yearbook, no.10, p. 358). This number does not include the children (under the age of 16 years) of persons whose resident status was revoked (other sources estimate that 80,000 persons have been affected by the revocation of Jerusalem ID cards since 1967), and it does not account for ID cards that may have been reinstated due to the lack of information. Also not included are 4,577 Jerusalem residents who had their ID cards confiscated in 2008, preliminary statistics on which were only published in the last weeks of 2009. Nir Hasson, “Israel Stripped Thousands of Jerusalem Arabs of Residency in 2008”, Haaretz, 2 December 2009;
f) 14,364 persons who were displaced by the Wall as of July 2005 (see PCBS, 2008: Jerusalem Statistical Yearbook no. 10, p. 366), with the population growth (3.0 percent) added for 2006-2008.

Note: Estimate includes 1948 Palestinian refugees who have subsequently undergone internal displacement in the OPT. Their number is estimated to be 37,000 persons at the end of 2008 (categories b – f), based on PCBS data which shows that 1948 refugees constitute 40 percent of the total Palestinian population in the OPT. If displaced refugees are deducted, the estimate of Palestinian IDPs in the OPT at the end of 2008 amounts to 91,708.

Persons who are neither 1948 nor 1967 Refugees and who are externally displaced

No statistical estimate is possible of the current size of this group, because not enough precise data is available. For illustrative examples and case studies, see Chapter One, Appendix 1.1, Occupation, Apartheid, Colonization (1967 – 2009).
Endnotes


2 For relevant studies, findings and references, see Appendix 2.1.

3 The definition of a Palestinian refugee used here (see Glossary) is based on the 1951 UN Conciliation Commission for Palestine draft definition. See Addendum to Definition of a "Refugee", para. 11 of General Assembly Resolution of 11 December 1948 (prepared by the Legal Advisor), UN Doc. W/61/Add.1. 29 May 1951. UNRWA has a working definition of 1948 Palestinian refugees that serves to determine eligibility for assistance: “[Palestine refugee] shall mean any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict.” Consolidated Registration Instructions (CRI), 1 January 1993, para. 2.13. Some 82,000 persons were removed from the registration record in 1950 and 1951. See Talbomberg, Lex, The Status of Palestinian Refugees in International Law, Oxford: Clarendon Press, 1998, p. 70.


5 Original registration was carried out by the International Committee of the Red Cross, the League of Red Crescent Societies and (in the Gaza Strip) by the American Friends Service Committee (AFSC). During 1950–51, UNRWA carried out a census in all areas of operations, excluding the Gaza Strip, where it relied on AFSC records. UNRWA registration includes an individual registration number, a family registration number, and a family code that links the computerized demographic data in the family registration number sheet with the non-computerized data in the family files. The latter includes birth, marriage, and death certificates and a limited number of property deeds. For more information, see Reinterpreting the Historical Record: The Uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis, Tamari, Salim and Zureik, Elia (eds.). Jerusalem: Institute for Jerusalem Studies, 2001.


7 Annual Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 1951–30 June 1952. UN GAOR, 7th Sess., Supp. 13 (A/2171), 30 June, 1952, para. 8. Initial registration files for these internally displaced Palestinians include six boxes consisting of 11,504 family cards and 5,155 correction cards. Each card contains details such as names, age, sex, occupation, past addresses and the “distribution center” to which the family was attached. UNRWA refers to these files as “dead” files. Tamari, Salim and Zureik, Elia (eds.) op. cit. (2001), p. 45. UNRWA records show that about 45,800 persons receiving relief in Israel were the responsibility of UNRWA until June 1952. See http://www.un.org/unrwa/publications/index.html


9 The children of refugee women and non-refugee fathers have remained ineligible for registration with UNRWA. This, although the Agency is aware of this discrimination and has promised since 2004 to revise this policy, “with a view to enabling descendants of female refugees married to non-refugees to register with UNRWA.” UNRWA stated that the Agency “is of the opinion that the continued application of its registration rules is unfair and un founded, as the status of refugees should not be based on such considerations, and discrimination between males married to non-refugees vs. females married to non-refugees is unjustified... The Agency estimates that this could potentially benefit approximately 340,000 persons, but expects that a significantly lower number will actually wish to register. Of those who will register, not all will be interested in availing themselves of the Agency’s services. As a result, the quantitative impact of this modification in the registration rules on the Agency’s operations is considered to be manageable.” Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 2003–30 June, 2004. UN GAOR, Sixtieth Session, Supp. 13 (A/59/13), 2005 para. 67, p. 19.


11 Israel last carried out a census of the IDP population in 1949, in order to plan for internal transfer of Palestinians who remained after the 1948 war. According to this census, which did not cover all areas, there were 7,005 IDPs from 56 villages of origin residing in 26 different Palestinian villages in the Galilee. Central Zionist Archive, A-206/246. Census documents are archived in the Yosef Weitz file, 296/246 and 206/246. Cited in Cohen, Shlomo, “The Present Absentees: Palestinian Refugees in Israel Since 1948” [Hebrew]. Jerusalem: Van Leer Institute, 2000.

12 Kamen, Charles S., "After the Catastrophe I: The Arabs in Israel, 1948–51,” Middle Eastern Studies, 23, no.4 (October 1987) Table 11: Distribution of localities which continued to exist in northern Israel, by the number of refugees who entered them, p. 473.


16 Amro, Tayseer, “Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadrupartite Committee] (not including spouses and descendants).” Article 74, 14, Jerusalem: BADIL/Alternative Information Center for Palestinian Residency and Refugee Rights, 1995, Table 5: Palestinian Estimates of Displaced Persons and Refugees During the 1967 War.


19 A camp, according to UNRWA’s working definition, is a plot of land placed at the disposal of the Agency by a host government for accommodating Palestine refugees, and for setting up facilities to cater to their needs. The plots of land on which camps were originally set
up either belong to the state, or, in most cases, are leased from local landowners by the host government. This means that the refugees in camps do not “own” the land on which their shelters stand, but have the right to “use” the land for a residence.


22 See Chapter One, 1.3 Forced Displacement in Host Countries, for examples of armed conflicts that have impacted Palestinian refugees in Arab host countries.

23 For a discussion of statelessness and “protection gaps” which impact the situation of Palestinian refugees and IDPs, see Chapter Three.


27 Inside Israel, 39.7% of the Palestinian population is under the age of 15. See Table 2.1.3: Percentage Distribution of Palestinians in Israel by Age Groups and Sex (2007), Statistical Abstract of Palestine 9, PCBS, 2008, p. 176. In the OPT, 44.1% of the Palestinian population is under the age of 15. See Table 3.2.4: Projected Population in the Palestinian Territory in the End Year by Age Groups and Sex (2007), Statistical Abstract of Palestine 9, PCBS, 2008, p. 251.


30 The labor force participation rate is defined as the proportion of employed and working persons above the age of 15 to the total population of that age. Employed persons include everyone who has worked for at least one hour within a set reference period for pay in cash or in kind, as well as those temporarily absent from a job they perform on a regular basis. The unemployment range is defined as the proportion of unemployed persons among the total labor force. Unemployed persons include everyone who did not work in the set reference period, not even for one hour, although they were available for work and actively sought work during that period.


33 Gross National Income and cost of living in Syria, however, is also lower. The situation is very different in Lebanon, where GNI and cost of living are much higher; see: Jacobsen, Laurie Blome, Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions, p. 148. Cost of living in the OPT is comparable to Israel and higher than in most Arab host countries.


35 The fiscal crisis of the Palestinian Authority resulted in severe income losses for about a quarter of its work force and their dependents – about 25% of the OPT population. UN OCHA, A Year of Decline: The Financial and Institutional Status of the Palestinian Authority, OCHA Special Focus, Jerusalem, April 2007.

36 Prolonged Crisis in the occupied Palestinian Territory: Socio-economic Developments in 2007, UNRWA, 2008. In 2007, the standards for poverty and deep poverty in the OPT for an average household of 6 persons (two adults and four children) were defined as NIS 2,362 (USD 572) and NIS 1,886 (USD 457) in monthly expenditures respectively (at average NIS/USD exchange rate of 4.1).

37 “Food Security in Palestine” Palestine Monitor, 5 May, 2009

38 Comprehensive Food Security and Vulnerability Analysis (CFSVA): West Bank and Gaza Strip, UN Food and Agriculture Organization and UN World Food Program, January 2007, p. vi.


41 Inside Gaza: Attitudes and perceptions of Gaza Strip residents in the aftermath of the Israeli military operations, UNDP, 2009


44 “Ethnicity and social status determines poverty rates” (www.arabic.people.com.cn, accessed 10 April, 2009)


46 These figures exclude kitchens, bathrooms, hallways and verandas. Non-camp figures for Lebanon and Syria only include refugee “gatherings” (defined as a community outside a camp with 25 or more households), Jacobsen, Laurie Blome, op. cit. (2003), p. 64.

47 “Access to adequate sanitation and water resources is lacking in Syria compared to many other countries in the region. UNDP estimates (2001) report that some 10% do not have access to proper sanitation (compared to 1% in Jordan and Lebanon) and 20% do not have access to ‘improved’ water resources (compared to 4% in Jordan and none in Lebanon.)” Jacobsen, Laurie Blome, “Community Development of Palestinian Refugee Camps: Analytical support to Jordan’s preparations for the June 2004 Geneva Conference on the humanitarian need of Palestinian refugees”, The Material and Social Infrastructure, and Environmental Conditions of Refugee Camps and Gatherings in Lebanon, Jordan and Syria, FAFO Institute for Applied International Studies, Oslo, 2004, p. 4 of report on Syria and Table 5.


51 UNICEF Humanitarian Action, Donor Update, 8 December, 2005, p. 3.

52 “Education under Occupation: Disruptions to Palestinian Education Stemming from Israeli Military and Settler Activity, 1 September,
54 Ibid.

For statistics based on a variety of official and NGO sources, see for example: http://www.ifamericansknew.org/ (accessed 13 May, 2009).

55 For statistics based on a variety of official and NGO sources, see for example: http://www.ifamericansknew.org/ (accessed 13 May, 2009).


58 Some 80% of refugee children in camps receive their full range of vaccinations at 12 through 23 months in the OPT and Jordan. These figures are 70% for Syria and 75% for Lebanon. Jacobsen, Laurie Blome, op. cit. (2003), p. 10.

59 Infant mortality rates among registered refugees have dropped from 180 deaths per 1,000 live births in the 1960s, to 32–35 per 1,000 in the 1990s. This is well ahead of the World Health Organization (WHO) target for developing countries of 50 per 1,000 by the year 2000.

PROTECTION

Chapter Three

Gaza City during the Israeli military operation “Cast Lead”, 2009 (© Sami Abu Salem)
PROTECTION

Preface

Protection encompasses all activities aimed at obtaining full respect for the human rights of refugees and IDPs, including the search for a durable solution to their plight. Durable solutions to refugee flows include repatriation, integration in a host-country, and resettlement in a third state. Of these three solutions, only repatriation is based on a recognized right under international law, namely the right to return. Durable solutions for the plight of IDPs are similar, yet since IDPs do not cross borders, these solutions are sought within their country. The key principle governing these solutions is that they involve voluntariness, that is, well-informed, free and individual choice by refugees and IDPs.

Under international law, states are the primary party obliged to provide protection for persons under their sovereignty or jurisdiction. States whose policies and practices constitute gross violations of international human rights law and serious violations of international humanitarian law that lead to the forcible displacement of such persons, per definition, violate their legal obligation to protect and must offer effective remedies and reparations.

The state of Israel that has cause - and continues to cause - massive forced displacement of Palestinians, is a state that has failed to meet its protection obligations. By refusing to permit the return of displaced Palestinians and provide housing and property restitution and compensation, the state of Israel also denies them durable solutions and reparations. Israel thereby violates three main bodies of international law: the law of nations as applicable to state succession, humanitarian law, and human rights law, including customary refugee law - each of which requires Israel to refrain from displacing Palestinians and to respect and protect the rights of Palestinian refugees and IDPs to return, housing and property restitution and compensation. Moreover, Israel has persistently ignored UN resolutions which affirm these rights, including UNGA Resolution 194 (1948) and UNSC Resolution 237 (1967).

International protection comes into play when states are unable or unwilling to provide effective protection. However in the case of Israel and the Palestinian people, states and the United Nations have lacked the political will to hold Israel accountable to its legal obligations and protect and promote the fundamental rights of the Palestinian people, in particular the right to self-determination and the right of displaced Palestinian to return to their homes and properties. No UN agency, including UNRWA and UNHCR, considers itself as holding a mandate to promote rights-based durable solutions for all Palestinian refugees, and no single agency is currently mandated to protect Palestinian IDPs in Israel and the OPT.

The protection obligations of state hosts of Palestinian refugees are enshrined in the 1951 Refugee Convention. However, Arab states, where the majority of Palestinian refugees reside, are not signatories to the Convention. Protection provided under Arab regional instruments is inconsistent and does not meet international standards, giving rise to secondary forcible displacement of Palestinian refugees in and from these states. In countries that are signatory to the 1951 Refugee Convention, most Palestinians are denied effective protection because national authorities and courts do not (properly) apply the Convention (Article 1D) to them.

Numerous UN mechanisms, organs and agencies, as well as international and local organizations and NGOs have been engaged in humanitarian assistance and protection of Palestinians, in particular in the OPT. Since 2008, an Inter-Agency Forced Displacement Working Group currently led by OCHA which was formed under the auspices of the Protection Cluster Working Group in the OPT, has undertaken to protect Palestinians from, during and after displacement, in line with the UN Guiding Principles on Internal Displacement. These efforts, however, have so far resulted mainly in short term emergency aid, which is not complemented by effective intermediate and long-term responses. Limited and non-confrontational protection activities have neither resulted in durable solutions nor prevented new forced displacement of Palestinians.
3.1 Protection of Refugees and IDPs: Background

According to the International Committee of the Red Cross (ICRC), protection encompasses:

“All activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e., human rights law, international humanitarian law and refugee law).”

States bear the primary duty and responsibility to protect their citizens. When governments are unwilling or unable to do so, individuals may suffer such serious violations of their rights that they are forced to leave their homes to seek safety in another place within their own country (internal displacement) or in another country (refugee situation). When the state’s actions are the cause of forcible and arbitrary population displacement, the state is, by definition, not providing the protection required by international law. The state is rather committing an “internationally wrongful act” that triggers a legal obligation to make reparation.

Victims of forcible and arbitrary displacement lack the protection of their country. The responsibility of the international community and international protection therefore comes into play to ensure that their basic rights are respected. International human rights law governs their rights as individuals. In situations of armed conflict, international humanitarian law provides additional protection. Displaced persons who are refugees are entitled to protection under a third (partially overlapping) body of law, i.e., international refugee law.

The international legal regime for the protection of refugees is enshrined in the 1951 Convention Relating to the Status of Refugees (“Refugee Convention”), its 1967 Protocol, and the 1950 Statute of the Office of the UNHCR (“UNHCR Statute”) governing the rights of refugees and state obligations towards them. International protection of refugees encompasses day-to-day protection aimed at obtaining full respect for their rights as refugees and ensuring them a dignified life, as well as efforts to achieve long-term durable solutions. UNHCR is the principal international body mandated to assist host states providing protection for refugees worldwide and to supervise the implementation of the Refugee Convention and 1967 Protocol in host countries. UNHCR’s mandate to represent refugees includes intervening with states on their behalf and seeking durable solutions for their plight.

In general, IDPs who remain under the domestic jurisdiction of their country have many of the same protection rights and needs as refugees, but since they have not crossed an international border they do not fall within the scope of the Refugee Convention and its Protocol. Unlike refugees, no single binding international instrument is exclusively devoted to the protection of IDPs, and identification as an IDP does not confer legal status under international law. The first comprehensive attempt to define IDP protection is contained in the 1998 Guiding Principles on Internal Displacement, which although not binding per se, reflects and is consistent with principles of international human rights and humanitarian law and refugee law that are binding.

In situations where refugees are again displaced in their country of refuge or asylum, such persons retain their legal status as refugees. However, it is “appropriate to apply the Guiding Principles by analogy to the extent that applicable refugee law does not address their displacement-related needs.”

The Guiding Principles set forth the rights and standards relevant for the protection of IDPs in all phases of displacement (before, during and after). These include the rights to liberty and security of person, freedom of movement, protection from arbitrary displacement, provision of an adequate standard of living, property rights, education, respect for the family, as well as the search for durable solutions. The Guiding Principles make clear that “national authorities have the primary duty and responsibility to provide protection […] to IDPs within their jurisdiction.”
Because no UN agency has an explicit mandate for IDPs, the UN system has repeatedly taken responsibility for protecting and assisting IDPs on an *ad hoc* basis. Beginning in the early 1970s, UNHCR has periodically provided aid and engaged in protection activities for IDPs when such involvement could contribute to the search for solutions to a refugee problem and there was a direct link between refugees and IDPs, or upon the request from the UNGA or UNSG. By the end of 2006, however, UNHCR redefined its policy and criteria for engagement in IDP situations based on the recommendation of the UN Secretary General who affirmed that UNHCR “must reposition itself to provide protection and assistance to displaced persons in need, regardless of whether they have crossed an international border.” More recently, UN agencies and international organizations have established an inter-agency collaborative approach to improve the response to humanitarian needs of IDPs and coordinate protection activities.

Whereas host countries are usually willing to accept international assistance when unable or unwilling to assist refugees present in their territory with their own resources, states that cause forcible displacement are less likely to accept international intervention to protect displaced persons, in particular IDPs. According to principles of sovereignty and non-intervention, the UN is not allowed to interfere in a state’s internal affairs without the state’s consent, unless intervention is warranted under Chapter VII of the 1945 *Charter of the UN*. With the development of international human rights law, however, application of the principle of non-intervention has been relaxed where strict adherence would impede the protection of populations threatened by acts of their own government. Human rights law contemplates, therefore, that the “protection of the individual’s human rights can no longer be considered as a domestic matter.” In this context it has been argued that, “[a] massive violation of human rights as evidenced by the number of IDPs should always be interpreted as a threat to international peace and security [which justifies external intervention] even in the absence of transboundary effects such as refugee flows.” Therefore, when the state is unwilling to protect displaced persons and denies international access to them, international intervention without the state’s consent can be activated under Chapter VII of the 1945 *Charter of the UN* in order to “compensate for the resulting vacuum of responsibility.”

### 3.1.1 Durable Solutions

A core component of international refugee protection is the search for durable solutions that allow the restoration of their human rights on a permanent basis. The three durable solutions promoted by UNHCR are repatriation, local integration in the host country or resettlement in a third country. All durable solutions are driven by the pivotal principle of refugee choice. Among the three durable solutions promoted by UNHCR, “voluntary repatriation in safety and dignity, based on the fundamental right to return to one’s home and country, is recognized both in principle and in state practice as the most appropriate solution to refugee flows.” Repatriation “implies the restoration of national protection (to obviate the need for international protection.)” Thus, the right of return is a critical component of the refugee protection regime.

Protection for IDPs also ultimately entails ensuring a durable solution to their predicament. National authorities have the primary duty and responsibility to protect and ensure that IDPs have access to a durable solution
of their choice, whether return to the place of former residence, local integration at the site of displacement, or resettlement in a third location within the country. The right of IDPs to make informed and voluntary choices among these three solutions is the cornerstone of the *Guiding Principles on Internal Displacement*, and their choices must be guaranteed. In order to achieve a durable solution, former IDPs should be allowed to remain and fully (re)integrate at the location of their choice. Durable solutions include the establishment of long-term safety and security, restitution of or compensation for lost property, and an environment that restores the life of the former IDP to normal economic and social conditions, including access to basic services and non-discrimination.

All durable solutions for refugees and IDPs include housing and property restitution, as well as compensation for damages and losses. According to UNHCR Executive Committee Conclusion No. 101, for example, “all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile.” The *Guiding Principles on Internal Displacement* provides for the same rights in the case of internal displacement. Provisions for property restitution appear in most major peace agreements incorporating durable solutions for refugees and displaced persons in the last 20 years. Claims for repatriation, property restitution, as well as compensation for damage and loss, are independently-grounded in general international law, humanitarian, and human rights law principles, regardless of any specific refugee law provisions or state practice. (see below)

### 3.1.2. Full Reparation

Under the *Law of State Responsibility*, states responsible for the commission of an internationally wrongful act must provide reparation. Successor governments remain bound by the responsibility incurred by predecessor governments. “Reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed.” Full reparation includes restitution, compensation and satisfaction, rehabilitation and guarantees of non-repetition, as required by the circumstances.
In 2006, the UNGA adopted the **Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**, which although not binding, incorporate accepted norms under international law. The **Basic Principles and Guidelines** do not entail new obligations but identify mechanisms, modalities and procedures for the implementation of existing legal obligations under international human rights and humanitarian law.

### Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

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

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

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

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

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

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

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

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

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

3.2.1 Israel’s Legal Obligations

The state of Israel has displaced and dispossessed the majority of the Palestinian population over a period of more than six decades. Therefore, Israel, by definition, is not providing Palestinians with the protection required by international law. Israel’s legal obligations apply in the entire territory over which it has sovereignty or exercises jurisdiction, that is, Israel and OPT. In the OPT, the Palestinian Authority (PA) has protection responsibilities towards the Palestinian population but its ability to protect is constrained by the Israeli Occupying Power, which exercises effective control over both the West Bank and the Gaza Strip. Israel, as the Occupying Power, continues therefore to hold the primary obligation to protect the Palestinian civilian population, including displaced persons.

Israel has legal obligations towards the Palestinians in Israel and the OPT. It is required under international law to respect, protect and fulfill the rights of Palestinians. It should refrain from forcibly and arbitrarily displacing the Palestinian population. Israel also has a legal obligation to prevent non-state actors from displacing Palestinians and must carry-out appropriate criminal investigations, and provide effective remedy when such cases occur. Moreover, Israel must ensure basic rights and provide displaced populations with food, water, shelter and health services.

Under the Law on State Responsibility, Israel, as a new state, is also responsible for the conduct of Zionist militias during its establishment and is required to provide reparations for the consequences of wrongful acts committed by them.

Based on the above, Israel must, inter alia, end all forced displacement of Palestinians. Israel must ensure that Palestinian refugees have access to durable solutions by facilitating voluntary repatriation “in safety and dignity without any fear of harassment, discrimination, arbitrary detention, physical threat or prosecution [...], and provide guarantees and/or amnesties to this effect.” In accordance with the Guiding Principles on Internal Displacement, Israel also must provide for the basic rights and needs of Palestinian IDPs and facilitate durable solutions of their choice, whether this be return to the place of former residence, local integration at the site of displacement, or resettlement in a third location within the country, as well as successful (re)integration. Furthermore, Israel should assume responsibility for the elimination of the root causes of displacement and take all measures to ensure protection of returnees. It also must provide full reparations to all Palestinian victims of gross violations of international human rights law and serious violations of international humanitarian law, including forcibly displaced Palestinians.

I. The Right to Return

The right to return of all Palestinian refugees and IDPs is guaranteed in three main bodies of international law: the law of nationality as applied upon state succession; humanitarian law, and human rights law, including customary refugee law. In each of these bodies of law, the right of return is found both as a rule of customary law and codified in international treaties.

**Law of State Succession and Law of Nationality** - A state has wide discretion in the matter of granting or denying nationality under international law principles of nationality and state succession. However, both customary and treaty law impose limitations on how a successor state, may treat the population found on its territory. When territory undergoes a change of sovereignty, the habitual residents of the geographical territory “follow the change of sovereignty in matters of nationality”, whether or not they were physically present within this geographical area on the actual date of the change of sovereignty. This principle has at least three aspects: “[T]hat all habitual residents found on the territory of the successor state must be granted the nationality of the new state; that a successor state may not arbitrarily denationalize, or expel, persons found on its territory; and that residents of
the territory expelled during conflict are absolutely entitled to return to their places of habitual residence.\(^{49}\) The principle against arbitrary denationalization is also a customary rule,\(^{50}\) and codified in human rights treaties.\(^{51}\) Thus, the habitual residents must not be denied the right to retain or acquire the nationality of the successor state on discriminatory bases.

The 2005 Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles) clearly affirm that the return of refugees and displaced persons “cannot be abridged under conditions of State succession, nor can it be subject to arbitrary or unlawful time limitations.”\(^{52}\)

As a successor state in the territory of Mandate Palestine,\(^{53}\) Israel is bound by the law of state succession and law of nationality. It has an obligation to permit the return of all 1948 Palestinian refugees, habitual residents in the territory in which Israel was established and grant them Israeli citizenship. Israel’s requirement under the 1952 Citizenship Law, that Palestinians must have been physically present inside what became Israel’s national borders within specific period of time mentioned in the law to be entitled to citizenship, is in violation of international law and must be reformed.

Israel is bound by customary international humanitarian law, including the Hague Regulations,\(^{61}\) as well as the Fourth Geneva Convention to which it is a party. The mass expulsion of Palestinians during the armed conflicts of 1947 – 1949 and 1967, as well as subsequent forced displacement of Palestinians in and from the OPT, combined with Israel’s persistent obstruction of return of forcibly displaced Palestinians to their places of habitual residence in Israel or the OPT, constitutes a grave breach of international humanitarian law. International legal consensus affirms the applicability of the Fourth Geneva Convention in the OPT.\(^{62}\) Israel has a legal obligation to permit the return of all 1948 and 1967 displaced Palestinians (refugees and IDPs). Under IHL, Israel also has an obligation to protect the Palestinian civilian population, so that people can remain in their homes and communities in the OPT. Israel must permit the return of all IDPs and displaced persons in/from the OPT as soon as hostilities have ceased in the vicinity of their communities.

Israel has ratified six core international human rights conventions, including the ICCPR and CERD and is bound by them.\(^{66}\) Israel is obliged to respect international human rights law throughout the entire territory over which it has sovereignty or jurisdiction. International legal consensus affirms the applicability of international human rights law in the OPT.\(^{67}\) Israel has a legal obligation to respect, protect and promote the right of all displaced
Palestinians (refugees and IDPs) to return to their respective place of habitual residence in Israel or the OPT, and to refrain from discriminatory policies and practices that result in more arbitrary forced displacement of Palestinians from their homes and homeland.68

II. The Rights to Restitution and Compensation

Under international law, all Palestinian refugees and IDPs have a right to housing and property restitution and compensation, based on legal protections of private property rights and the right to remedy for illegal governmental appropriation of private property.69

The Primacy of Restitution - The Permanent Court of International Justice (PCIJ) distinguished in 1928 between “legal” governmental takings of private property, found to have been conducted in conformity with international law, and “illegal” takings, found to have violated international law. The Court ruled that restitution in kind is the preferred remedy for illegal takings of private property and that financial payment (i.e., compensation) must be made for the full value of the property if restitution in kind is not possible, as well as for losses and damages incurred. Compensation refers to a monetary payment for harm suffered. Compensation should be used as a substitute or alternative to restitution in kind only when restitution is not practically possible, or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution.

The primacy of restitution is reflected in the 2006 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian law, as well as in legal instruments guiding international protection of refugees and IDPs. In 1992, for example, the International Law Commission adopted the Declaration of Principles of International Law on Compensation to Refugees. According to UNHCR Executive Committee Conclusion No. 101, which affirms the right of refugees and displaced persons to housing and property restitution “where property cannot be restored, returning refugees should be justly and adequately compensated by the country of origin.”70 The Guiding Principles on Internal Displacement affirm the right to restitution, stating that “when recovery of such property
Israel is bound by the customary law codified in the Fourth Geneva Convention. Israel’s extensive destruction and appropriation of Palestinian property, not justified by military necessity and carried out unlawfully and wantonly, as well as massive attacks and bombardments of Palestinian civilian areas, are likely to amount to war crimes in numerous cases. Israel has an obligation to halt unlawful destruction and appropriation of Palestinian property in the OPT, return unlawfully taken property to its Palestinian owners, including 1948 and 1967 refugees and IDPs, and provide an adequate and effective mechanism whereby Palestinian civilians in the OPT can submit claims for compensation for losses sustained as a result of Israel’s IHL violations.

International Human Rights Law – Property dispossession and destruction are violations of the right to property. Article 17 of the Universal Declaration of Human Rights provides that “everyone has the right to own property alone as well as in association with others […] No one shall be arbitrarily deprived of his property.” The ICCPR protects residences from arbitrary or unlawful interference with one’s home (Article 17) and in times of emergency, it bans discrimination that is “solely” based on prohibited grounds (Article 4). ICESCR protects the right to adequate housing (Article 11(1)). CERD prohibits racial discrimination in the enjoyment of the right to own property (Article 5(d)(iv)). These provisions amount to protection from arbitrary or discriminatory evictions from one’s home or discriminatory deprivation of property. Moreover, it is a basic principle that every violation of a right must have an effective remedy as guaranteed in Article 6 of Universal Declaration of Human Rights; Article 2(3) of the ICCPR and Article 6 of CERD. In this regard it has been noted that “all …refugees and displaced persons have, after their return to their homes of origin, the right to have restored to them property of which they were deprived in the course of the conflict and to be compensated appropriately for any such property that cannot be restored to them.”

Under the law of nations relevant to state succession, the customary doctrine of “Acquired Rights” requires that the private property of individuals in the territory undergoing the change in sovereignty be respected by the successor state in all cases. Under the law of nations relevant to expropriation, private property may not be confiscated by governments unless the expropriation is (1) for a public purpose; (2) non-discriminatory; (3) in compliance with due process (e.g., allowing the property owner to protest the proposed confiscation if it is not being done for a valid purpose); and (4) appropriate compensation (or substitute property of equal value) is paid to the owner in exchange for the property.

The law of nations on state succession and expropriation was applied in UNGA Resolution 181 (the UN Partition Plan for Palestine) of 1947, which addressed the rights of minorities in both the proposed Jewish and Arab states. In addition to the requirement to grant citizenship to the respective minorities residing on their territory, the UNGA prohibited the states-to-be from expropriating lands owned by any Arab in the Jewish state and vice versa, except for public purpose. “[I]n all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to disposition.” Israel as a successor state in 1948, violated its legal obligation by massive expropriation - on discriminatory grounds, without due process or appropriate compensation - of private Palestinian property, in particular from 1948 refugees and IDPs. Israel is under the obligation to provide housing and property restitution and compensation to Palestinian owners as part of full reparation.
Israel is bound by international human rights law in the entire territory over which it has sovereignty or jurisdiction (Israel and OPT). Israel has a legal obligation to respect, protect and promote the property rights of all Palestinians, including refugees and IDPs, and restore to them their unlawfully confiscated property and compensate them when property cannot be restored. Israel is also obliged to refrain from discriminatory distribution or confiscation of Palestinian property in Israel and the OPT.

3.2.2 UN Resolutions Affirming Israel’s Obligations

For six decades, the UN has been affirming the right of displaced Palestinians to return to their homes of origin and repossess their homes and properties. The UNGA first affirmed the rights of all persons displaced in 1948 in its Resolution 194(III) of 11 December 1948,81 which states:

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

(Paragraph 11(a))

UNGA Resolution 194(III) delineates voluntary repatriation/return as the primary durable solution for 1948 displaced Palestinians (refugees and IDPs), and affirms their rights to return, housing and property restitution, and compensation for losses or damages. The Resolution also states that those who do not wish to exercise their right of return may opt for resettlement, as well as property restitution and compensation.82

The UN General Assembly intended to confer upon individual refugees the “right of exercising a free choice as to their future.”83 According to the UN Mediator in Palestine, the “unconditional right [of refugees] to make a free choice should be fully respected.”84 Furthermore, “the verb ‘choose’ indicates that the UNGA assumed that […] all the refugees would be given a free choice as to whether they wished to return home.”85 The Resolution affirmed the right of refugees to return to their homes of origin, clearly indicating the return of each refugee to “his house or lodging and not to his homeland.”86 In order for refugees to make a free choice, the UN recognized that they would need to be “fully informed of the conditions under which they would return.”87

UNGA Resolution 194(III) also affirmed the principle of safe return and Israel’s obligation “to ensure the peace of
the returning refugees and protect them from any elements seeking to disturb that peace.”

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

Whereas resolutions of the UN General Assembly are not binding per se, Resolution 194(III) “endorsed a generally recognized principle and provided a means for implementing that principle.” By 1948, protection of private property, the rights to restitution and compensation, and the right of refugees and displaced persons to return to their places of origin had already assumed customary status in international law.

Following the 1967 war, the UN, including the Security Council (UNSC) whose resolutions are binding upon Israel, called repeatedly for the immediate return of Palestinians displaced in the war. The UNSC in its Resolution 237 called upon the parties “to [...] facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.” The UN General Assembly explicitly called upon Israel to “take effective and immediate steps for the return without delay” of those Palestinian refugees who fled the areas since the 1967 war. In 2008, the UNGA reaffirmed “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.”

The UN has affirmed the right of Palestinian refugees and IDPs to restitution and compensation not only in UNGA Resolution 194(III), but also in numerous subsequent resolutions.

### 3.2.3 Ongoing Forcible Displacement of Palestinians

In practice, Israel has failed to respect and meet its obligations under international law, including UN resolutions, and continues forcible displacement of Palestinians. Israel, for example, blocks the return of 1948 Palestinian refugees to their homes of origin by means of discriminatory legislation that violates international law. For instance, the 1950 Law of Return entitles all Jews, and Jews only, to enter “Eretz Yisrael” (Israel and the OPT) even if they have never been in Israel before. The 1952 Citizenship Law denationalized the 1948 Palestinian refugees and denied them their right to return on an arbitrary and discriminatory basis.

Israel’s failure to respect its obligations as a successor state resulted in the systematic and gross violation of the rights of return, property, restitution and compensation of the 1948 Palestinian refugees and of Palestinians who remained in the territory that became Israel in 1948, particularly IDPs. Israel prevented the return of the 1948 Palestinian IDPs to their homes and properties through the arbitrary restriction of their freedom of movement by the military government (1948 – 1966) and a policy of declaring private and communal Palestinian land as “closed areas.” IDPs were pressured by the government to integrate in Palestinian communities where they had found refuge or resettle in other Palestinian communities called “shelter villages.” In the localities where they were concentrated, Palestinian IDPs were given priority in leasing “abandoned” lands, i.e. the property of other displaced Palestinians. In some localities, houses were built for IDPs on the condition that they sign a document renouncing their property rights in their communities of origin. Israel thereby implemented a policy of forced integration or resettlement which does not constitute a durable solution under international law.

Israel adopted laws that “legalize” and facilitate the illegal governmental taking of private Palestinian...
land and other property. In 1950, the Knesset adopted the *Absentees' Property Law*, pursuant to which all properties owned by those classified as “absentees” (external refugees) and “present absentees” (internal refugees) were taken and possessed by the Custodian for Absentees’ Property, ostensibly for guardianship of the properties until a political solution for the absentees was reached.\(^{101}\) The law empowered the Custodian to sell land only to the Development Authority, established by the 1950 *Development Authority (Transfer of Property) Law*. The Development Authority was authorized to sell land only to the state and the Jewish National Fund (JNF). In this capacity, the Development Authority served as an intermediary body to channel illegally expropriated Palestinian land to the JNF which acquires property in Israel “for the purpose of settling Jews on such lands and properties.”\(^{102}\) This statutory scheme is the cornerstone of the Israeli legal machinery facilitating the expropriation and relocation of Palestinian-owned land to primarily Jewish ownership in the aftermath of 1948.\(^{103}\) (See also Chapter One, 1.1.3)

On 3 August 2009, the Knesset adopted a new land reform law – *Israel Land Administration (ILA) Law* - that legalizes the privatization of the ownership of Palestinian property that was illegally taken by Israel. This law retroactively legitimizes the ILA’s sale of absentee property, which includes property of refugees and IDPs. Thus, for instance, 96 such tenders were issued in 2007, 106 in 2008 and 80 by June 2009.\(^{104}\) The new law has repercussions on the exercise of the right of Palestinian refugees and IDPs to restitution and violates their property rights, in contravention of international humanitarian and human rights law.

Since 1967, Israel controls all movement across the borders of the OPT, including the PA administered areas, and has prevented the return of the 1967 Palestinian refugees to their homes and properties.\(^{105}\) In violation of international humanitarian law, Israel has built a new Palestinian population register based on its 1967 census in the OPT, and all persons not registered in the census have been treated as “non-legal residents” and denied the right to return. Until today, Israel retains the authority to make the final determination on permanent residency in the OPT. Israel has implemented policies of arbitrary revocation of resident status and denial of family reunification which are illegal under international humanitarian and human rights law. (See also Chapter One, 1.2.4)
Contemporary arbitrary displacement of Palestinians by Israel is induced by a set of policies and practices, including: excessive and indiscriminate use of force; deportation, detention and torture; arbitrary home demolition and forced eviction; attacks and harassment by non-state actors; revocation of residency rights; closure and segregation; unlawful land confiscation and distribution; and, settler implantation and “judaization” (See Chapter One, 1.2.1 – 1.2.7). Separately and combined, these policies and practices constitute gross violations of international human rights law and serious violations of international humanitarian law.

During “Operation Cast Lead”, for example, Israel committed gross violations of its international law obligations, including wanton killing and destruction of Palestinian public and private property, and the failure to protect and accommodate non-combatant Palestinian civilians seeking to escape from the ongoing war zone. Given its small size, dense population and the absence of natural or man-made shelters, the entire Gaza Strip became a war zone, and leaving it “was the only way to remove oneself to a position of safety.” Israel, however, deliberately denied Palestinian civilians the option to seek safety outside the zone of conflict; it implemented an “unprecedented belligerent policy,” refusing to allow the entire civilian population of the Gaza Strip to leave the war zone by closing all crossings from Israel, with few exceptions.

The transfer into the OPT of parts of Israel’s own civilian population (Jewish settlers) constitutes a violation of international humanitarian law. Already in 1980, the UN Security Council described “Israel’s policies and practices of settling parts of its population and new immigrants in the OPT as a flagrant violation of the Fourth Geneva Convention.” The ICJ affirmed in 2004 that Israel’s policies and practices of establishing settlements in the OPT are a breach of international humanitarian law. The failure of Israeli authorities to protect Palestinians from racist attacks by Jewish settlers in the OPT constitutes, among others, a violation of Israel’s obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Inside Israel and in occupied East Jerusalem, forcible displacement of Palestinians is induced, inter alia, in the
guise of “development projects” that violate general international law standards relevant to expropriation, as well as those spelled out in the human rights treaties to which Israel is a party. \(^{115}\) Israel fails to provide a compelling and overriding public interest to justify forcible displacement for the purpose of development. Moreover, Israel does not seek the free and informed consent of the population affected, and does not provide any form of adequate alternative accommodation, compensation or effective remedy, as required under international law. \(^{116}\)

Thus, for example, in 2007 the UN Committee on the Elimination of Racial Discrimination noted with concern that Israel did not inquire into possible alternatives to the relocation of Palestinian Bedouin communities in the Naqab to special townships. The Committee called upon Israel to consider the “recognition of these villages and the recognition of the rights of the Bedouins to own, develop, control and use their communal lands, territories and resources traditionally owned or otherwise inhabited or used by them,” \(^{117}\) as a possible alternative to relocation. The Committee also stated that the “lack of basic services provided to the Bedouin in the Naqab may in practice force them to relocate to the planned towns.” \(^{118}\) It urged Israel to consult with the inhabitants of these villages, and to obtain the free and informed consent of affected communities prior to such relocation. \(^{119}\)

For more than 60 years, Israel has failed to provide reparations to the Palestinian refugees and IDPs, which by itself constitutes a blatant violation of international law. \(^{120}\) Moreover, “the current constitutional structure and legislation in Israel leaves little room, if any, for Palestinians to seek compensation for damage or loss incurred […] during Israeli military operations.” \(^{121}\) Israel’s Civil Wrongs Act (with amendments of 2001, 2002 and 2005) limits to two months the time period in which claims can be made and gives immunity to the state against claims by subjects of enemy states or members of “terrorist organizations.” \(^{122}\)

Israel has so far failed to establish accountability mechanisms for law-based, independent, transparent and accessible investigations of breaches of international human rights and humanitarian law and ignored related international calls and recommendations. \(^{123}\) It is Israel’s position that it has no obligation to open criminal investigations for actions taken against Palestinians during armed conflict. Such investigations are, therefore, the exception and not the rule. For instance, between October 2000 and December 2007, Israeli security forces killed over 2,000 Palestinians who did not participate in hostilities. However, only 270 criminal investigations were carried out, resulting in merely 31 indictments. \(^{124}\) Israel applies the same policy when the alleged violation amounts to war crimes and crimes against humanity.

Israel’s forcible displacement and dispossession of Palestinians constitute grave breaches of the Fourth Geneva Convention and a war crime under customary international law and the Rome Statute. \(^{125}\) The displacement and dispossession of Palestinians has been induced by unlawful policies and practices of the State of Israel over a period of six decades, with widespread impact affecting millions of Palestinians for the purpose of changing the demographic composition of the country. All this amounts to a crime against humanity because the forcible transfer of the Palestinian population (ethnic cleansing), is committed with Israel’s knowledge “as part of a widespread or systematic attack against the civilian population.” \(^{126}\)
3.3 International Protection of Palestinian Refugees and IDPs

In light of Israel’s failure to protect and its policy of population transfer, the international community has an obligation to protect the fundamental rights of the Palestinian people, in particular the right to self-determination and the right of Palestinian refugees and IDPs to return to their homes and properties. The international community, through the United Nations, has largely failed to meet its obligations towards the Palestinian people for reasons primarily related to the lack of political will among powerful western states. (See Chapter Five) Gaps in international protection have also resulted from the particular interpretation and application of international protection instruments and mechanisms to Palestinian refugees and IDPs.

3.3.1 International Protection Gaps

3.3.1.1 The Case of Palestinian Refugees

The Refugee Convention and the UNHCR Statute single out Palestinian refugees for exceptional treatment. Article 1D of the Refugee Convention states:

“This Convention shall not apply to persons who are at present receiving from organs or agencies of the UN other than the UNHCR protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the [UNGA], these persons shall ipso facto be entitled to the benefits of this Convention.”

According to paragraph 7 of the UNHCR Statute:

“The competence of the High Commissioner…shall not extend to a person: ...(c) Who continues to receive from other organs or agencies of the UN protection or assistance.”

At the time the Convention and Statute were adopted, Palestinian refugees were already covered by a separate international protection and assistance regime embodied in the United Nations Conciliation Commission for Palestine (UNCCP) and UNRWA, which were established to work in parallel, providing protection and assistance to Palestinian refugees respectively in a comprehensive manner.

The UNCCP was established by UNGA Resolution 194(III) and mandated to provide essential protection and facilitate durable solutions for the 1948 Palestinian refugees (including IDPs), mainly through repatriation and compensation, and to facilitate a solution to all outstanding issues of the conflict. UNRWA, on the other hand, was established to provide assistance to the basic quotidian needs of Palestinian refugees, such as shelter, food and clothing, in the Agency’s five areas of operation: Syria, Lebanon, Jordan, the West Bank and the Gaza Strip. While UNRWA’s mandate was extended to encompass 1967 Palestinian refugees and displaced persons, UNCCP’s protection mandate was never expanded to include any category apart from Palestinians displaced as a result of the 1948 war.

UNCCP failed to achieve progress towards a peace agreement between Israel and Arab states and repatriation of the 1948 Palestinian refugees. By the mid-1950s, UNCCP had ceased to
provide Palestinian refugees with the basic international protection afforded to all other refugees. The Commission reached the conclusion that it was unable to fulfill its mandate due to the lack of international political will to facilitate solutions for Palestinian refugees consistent with UNGA Resolution 194(III) and international law. Although it was never officially abolished, it ceased to make a substantial contribution towards the implementation of its protection mandate in the early 1950s. Under the specific terms of its assistance mandate, UNRWA was not equipped to take over the protection role of the UNCCP and no replacement mechanism was established to fill the subsequent protection gap for 1948 Palestinian refugees.

At present, UNRWA and UNHCR cooperate by dividing their roles along geographic lines. The current division of tasks is based on UNHCR’s 2002 interpretation of Article 1D of the Refugee Convention as meaning that 1948 and 1967 Palestinian refugees who reside in UNRWA’s area of operation are excluded from the benefits of the Refugee Convention and the mandate of UNHCR because “protection or assistance” is provided for them by UNRWA which has the primary mandate for this refugee population. Once such a refugee leaves or is outside UNRWA’s area of operation, s/he automatically falls under the Refugee Convention and within the competence of UNHCR.

The above interpretation ignores that “protection has ceased” for Palestinian refugees because UNCCP failed to fulfill its protection mandate in the 1950s, and that:

“Article 1D’s function was to ensure that if for some reason either of these agencies failed to exercise its role before a final resolution of the refugee situation, that agency’s function was to be transferred to the UNHCR and the Refugee Convention would fully and immediately apply without preconditions to the Palestinian refugees. That is what ‘protection or assistance’ and the ipso facto language of Article 1D requires [whether or not they individually qualify as refugees with a well-founded fear of persecution].”

As for Palestinians who are neither 1948 nor 1967 refugees, but who are outside Israel or the OPT and unable or unwilling to return there due to a well-founded fear of persecution, it is UNHCR’s position that such persons are within its competence and may qualify for refugee status and the benefits of the Refugee Convention based on refugee status determination under Article 1A(2).

The lack of UNCCP protection, the limited protection of UNHCR afforded to Palestinian refugees outside UNRWA’s area of operation, and the lack of a full-fledged and explicit protection mandate for UNRWA, has resulted in a severe international “protection gap” for Palestinian refugees. No international agency is currently recognized as having a mandate to intervene on behalf of Palestinian refugees to represent their interests in international fora, or to protect their human rights against infringement by states, or to facilitate and promote rights-based durable solutions to their refugee situation. Palestinian refugees are rendered without the protection mechanisms or guarantees which are accorded to all other refugees worldwide.
3.3.1.2 The Case of Palestinian IDPs

1948 Palestinian IDPs were initially included in the respective protection and assistance operations of UNCCP and UNRWA. In 1952, however, Israel indicated that it would take on responsibility towards the displaced Palestinians in its territory. In response, UNRWA transferred its IDP files to the Israeli government and ceased its services for them. Although no durable solution has been found to their plight, 1948 Palestinian IDPs in Israel are no longer a matter of international attention and policy, and no longer considered of concern to international humanitarian assistance or protection efforts.

No UN agency is primarily responsible for offering protection to Palestinian IDPs in the OPT since 1967. Most international agencies operating in the OPT either lack a protection mandate, or undertake limited and non-confrontational protection activities. The first-line response to displacement in the OPT is provided by ICRC and UNRWA in the form of emergency assistance, which is not complemented by adequate intermediate and long-term assistance responses. No focused interventions are implemented to prevent forced displacement. Moreover, the current responses do not include a search for durable solutions as set forth in the Guiding Principles on Internal Displacement. In an effort to address these weaknesses, and as a result of collective efforts of local and international organizations, an Inter-Agency Displacement Working Group (DWG) currently led by OCHA, was formed in early 2008. (See Section 3.5.7)

Palestinians, Statelessness and Protection

Whereas the Refugee Convention is the primary instrument for the protection of Palestinians persons who are stateless refugees, two international instruments are relevant to their protection as stateless persons, whether de jure or de facto – i.e., as a matter of law or in practical effect. These are the 1954 Convention Relating to the Status of Stateless Persons (Convention on Stateless Persons) and the 1961 Convention on the Reduction of Statelessness (Convention on Stateless Persons). These two instruments, however, have limited reach as few states have ratified them.

The Convention on Stateless Persons provides stateless persons with benefits similar to those provided to refugees by the Refugee Convention and affirms that the fundamental rights of stateless persons must be protected. The Convention on Statelessness creates a framework to reduce as much as possible or eliminate and prevent the phenomenon of statelessness. It provides that persons must not be deprived of a nationality unless for stated exceptions, and it categorically prohibits the denial of nationality on grounds of race, religion or political opinion.

In order to obtain the benefits of the Convention on Stateless Persons, a person must be determined to be “stateless”, that is, “a person who is not considered a national by any state under the operation of its law.” This definition of “stateless person” is considered customary international law and therefore binding even on states that are not party to either convention. The Convention on Statelessness adopts the same definition but recommends that also “persons who are stateless de facto should as far as possible be treated as stateless de jure to enable them to acquire an effective nationality.”

During the British Mandate (1922 – 1947), the inhabitants of Palestine were not considered British citizens, although they could invoke British diplomatic protection. They rather held a distinct Palestinian citizenship with internationally
recognized British-issued Palestine passports.\textsuperscript{148} Israel’s 1952 Citizenship Law repealed the Palestine Citizenship Orders (1925–42) retroactively and provided that former citizens of Palestine of Arab origin were eligible for Israeli citizenship only under a series of restrictive conditions that effectively disqualified and denationalized the 1948 Palestinian refugees.\textsuperscript{149} Arab countries of refuge, with the exception of Jordan, "have consistently rejected local integration and citizenship as a solution to a problem which, in their view, can only be resolved by repatriation and self-determination. With limited exceptions, Palestinian refugees have not been granted (and for the most part have not sought) citizenship in [other] countries of refuge."\textsuperscript{150} Thus, "in addition to having become refugees they, therefore, became stateless lacking a nationality and even the Palestine Mandate citizenship that had previously provided some basic protection."\textsuperscript{151}

Despite the recognition accorded by some states to the entity of “Palestine”, and despite the UN’s recognition of the PLO as the legitimate representative of the Palestinian people, Palestinian refugees are considered stateless persons under international law.\textsuperscript{152} Today more than half of the Palestinian people are considered de jure or de facto stateless persons.

The Convention on Stateless Persons and the Convention on Statelessness are relevant to: (1) Palestinians who are stateless refugees and unable to obtain the benefits of the Refugee Convention; and, (2) Palestinians who are not refugees but have remained stateless. However, the Convention on Stateless Persons, like the Refugee Convention, does not apply to “persons who are at present receiving from organs or agencies of the UN other than the UNHCR, protection or assistance so long as they are receiving such protection or assistance.”\textsuperscript{153} Therefore, countries signatories to the Convention on Stateless Persons often assume that Palestinian asylum seekers are not covered by the terms of this Convention, although such a general assumption is incorrect (see discussion on Article 1D of the Refugee Convention above). Moreover, most Arab states in which the majority of refugees reside are not signatories to the Convention on Stateless Persons.

Through a series of resolutions beginning in 1994, the UN General Assembly mandated UNHCR to prevent and reduce statelessness around the world and protect the rights of stateless persons.\textsuperscript{154} UNHCR, however, excludes stateless Palestinians, whether refugees or not, from its activities and documentation concerning statelessness and stateless persons.

### 3.3.2 Protection Obligations of Host Countries and Countries of Asylum

Recognition of refugee status under the 1951 Refugee Convention triggers significant state obligations towards the person, such as the provision of residency rights, freedom of movement, the right to work, access to humanitarian assistance, housing, property ownership and education, as well as the right to identity papers, travel documents and social security. The Refugee Convention requires as a minimum standard that these rights be guaranteed at least at the same level as for other foreigners.\textsuperscript{155}

One of the essential state obligations incorporated in the Refugee Convention is that of non-refoulement, namely the obligation on states to not expel or return refugees to a territory where his/her life or freedom would be at risk for reasons of race, religion, nationality, membership of a particular social group, or political opinion.\textsuperscript{156} The prohibition against refoulement forms part of customary law and therefore applies to all states, irrespective of whether they are signatories to the Refugee Convention.\textsuperscript{157} With the principle of non-refoulement as the starting point, some of the most important concerns of UNHCR are: (1) the prevention of return of refugees to a country or territory where their life or liberty would be threatened; (2) access to a fair procedure for the determination of refugee status; (3) the granting of asylum; and (4) the prevention of arbitrary expulsion.\textsuperscript{158}

While it is incumbent on countries of origin to respect the right to return and readmit refugees, first countries of refuge and/or third countries must comply with the prohibition of non-refoulement; they are not obligated to offer local integration or resettlement opportunities to refugees as part of durable solutions. Rather, such offers are part of a complex interplay of international solidarity and burden-sharing and are regulated by governmental foreign policies and domestic laws.\textsuperscript{159} Two aspects are, however, crucial for these solutions to be durable: a country's offer of integration and a refugee’s voluntary choice.
Local integration has no formal definition under refugee law. UNHCR defines local integration as:

[T]he grant of a legal status, temporary but renewable, or permanent residence status, access to civil, socio-economic and cultural rights and, to a certain degree, political rights, as well as a viable economic situation, availability of affordable housing and access to land, as well as receptive attitudes within the host community.\textsuperscript{160}

Resettlement is the voluntary relocation of refugees to a safe third country that offers such an option. It is recognized not only as a vital form of protection, which meets “the special needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they sought refuge.”\textsuperscript{161} The decision to resettle is made with the consent of the refugee, the UNHCR, and the receiving country in situations where the physical and legal protection of the refugee is at risk and no alternative is available, or when it is considered the optimal solution for the refugee.\textsuperscript{162} Resettlement is the least common durable solution.

3.3.3 Protection in Arab Host States

More than half of all Palestinian refugees reside in Arab host states. Jordan, Syria, Lebanon, Egypt and Saudi Arabia and other Gulf countries host the majority of Palestinian refugees in the Arab region. (See Chapter Two)

Most Arab states in the Middle East and North Africa where the majority of Palestinian refugees reside are not party to the 1951 Refugee Convention\textsuperscript{163} and its 1967 Protocol, or either of the two conventions on statelessness.\textsuperscript{164} Arab host states are nonetheless obliged to protect Palestinian refugees in accordance with the international standards set by the human rights conventions they are party to, and under customary international law. Arab host states largely fail to meet this obligation. The level of protection provided to Palestinian refugees under Arab regional and national instruments and mechanisms is significantly less than that provided to other refugees internationally and regionally elsewhere in the world.\textsuperscript{165}
3.3.3.1 Instruments and Standards of the League of Arab States

A new Arab Charter on Human Rights came into force in 2008, but there is still no regional refugee convention. The 1969 Convention Governing Specific Aspects of Refugee Problems in Africa of the Organization of African Unity (OAU), which is applicable to African-Arab states, includes provisions for residency, travel documents and voluntary repatriation. However, few Palestinian refugees reside in OAU Convention signatory states.

Outside the global framework of the Refugee Convention, the League of Arab States (LAS) has provided a form of temporary protection to Palestinian refugees in member states for more than six decades. The 1965 Protocol on the Treatment of Palestinians (Casablanca Protocol) is the primary LAS instrument governing the status and treatment of Palestinian refugees in Arab states. Under the Casablanca Protocol, Palestinians have the right to employment on par with citizens of the host country, the right to leave and enter host states, freedom of movement, the right to a travel document, and the right to the same treatment as LAS citizens with regard to visas and residency applications. While the Casablanca Protocol is narrower in scope than the Refugee Convention, some of its provisions grant greater rights in theory than those set out in that Convention. In the area of self-employment and employment in the liberal professions, the Casablanca Protocol provides for the same treatment as citizens, whereas the Refugee Convention only provides for treatment as favorable as possible, and not less than that accorded to resident aliens. The Refugee Convention provides for freedom of movement within the host country, whereas the Casablanca Protocol also provides for freedom of movement between Arab states. The Casablanca Protocol, however, is not binding and not all LAS member states are signatories. Jordan, Syria, Algeria, Iraq, Yemen and Sudan have all ratified the Casablanca Protocol, while Egypt has effectively withdrawn from it. Kuwait, Libya and Lebanon have endorsed the Casablanca Protocol, but with reservations and Saudi Arabia, Morocco and Tunisia are not signatories.

Other LAS resolutions have addressed the reunification of divided families and the issuance of a standard travel document. No uniform identity paper or travel document, however, has ever been designed or issued by the LAS. Travel documents are issued by individual state members. In 1970, the LAS Supervisors Conference adopted Resolution 2600, stating that the acquisition of another nationality would not trigger the cessation of refugee status in LAS member states. In 1982, the LAS adopted Special Resolution 8 stipulating that travel documents issued to Palestinians should be granted in the same manner as national passports are issued to citizens. However, neither the Casablanca Protocol nor LAS Resolutions include provisions for protection of adequate housing, access to public education, property ownership, or social security.

With regard to international protection and assistance, the LAS has emphasized the importance of continued international support for UNRWA as an indicator of international responsibility for the Palestinian refugee issue. Arab states advocated the exclusion of the Palestinian refugees from the Refugee Convention and from UNHCR’s mandate primarily because they were concerned that, if included under the UNHCR mandate, Palestinian refugees “would become submerged [within other categories of refugees] and would be relegated to a position of minor importance.” Cooperation has remained close between UNRWA and the LAS, and UNHCR and the LAS pursue efforts, both at a bilateral level and within the framework of the UN system, to strengthen their cooperation in areas related to refugees and global humanitarian issues of common concern.

3.3.3.2 Protection in Practice

The LAS Supervisors Conference has concluded that implementation of LAS standards for treatment of Palestinians in member states is poor, and routinely violates the Casablanca Protocol in letter and spirit. LAS monitoring and enforcement initiatives have not produced significant or lasting improvements. Adherence to LAS standards has decreased, particularly since 1991, when, in response to the PLO’s support of the Iraqi invasion of Kuwait, the LAS recommended that the “rules in force in each state” govern the application of the Casablanca Protocol.

Protection accorded to Palestinian refugees in Egypt, Iraq, Lebanon, Libya, Kuwait and other Gulf states, in particular, is very partial, discriminatory and inconsistent with regional and international standards.

Many factors have contributed to the very limited, partial and inconsistent protection accorded by Arab host countries, and to the further deterioration of the situation of Palestinian refugees, in particular since the Madrid-Oslo process. These include: the failure of Arab diplomatic and military efforts since 1947 to prevent or reverse Israel’s establishment in Palestine by force, including the mass displacement of Palestinians, and the ongoing conflict with Israel; the sustained political pressure from powerful western states to offer solutions for Palestinian refugees (integration, resettlement) in Arab territory despite Israel’s refusal to repatriate those who wish to return; undemocratic Arab systems of governance that fail to respect human rights and pass legislation protecting citizens and refugees, but rather adopt laws and decrees driven by national or regional interests that treat refugees as a political tool and a matter of “national security;” the disengagement of international donors and humanitarian and development agencies from Palestinian refugees in Arab host countries; and, the weakness of the PLO as a representative body able to protect vulnerable Palestinians in Arab host countries.

I. The Right not to be Expelled (Non-Refoulement)

Arab host states have frequently violated the principle of non-refoulement, either by expelling Palestinian refugees to the frontiers of territory where their lives and freedoms are threatened, or by denying entry to Palestinian refugees fleeing persecution from another host state. Examples include the expulsion from Jordan after the 1970 clashes with the PLO, mass expulsion from Gulf states following the Iraqi invasion of Kuwait, expulsions from and cancellation of residency rights in Libya as a protest against the Oslo Accords, and Palestinian refugees fleeing Iraq subsequent to the U.S.-led occupation in 2003 and the growing sectarian violence carried out by the Iraqi government and other armed groups.

The failure of Arab states to admit Palestinian refugees fleeing persecution has resulted in repeated and protracted emergencies in which large numbers of Palestinian refugees were stranded on borders between countries in the region or deported. For instance, Egypt refused to admit Palestinian refugees expelled from the Gulf states into its territory, including those with Egyptian travel documents. Instead, Egyptian authorities detained the refugees and removed them to Sudan. In addition, Arab states such as Syria and Jordan have refused to admit Palestinian refugees fleeing Iraq. (They have admitted Iraqi citizens, however). At the end of 2008, there were over 2,600 Palestinians who remained stranded in Al-Tanf camp in the no-man’s land on the Iraqi - Syrian border, and in Al Waleed camp on the Iraqi side of the border. It is reported that Syrian security forces increasingly deport Palestinian refugees from Iraq who are detained in Damascus without valid visa to the Al-Tanf camp. (See also Chapter One, 1.3)

The PLO and Refugee & IDP Protection

In 1974, the UN reaffirmed the rights of the Palestinian people to self-determination, independence and sovereignty, and the right of the Palestinian refugees to return to their homes and properties. The PLO was recognized as the legitimate representative of the Palestinian people and granted permanent observer status in the UN on this basis.

Although not a state party, historically the PLO has provided some protection for Palestinian refugees in Arab host countries through diplomatic intervention and political pressure on state authorities, and by offering access to health care, education and employment in its broad network of economic and service institutions. Recent PLO protection efforts include interventions on behalf of the Palestinian refugees in Iraq. When U.S.-led sanctions triggered a humanitarian crisis in Iraq in the 1990s, the PLO approached UNRWA, UNHCR and other international organizations about the possibility of UNRWA registering Palestinian refugees in Iraq in order to improve the level of assistance. Since 2003, the PLO has called upon the U.S. (as an Occupying Power) and the Iraqi government to protect Palestinians in Iraq. It offered to take Palestinian refugees from Iraq into the OPT, but Israel denied entry to them. In 2008, the PLO reached a tripartite humanitarian relocation agreement with UNHCR and the Sudanese government as a temporary solution for the plight of the Palestinian refugees who fled Baghdad and have remained stranded in the borders areas between Iraq and Syria.
Protection by the PLO, however, has been susceptible to political developments in host countries. Thus for instance, the 1969 Cairo Agreement regulated the status and freedom of the PLO in Lebanon and provided substantial protection to Palestinian refugees. In 1982 however, the PLO was forced to leave Lebanon for Tunis as part of a U.S.-brokered cease-fire agreement with Israel, leaving behind Palestinian refugees with no physical and political protection. Two weeks after their departure, thousands of Palestinian refugees were massacred at the Sabra and Shatila refugee camps by right-wing Christian militias operating with Israeli protection. During the late 1970s, and again in the 1980s, relations between Egypt and the PLO deteriorated, leaving Palestinians with less effective protection in that country as well.

Since the mid-1990s, the PLO has been unable to provide effective protection for Palestinian refugees in exile: the Oslo peace process resulted in the relocation of the PLO from exile to the OPT by 1994. There, the organization merged de facto with the PA, invested its resources mainly in state building, and neglected PLO institutions outside the OPT.

II. Rights to Residency, Travel Documents and Freedom of Movement

The Refugee Convention, the ICCPR, and the Casablanca Protocol guarantee the right to freedom of movement, residence and travel documents within a host country. Nevertheless, in most Arab states, such rights are usually linked to citizenship. Few Palestinian refugees have acquired citizenship in Arab host states (with the exception of Jordan) and instead have been issued an array of travel documents with various regulations and restrictions that do not confer freedom of movement and secure residency status. Dual citizenship is generally not recognized by LAS member states.

In Jordan, 1948 Palestinian refugees and their descendants were granted Jordanian citizenship in 1954 conditioned upon a future permanent solution in the region. As citizens, they hold passports valid for five years and enjoy the right to vote and full access to services. When a new wave of Palestinian refugees arrived to Jordan from the Jordan-annexed West Bank during the 1967 war, Jordan did not register them because they held Jordanian citizenship and were considered IDPs. 1967 Palestinian refugees who arrived to Jordan from the Gaza Strip, however, were not entitled to citizenship. They were granted a temporary (two-year) Jordanian passport, which is in effect an international travel document (laissez-passer) with a two-year permit to stay, and a blue crossing card for travel to Palestine. In 1988 Jordan renounced its claims to the Palestinian West Bank. In the context of administrative severance, the Jordanian citizenship of West Bank Palestinian became invalid and they became stateless. They were issued “green cards” for entry and temporary visits in Jordan, and their regular Jordanian passports were also replaced by temporary ones. Palestinians citizens of Jordan and living in Jordan at the time of administrative severance in 1988 were issued “yellow cards” for crossing into the West Bank. Palestinian citizens of Jordan who also hold identity or travel documents issued by Israeli or Palestinian authorities are likely to have their yellow crossing cards replaced by green ones when they renew their Jordanian passports, i.e. a procedure that amounts to revocation of citizenship. The Jordanian authorities have argued that this procedure is part of Jordan’s disengagement from the West Bank and a response to Israel’s policy of cleansing the land from its indigenous inhabitants. Between March and June 2008, the Jordanian authorities replaced hundreds of yellow cards with green cards.

Palestinian refugees in Egypt are subject to five categories of residency permits depending on whether the head of household (or the original entrant) arrived before or after 1967. The duration of these permits varies according to category. Renewal of residency permits is contingent on the reason for remaining in Egypt, such as education, marriage to an Egyptian, or licensed work or business partnership with Egyptians. The majority of Palestinian refugees in Egypt work in the informal sector and face difficulties in obtaining or renewing their residency permits. There are two types of “Egyptian Travel Documents for Palestinian Refugees”: (1) a travel document issued for five years on the basis of a valid residence permit; and (2) a travel document valid for travel only, but granting no right of residency in Egypt. Palestinian refugees may lose their entry and residency rights in Egypt if they stay abroad longer than six months, unless they have a special authorization for employment or education abroad. In such cases, a one-year return visa may be granted by the Egyptian authorities.
In Lebanon, Palestinian refugees hold the legal status of foreigners; only a small number of refugees have acquired citizenship. Palestinian refugees who are registered with both UNRWA and the Department of Political Affairs and Refugees (DPAR) hold permanent residency cards and travel documents valid for five years. Those who are registered only with DPAR are issued the same residency card, but a different travel document (laissez-passer), which is valid for one year and renewable up to three times. According to a 1957 decree, Palestinian refugees registered with DPAR and living outside refugee camps can freely change their place of residence, but camp residents have to apply for permits to move to other camps. Refugees who are not registered either with UNRWA or DPAR (also known as undocumented or non-ID Palestinians) are not entitled to either residency or travel documents, and are considered to be residing illegally in Lebanon. Non-ID Palestinians face restrictions on movement, and lack access to fundamental rights. In January 2008, the Lebanese government and the PLO reached an agreement that grants legal status to non-ID holding Palestinians. The right to residency and travel of Palestinian refugees in Lebanon is subject to arbitrary change, depending on political context. In 1995, for example, Lebanese authorities required Palestinian refugees to obtain exit and re-entry permits. This requirement was lifted four years later, and visa restrictions were eased. Nonetheless, Palestinian refugees are reluctant to go abroad for fear that a new revision may suddenly require a return visa to Lebanon. Moreover, other states are reluctant to grant them visas, as their ability to return to Lebanon is uncertain.

Palestinian refugees living in Syria have almost the same rights and duties as Syrian citizens, apart from citizenship and political participation. Palestinian refugees in Syria may acquire Syrian citizenship if they are women married to Syrian men, or receive special dispensation from the Ministry of the Interior. Palestinians in Syria are granted travel documents valid for six years, like Syrian passports, which enable their holders to enter Syria without a visa. Palestinians also have freedom of movement in all parts of Syria.

Palestinian refugees in Iraq were protected by successive governments and enjoyed relatively high standards of treatment consistent with LAS resolutions, particularly the Casablanca Protocol. They enjoyed many of the same rights as Iraqi citizens and were issued five-year travel documents. However, “since the nineties, the Iraqi travel document for Palestinians has been useless for travel to Arab countries; it has no value and no one recognizes it.” The situation of Palestinians in Iraq changed drastically after the U.S.-led occupation in 2003, with Iraq becoming a country of flight rather than refuge. New types of residency permits were required, which had to be renewed through a difficult and humiliating process on a two-month basis. Moreover, a 2006 law prevents Palestinians from obtaining citizenship. More recently, special ID cards were given to over 10,000 Palestinian refugees in Iraq, formally recognizing them for the first time as legal refugees.

Palestinians usually reach Gulf states from their first place of refuge in one of the Arab states bordering historic Palestine. The number of Palestinians residing in the Gulf states has fluctuated greatly, mainly as a result of political and military crises, in particular the 1991 Gulf war. Palestinians in the Gulf, and especially in Kuwait, are considered migrant workers, and their residency status is related to employment status. All foreigners have to leave the country upon termination of their employment. Return to the first country of refuge is often impossible for Palestinians who, in their absence, are likely to have lost their residency status. Since 2002, Arab citizens or residents from non-Gulf Cooperation Council states, including Palestinian refugees, have not been allowed to stay in Kuwait for more than three months. Although subject to the same regulations as foreigners, Palestinian
refugees in **Saudi Arabia** “have been slowly and silently moving from the status of expatriate [sic.] to something else, to a new category with a more favorable treatment that still does not exist in the local legislation.”

**Libya** has proven an unstable host state with regard to Palestinian residency rights. Prior to 1994, Palestinians generally enjoyed the same residency rights as Libyan nationals, although many Palestinians had to live in specially designated areas. As a protest against the 1993 Oslo peace process, the Libyan government expelled Palestinians from its territory, causing a humanitarian crisis on its border and a political crisis with Egypt. The crisis was resolved in 1998 following international intervention. Expelled Palestinians were eventually readmitted, but residency rights have not been reinstated to their previous level. During 2008, UNHCR reported an increase in the number of refugee applications in Libya, of which the majority were Palestinians, Iraqis, and Somalis.

### III. The Right to Work

Implementation of the **Casablanca Protocol** with respect to the right to employment on par with nationals is subject to numerous restrictions. Most Palestinian refugees in **Syria** and **Jordan** have the right to employment on par with host state nationals. Exceptions are refugees who arrived in **Syria** after 10 July, 1956, who are not allowed to occupy civil posts in government, and 1967 Palestinian refugees from the Gaza Strip in **Jordan**, who do not have full access to employment.

**Kuwait** does not grant Palestinian refugees the same right to employment as other foreigners and does not meet the standards set for employment under the **Casablanca Protocol**. Non-Kuwaitis are not permitted to join professional associations, and Palestinian refugees are excluded from equal employment rights in private business with Kuwaiti citizens.

**Lebanon** does not follow the **Casablanca Protocol**, and access to work is more restricted for Palestinian refugees than for other foreigners. The right to work is granted to foreigners based on three conditions which are difficult to meet for Palestinian refugees: a work permit, which is hard to obtain; national preference; and reciprocity. Between 1969 and 1987, Palestinian refugees were entitled to work under the 1969 **Cairo Agreement** between the PLO and the Lebanese government. The Agreement was abrogated in 1987. Until today, Palestinians are barred from several skilled professions in Lebanon, such as engineering, pharmacy, medicine and law. Entry into professional associations and employment is based on the individual having held Lebanese nationality for a minimum of ten years, or being a national of a state with reciprocity. Unlike Lebanese citizens, employed Palestinians do not have access to social security benefits. These Lebanese laws violate the **International Covenant on Economic, Social and Cultural Rights**, which was ratified by Lebanon in 1997, especially Article 6, guaranteeing “the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.”

In **Egypt**, Palestinian refugees were entitled to equal treatment as nationals until 1978, when all laws granting them equal treatment were abrogated. Palestinian refugees now have the right to employment on par with other foreigners. Foreigners wishing to practice a profession must obtain a permit from the Ministry of Labor and a valid residence permit. Furthermore, a ten percent quota for foreigners in the private sector has been introduced in order to reduce competition with the national labor force. Because they are difficult to obtain, only a small number of Palestinians have work permits. Therefore, most Palestinian refugees work in the informal sector, creating their own employment options or working in small-scale enterprises. Employment in the public sector is based on reciprocal rights for Egyptian nationals in the foreigner's state of citizenship. Due to the fact that most Palestinian refugees in Egypt are stateless, there is no possibility of reciprocal agreements, and therefore no possibility of public sector employment.

### IV. The Right to Education

Most Arab host states provide Palestinian refugees with access to public elementary, secondary and college or university education. Access may be restricted as a result of limited space for foreigners, including Palestinian refugees, or because of financial or political reasons.
In Syria, Palestinian refugee students have full access to all public educational facilities on par with Syrian citizens, free of charge.247 In Jordan, Palestinian refugees with full citizenship or permanent residency have full access to all public facilities. On the other hand, 1967 Palestinian refugees from Gaza, as well as Palestinians from the West Bank holding temporary Jordanian passports must compete for limited places in Jordanian universities reserved for Arab foreigners (a five percent quota since 1986),248 pay fees required for foreigners, and have a “clean” security record.249

Access to education has varied greatly over the years in Egypt where “Palestinians remained at the mercy of shifts in government policy and public opinion triggered by external events in which they had no role.”250 Between 1952 and 1978, Palestinian refugees were treated as Egyptian nationals, and were offered free public education at all levels.251 Following a ministerial decision in 1978, Palestinian access to free education and universities became subject to evolving restrictions and exemptions. Palestinian students, with the exception of those whose parents worked for the PLO and the Administrative Office of the Governor of Gaza, were transferred from public to private schools,252 and most Palestinian refugees were required to pay the same increased fees as foreigners.253 In 1983 and 1984, Palestinians were banned from studying at the faculties of medicine, engineering, pharmacology, journalism, economics and political science.254 These restrictions on academic studies were removed in 1995.255 In 1992, the government limited the number of foreign students to ten percent of the total student body.256 Yet, at the same time and coinciding with the Declaration of Principles between Israel and the PLO, a ministerial decision facilitated access to higher education for specific categories of Palestinians, including the children of PLO and public sector employees and reduced their university tuition to ten percent of the full amount.257 Nevertheless, the reduced fee is still a considerable sum for most Palestinians living in Egypt. In 2000, in the wake of the second Intifada (which triggered enormous support for the Palestinians among Egyptians), a reduction of 50 percent of university fees was granted to those who did not fall under the 90 percent exemption.258

In Lebanon, children of Palestinian refugees face discrimination in education. The government does not provide education to Palestinian refugees, who rely on UNRWA schooling.260 Access to high school and post secondary education is severely restricted, because UNRWA operates only a small number of high schools and vocational training centers at the post-secondary level.261 Many Palestinian children reportedly leave school at an early age to help earn income for their families.

In Kuwait, Palestinian refugees and other foreigners were treated on par with nationals until 1965, when the
government limited the number of non-Kuwaitis in public schools to 25 percent. The PLO was later given permission to operate its own schools with teachers, buildings and furnishings supplied by the Ministry of Education. The program included 22 schools and lasted until 1976, when they were closed for financial and political reasons, and the students were incorporated into public schools. In the 1980s, due to overcrowding, the government decided that only children of foreigners who had been in Kuwait since 1 January, 1963 would be permitted to register in public schools. Others were urged to enroll in private schools, and the government subsequently subsidized the cost of up to half the tuition for children affected by this ruling. At the higher education level, there are also limited places available for foreigners in Kuwait.263

V. The Right to Health

Palestinian refugees in Lebanon are not offered public health services. “It is not uncommon for Lebanese hospitals to deny emergency services to Palestinian refugees.”264 UNRWA, the Red Cross and Red Crescent and other NGOs have assumed health care responsibility, but the quality of service is substandard.265 In Syria, on the other hand, public medical consultation for Palestinian refugees is free of charge, and treatment in government hospitals costs, on average, three times less than at private hospitals.266

No regulations limit Palestinian access to health care in Egypt. Different types of health facilities are available to the Palestinian community, such as public hospitals; the Palestinian Hospital (run by the PLO-affiliated Palestinian Red Crescent Society); and charitable and private clinics. Generally, medical services for minor medical needs are affordable and adequate. Palestinians pay only modest fees for treatment in public hospitals on par with Egyptian nationals. On the other hand, Palestinians who are employed by the Egyptian government receive free medical treatment.267

VI. The Right to Property

The Casablanca Protocol does not address the right to property. In most Arab host states except Jordan, Palestinian refugees do not have rights to own property on par with host state nationals.268 Palestinians in Jordan have the right to own property unless they are holders of temporary passports. With temporary passports they can own property only if they find a local Jordanian partner and request the approval of a ministerial council.269 Thus, for instance, many 1967 Palestinian refugees from the Gaza Strip are not permitted to own, rent or sell immovable property without government permission.270 The situation in Iraq has deteriorated since the beginning of the U.S.-led war in 2003, and many Palestinians have been expelled from their homes, and had their property confiscated.271

In Lebanon, a 2001 law prohibits ownership of real estate for non-Lebanese without “nationality of a recognized state”, or anyone whose property is contrary to the provision of the constitution relating to naturalization.”272 This law is aimed specifically at Palestinians refugees, who are the only foreigners without the “nationality of a recognized state.” Under this law, Palestinian refugees are not permitted to own or register real estate, and cannot even pass on to their heirs previously owned property.273

In Syria, refugees may not own arable land; however they may acquire a single home provided that they are registered with the General Authority for Palestine Arab Refugees (GAPAR). Palestinian refugees in Egypt have the same limited right to own immovable property as other foreigners.274 Foreigners are barred from owning agricultural or fertile land in Egypt.275

In Kuwait, stateless Palestinian refugees are not permitted to own immovable property, whereas citizens of other Arab states may own only a single piece of real estate, with government approval and subject to reciprocal treatment. The owner must have resided in Kuwait for a minimum of ten years, possess sufficient income and hold a clean security record.276
3.3.4 Protection in State Signatories to the 1951 Refugee Convention

More than 700,000 displaced Palestinians reside outside the Arab region in Europe, the Americas and elsewhere. Most of them are Palestinian refugees who were unable to obtain effective protection in or suffered renewed forced displacement from Arab host countries. Most states in Europe and the Americas, with the exception of the United States, are party to the 1951 Refugee Convention and the 1967 Protocol, and some states are also signatories of the 1954 Convention on Stateless Persons and/or the 1961 Convention on Statelessness, but most of them fail to accord Palestinian refugees the protection they are entitled to under these international instruments.

I. The Right to Status and Benefits under the 1951 Refugee Convention

Unlike other refugees, 1948 and 1967 Palestinian refugees are not only affected by the increasingly restrictive national and regional asylum systems in Europe, North America and elsewhere. They also face additional and particular discrimination: Palestinian refugees of 1948 and 1967 are entitled to Convention refugee status and benefits by virtue of the inclusion clause in Article 1D. (See above, 3.3.1.1) They should be recognized as refugees upon their arrival to states outside UNRWA’s area of operation which are signatories to the Refugee Convention, and no additional refugee status determination is required there. Nevertheless, most Palestinian refugees seeking asylum in these countries are denied refugee status and do not enjoy the protection guaranteed under the Refugee Convention, because national authorities and courts do not apply or misinterpret Article 1D of the Refugee Convention.

A country survey conducted in 2005 showed that only few countries, among them Hungary and Finland, applied UNHCR’s interpretation of Article 1D and conferred in some cases refugee status according to it.
Many countries had not incorporated Article 1D into their national asylum legislation (e.g., Canada and the U.S.) or did not apply Article 1D in national asylum practice (e.g., Austria, Belgium and Switzerland). Other countries applied Article 1D, but interpreted the meaning of its exclusion and inclusion clauses incorrectly. National authorities in these countries have adopted at least eight different interpretations of Article 1D, concluding that Palestinian refugees are entitled to the status and benefits of the Refugee Convention only if:

- They have not “voluntarily relinquished” UNRWA assistance (Germany); UNRWA ceases its functions (Denmark and France); They are unable to return to their country of former habitual residence due to a well-founded fear of persecution in that country and cannot invoke UNRWA protection there (Netherlands); They come from the West Bank and Gaza Strip, where they lack the protection of a state (Norway); They have already obtained a permanent residency permit (Sweden).

In some countries, Article 1D is interpreted as not having an inclusion clause that automatically confers the benefits of the 1951 Refugee Convention to Palestinian refugees once protection or assistance from a UN organ other than the UNHCR has ceased. In these countries Article 1D is interpreted as a provision that excludes Palestinian refugees from the scope of the Convention. Palestinian refugees in those countries may, however, qualify under Article 1A(2) of the Convention, if:

- They were born after 28 July, 1951 and were not assisted by UNRWA on that date (UK); UNCCP has ceased its protection activities (Australia; no determination has been made as to whether this is in fact the case); UNRWA ceases its functions (New Zealand, although they may also qualify at present).

In practice, all these interpretations lead to the same outcome: asylum claims submitted by Palestinian refugees are assessed according to the criteria set out in Article 1A(2) and/or other criteria such as protection on humanitarian grounds. Thus, as a result of the particular interpretations adopted by national authorities and courts, 1948 and 1967 Palestinian refugees have not derived any rights and benefits from the primary provision of the Refugee Convention relevant to their case - Article 1D - beyond the “right” not to be excluded from applying for asylum.

Most Palestinian refugees fail to obtain Convention refugee status under Article 1A(2) because the latter is based on a criteria that does not fit this particular group of refugees. Alternative mechanisms, such as protection under the Convention on Stateless Persons and complementary forms of protection, are not available for most Palestinian refugees. Few countries possess a specialized procedure designed for examining an applicant’s claim of statelessness. In countries where statelessness claims are examined, little practice has developed with regard to recognition of Palestinians as stateless persons. In Belgium, France, Germany and Spain, some Palestinians have been recognized as stateless persons and granted the benefits of the Convention on
Stateless Persons. In Poland, Spain and Sweden, Palestinians from the OPT may be granted legal status on humanitarian grounds, including residence permits and a set of defined rights.

Many Palestinian refugees whose request for asylum has been rejected remain trapped in a legal limbo without rights, in particular in Austria, Belgium, France, Germany, Switzerland, Sweden and the U.K. Rejected asylum seekers who are not granted a complementary form of protection are usually requested to leave the country. Palestinian refugees who are stateless persons, however, have no country to go to. National authorities attempting to “return” or remove them often fail to find a state that will allow them to (re-)enter their territory.

II. The Right Not to Be Expelled (non-refoulement) or Arbitrarily Detained

In Australia, Spain, Sweden and the U.S., rejected asylum seekers may be kept in detention until deportation to the country of habitual residence can be enforced. In Spain, such detention may never exceed 40 days; in Australia and the U.S., persons, including children, may be held in custody indefinitely. Stateless Palestinian asylum seekers are particularly at risk of arbitrary detention, because they often cannot be deported anywhere.

Turkey, which has ratified the 1951 Refugee Convention but not the 1967 Protocol extending its application to non-European refugees, does not recognize the refugee status of non-European refugees, including Palestinians. Palestinian refugees cannot, therefore, request asylum in Turkey. If found in Turkey, they are detained. If they cannot be deported, they are released with a document (“Article 23 Document”) valid for two to three months and indicating that they must leave within this period. If the refugee is again intercepted by the Turkish authorities after the prescribed period, s/he will be detained once more and eventually released with the same document. Palestinian refugees fleeing Iraq, for example, have been affected by the lack of access to asylum in Turkey.

3.3.5 Protection through International Organs, Agencies and Organizations

As a result of the gaps existing in the international protection regime, there is no international agency currently mandated to protect and promote the full panoply of rights of Palestinian refugees and IDPs, or search for durable solutions, or represent their rights and interests in peace negotiations. (See above, 3.3.1) A number of international organs, agencies and organizations, however, have provided a limited degree of protection for Palestinian refugees and IDPs. International accountability mechanisms have yet to become effective for ending Israeli impunity for violations of international law and ensuring adequate reparations for Palestinian victims.

3.3.5.1 The UN Conciliation Commission for Palestine (UNCCP)

UNCCP was established under UNGA Resolution 194(III) in 1948 to take over the work of the UN Mediator on Palestine, provide international protection to all persons displaced during the 1948 war, and “facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees.” Thus, the UNCCP mandate included protecting the rights of Palestinian refugees, among them the right of return, property restitution and compensation. In addition, UNCCP was mandated “to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them.”

During its early years of operation, UNCCP intervened with Israel for the safe return of specific groups based on humanitarian considerations and achieved reunification in Israel of several hundred separated Palestinian families. UNCCP established several subsidiary bodies, including a Technical Committee and an Economic Survey Mission, to investigate and recommend measures that might be taken to safeguard the rights, including property rights of the refugees.
PROTECTION

The UNCCP called upon Israel to abrogate discriminatory legislation, including the 1950 Absentees’ Property Law, and requested that Israel suspend all measures of requisition and occupation of Palestinian Arab homes, and unfreeze *waqf* property (property endowed for religious purposes under Islamic law). These requests were ignored. The Commission also worked with Israeli officials to facilitate refugee access to blocked savings accounts and assets in banks inside Israel. However, the Israeli government and the Israeli Custodian of Absentees’ Property retained a significant proportion of the monetary value of accounts and assets through the imposition of taxes and administration fees. An initiative to identify Palestinian property, both globally and individually, was conducted based on British mandate records. The UNCCP records still provide the most comprehensive database of Palestinian refugee property to date. (See Chapter One)

By the early 1950s however, UNCCP reached the conclusion that it was unable to fulfill its mandate. The ability of UNCCP to protect and promote the legal rights of the refugees was compromised by its particular mandate which required it to merge refugee protection with the larger task of Arab-Israeli conciliation, and by lack of international political will. The rights affirmed in UNGA Resolution 194(III) were often deferred in light of what the Commission came to view as the “practicalities on the ground,” i.e., Israel’s opposition to the return of the refugees. The Commission noted that the situation envisaged by the UNGA in 1948 “was far from the realities of the problem.” As a result, the Commission took the view that the governments concerned were primarily responsible for the settlement of their outstanding differences, including the plight of the refugees.

By the mid-1950s, UNCCP ceased to provide protection and actively search for a durable solution. Thus, “within four years of its formation, the UNCCP devolved from an agency charged with the ‘protection of the rights, property and interests of the refugees’ to little more than a symbol of UN concern for the unresolved aspects of the Arab-Israeli conflict.” No such organ was established subsequently by the United Nations for the protection of the 1967 Palestinian refugees or IDPs displaced in the OPT. Today, the Commission is no longer active. Every year, the UNCCP publishes a one-page annual report stating “it has nothing new to report.”

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

UNRWA is the lead international agency mandated to assist 1948 Palestinian refugees in five geographical areas of operations (Syria, Lebanon, Jordan, the West Bank and the Gaza Strip). From 1968 onwards, UNRWA’s mandate has been expanded to include the provision of humanitarian assistance, on an emergency basis, also to persons displaced as a result of the 1967 Arab-Israeli war and subsequent hostilities. The Agency does not have an explicit mandate to protect or promote durable solutions for Palestinian refugees.

UNRWA was established in 1949 to complement the work of the UNCCP by providing relief to the Palestinian refugees. Based on the expectation that the plight of the refugees would soon be resolved in accordance with the framework set forth in UNGA Resolution 194(III), UNRWA was accorded a short-term mandate which has been extended on a regular basis by the UN General Assembly due to the lack of durable solutions for Palestinian refugees.

Although UNRWA is not mandated to promote durable solutions, powerful western governments and donors hoped until the end of the 1950s, that economic development projects implemented through UNRWA would encourage Palestinian refugees to integrate in Arab host countries or resettle in third countries. During the initial six years of its operations, under the recommendations of the UNCCP’s Economic Survey Mission, UNRWA initiated programs aimed at reintegrating (resettling) refugees into the economic life of the region. Yet, due to strained financial resources and strong opposition of Arab states and refugees to de facto resettlement, UNRWA soon redirected expenditures towards the provision of health care, education, relief and social services rather than integration and resettlement plans. In 1959, the UN Secretary-General reached the conclusion that “no reintegration would be satisfactory, or even possible, were it to be brought about by forcing people into new positions against their will.”
At present, it is UNRWA’s position that a just and durable solution to the refugee question lies with the parties to the conflict and other political actors, and as a humanitarian and human development agency, UNRWA’s role is limited in this matter. UNRWA perceives that its role in this regard is “to highlight the urgent need for that solution and to help ensure that in its elaboration the rights and interests of the refugees are safeguarded.”

The Agency also acknowledges that “a just and durable solution is the key to the enjoyment of national protection and the realization of other rights.”

Lacking an explicit protection mandate, UNRWA provides limited protection, which is inherent in the Agency’s operational work, while maintaining its identity as “a public service organization.” UNRWA maintains the only existing database of 1948 Palestinian refugees and issues them registration cards. Although unsystematic, partial and not statistically valid, UNRWA’s database includes invaluable information about 4.7 million refugees and their families, i.e. approximately 75 percent of the entire population of 1948 Palestinian refugees. (See also Chapter Two) The Agency’s general assistance and emergency response during humanitarian crises guarantee basic economic and social rights. Limited protection is also provided through monitoring, reporting and intervention, sometimes in cooperation with the UNHCR.

Following Israel’s occupation of the West Bank and the Gaza Strip in 1967, then UNRWA Commissioner-General Lawrence Michelmore approached the UN Under-Secretary-General seeking international protection for Palestinian refugees in the OPT. The initiative failed to attract sufficient support at the UN, based on the view that Israel would oppose a protection initiative. In 1968, UNRWA’s mandate was expanded to include the provision of humanitarian assistance, on an emergency basis, also to persons displaced as a result of the 1967 Arab-Israeli war.

UNRWA’s protection role was again expanded following the massacre in the Palestinian refugee camps of Sabra and Shatila in 1982. A UN resolution entitled “Protection of Palestine Refugees” stipulated that UNRWA, in consultation with the UNSG, should “undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in the occupied [Lebanese] territory.” Similar resolutions in 1983, 1988 and 1993 reiterated the need for UNRWA to continue its efforts in preserving the security and human rights of the Palestinian refugees in territory under Israeli occupation since 1967.

During the first Intifada (1987–1993), UNRWA protection activities increased following UNSC Resolution 605, which called upon the UNSG to assess the situation and to present to the UNSC “recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation.” UNRWA was requested by the UNSG to enhance its “general assistance” capacity through the addition “of international staff” in the OPT to intervene with the authorities of the Israeli Occupying Power in an effort to provide “passive protection.”
UNRWA thus established the *Refugee Affairs Officer Program* (RAOP) in the OPT to provide protection through monitoring, reporting, and a limited degree of intervention. By the beginning of the 1990s, the RAOP included a legal aid scheme that aimed at helping “refugees deal with a range of problems of life under occupation.” This included “sustained follow-up in cases of deaths, injuries and harassment; bureaucratic difficulties in obtaining various permits; discrimination in access to courts of law, welfare benefits, etc.; travel restrictions; and various forms of collective punishment.” UNRWA has also offered legal advice and assistance to refugees applying for family reunification. The RAOP was eventually phased out, first in the occupied Gaza Strip (1994), and then in the occupied West Bank (1996), following the redeployment of the Israeli military and establishment of the Palestinian Authority. Although the RAOP “constitutes the most expansive protection mechanism ever instituted by UNRWA it was unable to bridge the protection gap in relation to Palestine refugees in the OPT.”

In 2000, UNRWA once again began providing emergency assistance in response to the humanitarian crisis in the OPT resulting from Israel’s attempt to suppress the second Palestinian Intifada through military force. The *Operation Support Officers Program* (OSOP) has a mandate similar to that of RAOP, but its protection-related activities are far more limited. The goal of the OSOP is “to assist in alleviating the adverse effects that the restrictions imposed by Israeli authorities are having upon the Agency’s provision of humanitarian services.” OSOP officers also monitor and report on “the living conditions of Palestine refugees”, and problems that affect the human dignity, physical safety, welfare and protection of Palestine refugees and other persons of concern to UNRWA. The OSOP thereby provides a measure of protection to refugees, including multiply displaced refugees in the OPT and Lebanon.

Encouraged by its first donor conference in 2004, UNRWA has included a rights-based approach to its operations. It has appointed a senior protection and policy advisor to study ways in which UNRWA could increase its protection work for Palestinian refugees, in particular refugee children, based on the *Convention on the Rights of the Child* (CRC). UNRWA has expressed its intention to continue developing a “protection strategy which focuses on clarifying the actions, rights and legal precepts that are germane to UNRWA’s mandate and to the Agency’s specific operational context […] to maximize the points of intersection between the human development and human rights paradigm.”

The destruction of UNRWA’s main food storage warehouse in Gaza City, during Israel’s 2008-9 military assault. (© UNRWA)
Today, UNRWA is part of the Protection Cluster Working Group in the OPT and Lebanon. Nevertheless, the Agency’s protection activities have remained limited in terms of substance and geography, and what was reported about UNRWA’s capacity to protect Palestinian refugees during humanitarian crisis in the early 1980s still largely applies today: “The only means at the disposal of [UNRWA] is […] to report, to warn and to make representations to the authorities responsible.”

3.3.5.3 The Office of the UN High Commissioner for Refugees (UNHCR)

UNHCR was established in 1950 and is the primary international body mandated to provide assistance and protection, including the search for durable solutions, to refugees worldwide. UNHCR’s mandate is not limited to refugees under the 1951 Refugee Convention and its 1967 Protocol, but also covers refugees defined in the Cartagena Declaration and OAU Convention, returnees, stateless persons, and IDPs.

UNHCR recognizes 1948 and 1967 Palestinian refugees outside UNRWA’s area of operation as prima facie Convention refugees under Article 1D of the 1951 Refugee Convention. In other words, these refugees are within the Agency’s competence and do not need to prove individual persecution under Article 1A(2) to enjoy the protection under the Convention. Also within the Agency’s competence are Palestinians who are neither 1948 nor 1967 refugees and who are recognized as Convention refugees under Article 1A(2) on grounds of a well founded fear of persecution. UNHCR does not consider 1948 and 1967 Palestinian refugees who reside in the area of UNRWA operations as falling within its mandate.

UNHCR recognizes the protection gap faced by 1948 and 1967 Palestinian refugees in the area of UNRWA operation, and has issued several calls to remedy the problem. During the late 1980s and the early 1990s, in the context of the first Palestinian Intifada in the OPT, the UNHCR issued numerous Executive Committee conclusions that “[e]xpressed concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would be undertaken within the United Nations system to address their protection needs.”

UNHCR does not recognize Palestinian IDPs as a population of concern and does not take a role in protecting them. UNHCR has recently taken a greater role in IDP protection by leading the global Protection Cluster Working Group and multi-agency protection work for conflict-induced IDPs at the country level.
Although equipped with an explicit mandate to promote durable solutions for refugees worldwide, UNHCR holds that it has no such mandate for Palestinian refugees. It is UNHCR’s position that a just and durable solution to the refugee question lies with the parties to the conflict and other political actors, and as a humanitarian agency, its role is limited in this matter.\textsuperscript{355}

As a result of this approach UNHCR extends a minimal level of protection to Palestinian refugees living outside UNRWA areas of operation,\textsuperscript{356} including assistance with travel documents, renewal of UNRWA registration cards, facilitation of interim solutions for Palestinian refugees in cases of forced departure from Arab host countries, legal aid for stranded Palestinian refugees seeking asylum, and advice to states on the interpretation and application of the \textit{Refugee Convention}. In Libya and Egypt, for example, UNHCR provides individual assistance to some destitute Palestinians.\textsuperscript{357} At the end of 2008, UNHCR had registered 342,681 Palestinian refugees and asylum-seekers falling within its mandate.\textsuperscript{358} The agency was thus providing assistance and protection to no more than five percent of the total Palestinian refugee population worldwide.

UNHCR and UNRWA cooperate and exchange information to resolve problems faced by Palestinian refugees, particularly since the U.S.-led invasion and occupation of Iraq.\textsuperscript{359}

After the PLO was forced to leave Lebanon in 1982, for example, UNHCR intervened with the Lebanese authorities on behalf of Palestinian refugees who were experiencing difficulty in obtaining the renewal of Lebanese travel documents. In the 1990–1991 Gulf war, UNHCR extended its protection and assistance to several hundred thousand Palestinian refugees in the Gulf countries, who were subject to detention and expulsion. Between 1995 and 1997, UNHCR (jointly with UNRWA) provided assistance to Palestinian refugees stranded on the Libyan-Egyptian border after their expulsion from Libya, and intervened for a satisfactory solution.\textsuperscript{360}

Since the U.S.-led war and occupation of Iraq in 2003, UNHCR has provided humanitarian assistance and protection to Palestinian refugees stranded in camps in Iraq and on the borders with Syria and Jordan.\textsuperscript{361} UNHCR has made numerous appeals expressing strong concern, and urgently calling for at least a temporary solution for these Palestinian refugees “who are persecuted inside Iraq and have nowhere to go.”\textsuperscript{362} UNHCR has approached the Israeli authorities to ask them to allow Palestinian refugees fleeing Iraq to enter the OPT. The PA has been willing to welcome the refugees, but Israel, which controls the borders, has refused to discuss this option. UNHCR has also tried to facilitate the entry of such refugees into Jordan and Syria, and to find relocation opportunities in other host states. In 2008, UNHCR reached a tripartite humanitarian relocation agreement with the PLO and the Sudanese government as a temporary solution. According to the agreement, Palestinian refugees stranded in the camps in Iraq and on the borders with Syria will be voluntarily relocated to Sudan, where they are entitled to protection under the \textit{Refugee Convention} and its Protocol as well as the \textit{Casablanca Protocol}.\textsuperscript{363}

In June 2009 UNHCR reached an agreement to bring 1,350 Palestinian refugees from Iraq for resettlement in the U.S., through the U.S. government Refugee Admissions Program.\textsuperscript{364} UNHCR also succeeded in securing protection under the \textit{Refugee Convention} for small numbers in European (Iceland, Norway, Sweden) and Latin American countries (Brazil, Chile), and continues to look for other countries that might accept Palestinian refugees fleeing Iraq.

During the 2008/2009 Israeli military assault on the Gaza Strip (“Operation Cast Lead”), UNHCR called for strict adherence to humanitarian principles, including respect for the universal rights of those fleeing war to seek safety in other states. The High Commissioner urged “that all borders and access routes concerned should be kept open and safe, and Palestinians endeavoring to leave Gaza should not be prevented from doing so.”\textsuperscript{365}

### 3.3.5.4. The Committee on the Exercise of the Inalienable Rights of the Palestinian People

On 10 November 1975, the UN General Assembly passed resolution 3376 (XXX) establishing the Committee on the Exercise of the Inalienable Rights of the Palestinian People.\textsuperscript{366} The Committee was tasked with making recommendations to the General Assembly and creating a program of implementation designed to enable the
Palestinian people to exercise its rights, as stipulated in resolution 3236 (XXIX) of 22 November 1974 – rights defined as: the right of the Palestinian people to self-determination without external interference; the right to national independence and sovereignty; and the right of Palestinians to return to their homes and property, from which they had been displaced and uprooted.

The Committee’s first report included inter alia recommendations to the Security Council for a two-phase plan for the return of Palestinians to their homes and property. It also expressed the view that the UN had the historical duty to render all assistance necessary to promote the economic development and prosperity of the future Palestinian entity. Assisted in its work by the Division for Palestinian Rights, the Committee’s early activity saw cooperation with a wide network of NGOs and other civil society institutions working on the question of Palestine. Among its achievements were winning recognition of 29 November as the International Day of Solidarity with the Palestinian People, and preparatory work on the International Conference on the Question of Palestine, held in Geneva in 1983. However following the signing of the Declaration of Principles in 1993, the Committee has failed to take a proactive stance on trying to secure Palestinian rights, and essentially shadowed the Palestinian Authority’s positions in its negotiations with Israel, including most recently, support for the continued diplomatic efforts of the Quartet, the Road Map, the Arab Peace Initiative, and the Annapolis Conference.

3.3.5.5 UN Human Rights Mechanisms

I. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories

The Special Committee is an inter-governmental organ established in 1968 to investigate Israeli practices affecting the human rights of the population of the occupied territories as a result of the hostilities of June 1967, namely the OPT and the Syrian Golan Heights. The population under the Special Committee’s mandate includes 1948 Palestinian refugees and IDPs residing in the OPT, as well as 1967 Palestinian refugees inside and outside the OPT. The Special Committee reports to the General Assembly. Committee members gather testimonies of victims and experts in the region, but have been denied entry into the OPT by Israel.

In its 2008 report, the Special Committee, stressed that the lack of protection of civilians and the escalation of violence were significant factors in the deteriorating human rights situation in the OPT; called upon the UNGA to “[u]rgently consider all means at its disposal to fulfill its responsibilities regarding all aspects of the question of Palestine until it is resolved in conformity with relevant UN resolutions and the norms of international law and until the inalienable rights of the Palestinian people are fully realized.”

Since 2007, the Special Committee has urged the UN Security Council to consider “sanctions against Israel if it persists in paying no attention to its international legal obligations.”

II. The UN Human Rights Council (HRC)

The HRC is an inter-governmental body which was established in 2006 to replace the UN Commission on Human Rights. The mandate of the HRC is to strengthen the promotion and protection of human rights around
the globe, including addressing situations of human rights violations and making appropriate recommendations. The human rights of all displaced Palestinians fall under the HRC’s mandate.

**Sessions and Resolutions** - The HRC regularly discusses human rights violations in the OPT under Agenda Item 7 of its regular sessions. In addition, the Council holds special sessions when needed to address urgent matters. Since 2006, the Council has held several special sessions on Israel’s military operations in the OPT. In 2009, in light of “Operation Cast Lead” against the occupied Gaza Strip – the HRC held a special session and,

- called upon Israel to end its occupation of all Palestinian lands since 1967;
- called for immediate international protection of the Palestinian people in the OPT in compliance with international humanitarian and human rights law;
- decided to dispatch an urgent independent international fact-finding mission (the “Goldstone Commission”) to investigate all violations of international humanitarian law by Israel against the Palestinian people throughout the OPT, particularly in the occupied Gaza Strip;
- requested the Office of the UN High Commissioner for Human Rights (OHCHR) to monitor and report on the violations of human rights of the Palestinian people by the Occupying Power, Israel. This was an expansion of the mandate of the OHCHR field office in the OPT, which was initially established to strengthen the interaction between UN human rights mechanisms, the PA, and Palestinian civil society.

**Universal Periodic Review (UPR)** - The UPR is a newly-established mechanism whereby states review the human rights situations in all UN member states and issue recommendations. In 2008, the HRC undertook the first UPR of Israel, including its human rights performance as Occupying Power in the OPT. It resulted in more than 50 recommendations, including calls upon Israel to:

- recognize and respect the right of the Palestinian people to self-determination and their right to establish an independent sovereign Palestinian State;
- respect the right of Palestinian refugees to return to their homelands and to be compensated for losses and damages incurred, and to retrieve their properties in accordance with relevant UN resolutions and international law;
- Cease actions that alter the demographic situation of the OPT; end all illegal settlement activities in the OPT; immediately cease the destruction of Palestinian homes; and refrain from evicting Palestinian residents from their homes in Jerusalem;
- Ensure the protection and welfare of the civilians in the OPT.

**UN Special Procedures** - The HRC continues to work closely with the UN Special Procedures established by the Commission on Human Rights. “Special procedures” are those mechanisms established to examine, monitor, advise and publicly report on human rights situations in specific countries or territories – known as country mandates – or on major phenomena of human rights violations worldwide – known as thematic mandates. The mandate holders are independent experts who can carry out country visits to examine the situation of human rights at the national level and subsequently issue mission reports containing their findings and recommendations.
The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 was appointed in 1993 to investigate and report on Israel's violations of international human rights and humanitarian law in the OPT until the end of the Israeli occupation. Since 2003, the Special Rapporteur has inter alia,

- warned that Israel's Wall and associated regime were “likely to lead to a new generation of refugees or internally displaced persons;”
- addressed the “de-Palestinisation of Jerusalem” and “the emergence of a new wave of internally displaced persons;”
- concluded that Israel implements colonization and apartheid as part of its occupation and called for a second ICJ advisory opinion to examine the legal consequences of Israel’s occupation that includes elements of colonialism and apartheid;
- recommended that the parties (to the Annapolis peace process) negotiate within a “normative framework, with the guiding norms to be found in international law, particularly international humanitarian law and human rights law, the Advisory Opinion of the ICJ, and UN Security Council resolutions. Negotiations on issues such as boundaries, settlements, East Jerusalem, the return of refugees and the isolation of Gaza should be informed by such norms and not by political horse-trading.”
- In 2008, the newly-appointed Special Rapporteur Richard Falk noted that the “UN should explore its own responsibility with respect to the well being of the Palestinians living under unlawful conditions of occupation.” He has since been denied entry to the OPT by Israel.

Several thematic mandate holders have examined the situation of human rights in Israel and the OPT. The Special Rapporteur on Adequate Housing, for instance, noted that “essentially, the institutions, laws and practices that Israel has developed to dispossess the Palestinians (now Israeli citizens) inside its 1948 border (the Green Line) have been applied with comparable effect in the areas occupied since 1967.” The dispossession of Palestinian communities is widely interpreted as a reflection of Israel’s systematic policy of “depopulation and demographic manipulation by way of expulsion, destruction of homes and villages.”

In a combined report following Israel’s “Operation Cast Lead” in 2009, nine thematic mandate holders and the Special Rapporteur on the OPT,

- emphasized that the “protection of civilians requires immediate action by all parties and the international community;”
- recalled the “obligation of States to cooperate to bring to an end through lawful means any serious breach of an obligation arising from a peremptory norm of general international law”, and reiterated “the obligation of all States to ensure respect for the provisions of international humanitarian law;”
- addressed the renewed mass forced displacement of Palestinians and affirmed that, “Palestinian refugees who suffered secondary displacement inside Gaza retain all rights under international law, including the
right of return as reaffirmed by the UNGA in its resolution 194. Israel, as occupying power, and the PA must address the specific assistance and protection needs of all recently displaced persons, whether they are internally displaced in the sense of the description provided by the Guiding Principles on Internal Displacement or secondary displaced Palestinian refugees.”

Complaint Procedure - The Complaint Procedure was established to address consistent patterns of gross and reliably attested violations of all human rights and fundamental freedoms occurring in any part of the world and under any circumstances. It allows individuals and organizations to bring complaints about such violations to the attention of the HRC; however, it has not yet proven effective for Palestinians.

III. UN Human Rights Treaty-Based Bodies

The human rights treaty-based bodies are the committees of independent experts that monitor the implementation of UN human rights treaties by State parties. Treaty-based bodies have made a substantive contribution to the development of soft law relevant to human rights and state obligations, and have made recommendations pertaining to Palestinian refugees and IDP.

With regard to Israel, the Committee on Social, Economic and Cultural Rights (CSECR) has expressed concern since 1998 about “the status of ‘Jewish nationality’, which is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, in particular Palestinian refugees.”

The Committee on the Elimination of Racial Discrimination (CERD) in 2007 raised concern about Israel’s policy of segregation and apartheid, and recommended, inter alia, that Israel,

- “assure equality in the right to return to one’s country and in the possession of property;”
- halt the demolition of Palestinian properties, in particular in East Jerusalem, and respect property rights irrespective of the nationality or ethnicity of the owner;
- increase its efforts to protect Palestinians against persistent violence by Jewish settlers in the OPT, and investigate all such incidents in a transparent, independent and prompt manner, prosecute and sentence the perpetrators, and offer redress for Palestinian victims.

With regard to Lebanon, CERD has urged the State to take measures to improve the situation of Palestinian refugees, and “at a minimum to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens.”

Similarly, in 2006, the Committee on the Rights of the Child (CRC) expressed concern about “the persistent de facto discrimination faced [...] by Palestinian refugee children” in Lebanon, noting that “the protection of refugee children, including Palestinian children, [has] not been sufficiently addressed.” In 2007, the Committee on the Elimination of Discrimination against Women (CEDAW) noted that refugee and IDP women and girls in Lebanon remain in vulnerable and marginalized situations, in particular with regard to access to education, employment, health and housing. The Committee also expressed concern that Lebanon has not enacted laws or regulations relating to the status of refugees, adversely affecting women refugees. The State was urged to adopt laws and regulations on the status of refugees in line with international standards, in order to ensure protection for refugee women and children.

With regard to Jordan, CRC has acknowledged the high number of Palestinian refugees and the increasing number of Iraqi refugees and asylum-seekers in Jordan, and expressed concern at the absence of a legal framework for the protection of refugee and asylum-seeking children. The Committee also recommended that Jordan strengthen its collaboration with UNHCR and UNRWA.
IV. Office of the UN High Commissioner for Human Rights (OHCHR)

In 1996, a stand-alone office was established in the OPT (OHCHR-OPT), with the mandate to strengthen the relationship and interaction between UN human rights mechanisms, the PA, and Palestinian civil society. Assistance with the work of the High Commissioner for Human Rights pertaining to human rights violations by Israel in the OPT was provided on an ad hoc basis. In 2009, following Israel’s military operation in the Gaza Strip (“Operation Cast Lead”), the HRC explicitly requested OHCHR-OPT to also monitor and report on the violations of human rights of the Palestinian people by the Israeli Occupying Power. For this purpose, the HRC has undertaken to strengthen the field presence of OHCHR in the OPT, particularly in the occupied Gaza Strip.

3.3.5.6 UN Office for the Coordination of Humanitarian Affairs in the OPT (OCHA-OPT)

OCHA-OPT was established in late 2000 in response to the deteriorating humanitarian situation in the OPT caused by Israel’s military operations and closures. OCHA-OPT aims to improve humanitarian aid and assistance by enhancing coordination between agencies to ensure effective distribution of humanitarian assistance, monitoring, documentation and reporting.

In 2007, the Displacement and Protection Support Section (DPSS) was established in Geneva to provide technical assistance towards a predictable, systematic and collaborative response to internal displacement situations based on the work of OCHA’s former Inter-Agency Internal Displacement. In 2008, DPSS provided strategic guidance on protection and displacement to OCHA-OPT, in particular its Protection Cluster Working Group. DPSS, however, is a small department and provides support to all OCHA field offices. Therefore, the primary responsibility for developing an effective response to forced displacement has remained with the field offices, including in the OPT.

In 2008 and 2009, OCHA continued to monitor the humanitarian situation, and to identify emerging trends and changing policies of the Israeli Occupying Power, as well as human rights/protection violations. OCHA-OPT took on the lead of the Displacement Working Group (DWG) and collects, analyzes and disseminates information related to forced displacement in the OPT.

3.3.5.7 The Inter-Agency Displacement Working Group in the OPT (DWG)

The DWG was formed in early 2008 as a result of collective efforts of local and international organizations, in order to raise awareness of the phenomenon of internal displacement in the OPT and develop a protection response in accordance with international standards, in particular the Guiding Principles on Internal Displacement. The DWG is currently led by OCHA and operates as part of the Protection Cluster Working Group. The latter aims to improve the protection of the Palestinian civilian population in the OPT through a range of preventive, responsive and remedial activities. UN agencies, Palestinian and Israeli NGOs, and donors are members of the DWG which cooperates with ICRC. The DWG’s “longer-term initiatives include documenting and monitoring the situation with a view to improving advocacy efforts to mitigate and stop forced displacement, address vulnerabilities during a displacement event, and search for a durable solution.”

By 2009, the DWG had made some progress in terms of raising awareness about Palestinian IDPs and coordinating humanitarian response efforts. Nevertheless, prevention of forced displacement and protection of those at risk have remained inadequate and ineffective. Whereas a medium to long-term response should be implemented with the aim to restore the dignity and ensure adequate living conditions through reparation, restitution and rehabilitation of IDPs, in practice, the response usually ends when the emergency phase ends.
3.3.5.8 International Committee of the Red Cross (ICRC)

The ICRC has a mandate to operate in armed conflict and is responsible for the promotion and respect of humanitarian law. The Geneva Conventions task the ICRC with visiting prisoners, organizing relief operations, reuniting separated families and similar humanitarian activities. As a neutral intermediary, the ICRC provides protection and assistance to all victims of armed conflict, including IDPs who are “first and foremost civilians, and as such protected by international humanitarian law.” In general, the ICRC provides protection and assistance to displaced persons consistent with its mandate and capacities, and to the extent the relevant authorities or the security conditions allow.

Within the above mandate, the ICRC intervened on behalf of Palestinian refugees, following the mass displacement in 1948, and again in 1967. Since 1967, the ICRC has maintained a permanent presence in the OPT.

Under international humanitarian law, the parties to a conflict may appoint a “Protecting Power.” No Protecting Power has been appointed for the OPT. An offer by the ICRC to act as a substitute Protecting Power in the OPT was rejected by Israel. Therefore, ICRC protection is limited to the extent of Israel's willingness to co-operate. In the 1990s, and in response to the Madrid-Oslo process, the ICRC changed its definition of the status of the West Bank and Gaza Strip from “occupied Palestinian territory” to “occupied territory and autonomous territory.” The ICRC, however, continues to consider the Fourth Geneva Convention applicable to the entire West Bank and Gaza Strip, including the "A" areas.

ICRC maintains that “the occupier must not interfere with the original economic and social structures, organization, legal system or demography.” The ICRC has publicly expressed concern regarding “the destruction or expropriation of Palestinian property and land and the forced displacement and isolation of Palestinian communities” as a result of the construction of the Wall and its regime. In general, however, while seeking to protect those who are uprooted and to promote their return wherever appropriate, the ICRC favors a “confidential dialogue” with the parties to the conflict. Along this vein, the ICRC carries out a range of activities to promote better protection of the civilian population in the OPT, including activities related to family reunification, detention and deportation, expropriation of land and home demolition. In 2007, the dialogue with Israel focused on occupied eastern Jerusalem, where Palestinians suffered as a result of the Jewish settlements, the Wall, or revocation of residency status. In 2008, ICRC represented 1,600 cases before Israeli authorities regarding the adverse impact of Israeli policies and practices, notably movement restrictions, settlement expansion, settler violence, construction of the Wall, and the impact of military operations.

The ICRC also provides emergency aid (such as relief and hygiene kits, food parcels, water distribution and rehabilitation projects) aimed at improving the situation of the victims, including those whose homes are demolished. The ICRC coordinates its activities with UN agencies and other organizations in the field and it follows the work of the Protection Cluster Working Group and the inter-agency Displacement Working Group as an observer.
3.3.5.9 Accountability Mechanisms

I. The International Court of Justice

Of major importance for displaced Palestinians is the fact that the International Court of Justice in its 2004 Advisory Opinion ruled that it was incumbent upon Israel to make reparation for all damage caused by its unlawful acts: “Israel is [...] under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the Wall in the [OPT].”402 The Court also underscored Israel’s “obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the Wall’s construction.”403 The Court recommended to the United Nations to “consider what further action is required to bring to an end the illegal situation resulting from the construction of the Wall and the associated regime.”404 The ICJ also affirmed the responsibility of the international community and states “not to recognize the illegal situation resulting from the construction of the wall and not to render assistance in maintaining the situation created by such construction.”

II. UN Register of Damage caused by the Construction of the Wall in the OPT

On 20 July, 2004, the UN General Assembly adopted a resolution calling upon Israel and all UN member states to comply with the ICJ Advisory Opinion. The Resolution also instructed the UN Secretary General to establish a register of damages caused to all natural or legal persons concerned.405 In early 2005, UN Secretary General Kofi Annan clarified that the registry “is not a compensation commission or claims-resolution facility, nor is it a judicial or quasi-judicial body” but “a technical, fact-finding process of listing or recording the fact and type of damage caused as a result of the construction of the Wall.”406

On 15 December, 2006, the UNGA established the UN Register of Damage caused by the Construction of the Wall in the OPT (UNRoD), to “serve as a record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, the Occupying Power, in the OPT, including in and around East Jerusalem.”407 UNRoD thus falls short of the ICJ’s recommendation that reparation be made to the victims for damages caused by the Wall. The Register, which has remained the only measure endorsed by the UN towards the implementation of the ICJ Opinion, has received little political support and financial resources.408 Israel has refused to cooperate with the office of UNRoD.409 A pilot project for registration of damages began in November 2008 in the northern West Bank, while numerous concerns raised by local and international organizations have remained unresolved.410

III. International Criminal Tribunals and the International Criminal Court

The UN Security Council can establish an ad hoc international tribunal to prosecute war crimes and crimes against humanity perpetrated in Israel and the OPT, as it did in the 1990s regarding the former Yugoslavia and Rwanda. Whether
such an initiative would also be within the authority of the UN General Assembly is unresolved.\footnote{411} Israel is not a party to the \textit{Rome Statute} and thus the International Criminal Court (ICC) does not have jurisdiction in its territory. However, the UN Security Council, acting under Chapter VII of the UN Charter, can refer a situation to the ICC, as it has done in the case of Sudan. Yet, all such moves would likely be vetoed in the Security Council by the U.S.

In response to Israel’s military assault “Operation Cast Lead”, a Palestinian request was brought before the ICC prosecutor to investigate whether international crimes had been committed in Palestinian territory (OPT), and the Palestinian Authority declared that it accepts the ICC’s jurisdiction for international crimes committed in its territory. The unresolved question remains, whether Palestine can be considered a “state” for this purpose, because only states can be party to the \textit{Rome Statute} or declare acceptance of ICC jurisdiction.\footnote{412}

\textbf{IV. Universal Jurisdiction}

States signatories of the \textit{Geneva Conventions} have an obligation to prosecute in their territory persons committing any of the “grave breaches” regardless to his or her nationality and should make appropriate domestic legislation for this purpose. Similar provisions for universal jurisdiction are included in other international treaties, such as CAT and the \textit{International Convention on the Suppression and Punishment of the Crime of Apartheid}.\footnote{413}

Where appropriate domestic law is in place, courts can exercise jurisdiction over gross violations of international human rights law and serious violations of international humanitarian law, regardless of where they were committed, and often without the state having a connection to the perpetrator or the victim. These domestic universal jurisdiction statutes can cover crimes committed during armed conflict, including crimes committed or authorized by the highest political and military levels of government.\footnote{414} In some countries, universal jurisdiction can also be invoked under domestic civil law, such as in the U.S., where lawsuits can be filed for civil redress (e.g. compensation) under the \textit{Alien Tort Claims Act} (ATCA) and the \textit{Torture Victims Protection Act} (TVPA).

Based on universal jurisdiction, domestic courts have prosecuted numerous suspects of international crimes in Rwanda, Sierra Leone, Liberia, as well as Palestinians and other Arab or Muslim defendants. In no case, however, have such efforts succeeded to hold Israeli defendants accountable. Since 2002, numerous lawsuits have been brought against Israeli officials and military, as well as against foreign companies accused of aiding and abetting international crimes, in numerous countries, including Belgium, Canada, Germany, New Zealand, Spain, and the U.K. So far, none of these cases has been granted a substantial hearing, because – due to political pressure and bias - courts have dismissed them at an early stage on procedural grounds.\footnote{415}
Endnotes


6 UNHCR, (December 2001), op.cit., p.11.


13 Article 9 of the UNHCR Statute. See also UNHCR, Internally Displaced Persons: The Role of the UNHCR, EC/50/SC/INE2, 20 July 2000. For a description of these operations, see UNHCR, UNHCR’s Operational Experience, 3-15. UNHCR, Protecting Refugees and the Role of UNHCR 2007–2008, p.20.


15 See in this regard the Declaration on Principles of International Law Concerning Friendly relations and Cooperation Among States in Accordance with the Charter of the UN, GA Res. 2625 (XXV), 24 October 1970.

16 Ibid, p.214.


21 See Conclusion on International Protection 2001, supra note 19, at paras. (j)-(k); see also Conclusions on International Protection, UNHCR ExCom, No. 67 (XLI), paras. (g)(1991).

22 See Conclusion on Voluntary Repatriation, UNHCR ExCom, No. 40 (XXIX) (1985); Conclusion on Voluntary Repatriation, UNHCR ExCom, No. 18 (XXXI) (1980). “Safety” is defined as “legal safety (such as amnesties or public assurances of personal safety, integrity, non-discrimination, and freedom from fear of persecution or punishment upon return), physical security and material security (access to land or means of livelihood).” “Dignity” means that returning refugees “are not arbitrarily separated from family members and they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights.” UNHCR, Handbook on Voluntary Repatriation: International Protection (Geneva, 1996) Chapter 2.


33 Due to the volatile nature of internal displacement, an assessment of the specific needs of IDPs is necessary because they may have different material and non-material requirements other than those of refugees. Ibid, p.13 – 14.

34 While legal (re)integration includes “land and property rights, or compensation; protection against forcible return; non discrimination and […] free movement”, social (re)integration, encompasses the “right to participate fully and equally in public affairs… and have equal access to public services.” Economic (re)integration, on the other hand, includes “access to employment; self-sufficiency; capacity for achieving viable livelihoods through agricultural production, gainful employment and/or small businesses.” Ibid, p.13 – 14.
36 Principle 29.
37 Akram S. and Rempel, T. (2004), op. cit., p. 86. See, e.g., the Dayton Peace Agreement, Annex 7: Agreement on Refugees and Displaced Persons, 14 Dec. 1995 (Art. 1(1) provides that refugees "shall have the right to have restored to them property of which they were deprived in the course of hostilities… and to be compensated for any property that cannot be restored to them"); General Peace Agreement for Mozambique, Protocol III, 12 March 1992, IV, Return of Mozambican Refugees and Displaced Persons and their Social Reintegration (Art. 6) provides that "Mozambican refugees and displaced persons shall be guaranteed restitution of property owned by them which is still in existence and the right to take legal action to secure the return of such property from individuals in possession of it.") Ibid.
38 Factory at Chorąży, Merits, Judgment No. 13, 1928, PCIJ, Series A, No. 17, at 47.
39 UNGA Resolution A/RES/60/147, 21 March 2006.
40 Ibid.
41 Basic Principles and Guidelines on the Right to a Remedy and Reparation, Preamble.
42 The implementation of the "Disengagement Plan" in September 2005, raised questions regarding the continued status of the Gaza Strip as occupied territory, especially after the withdrawal of the Israeli army forces from Gaza. International humanitarian law adopts a pragmatic definition of occupation, that is, the effective (actual) control over a territory by a foreign military force. "Effective control" is understood as an effective military control coupled with an effective administrative control (Article 42 of the Hague Regulations and Article 6 of the Fourth Geneva Convention). The ending of occupation is equally pragmatic. According to international humanitarian law, occupation ends when the Occupying Power no longer exercises effective military control over the occupied territory and does not apply government authorities there. The presence of land troops has traditionally been a requirement to identify a territory as occupied. However, the test of effective control should, in light of modern technology and new means of maintaining control, take into account all kinds of control exercised over a territory, both military control and control over civilian life. Despite the withdrawal of military troops in 2005, there are ongoing as well as new measures of Israeli military and administrative control in the Gaza Strip, which amount to effective control. Therefore, the withdrawal of Israeli troops alone does not turn the occupied territory into unoccupied. The facts on the ground define the legal status of the territory. Israel maintains its effective control over the Gaza Strip by different means, such as control over air space, sea space and the international borders. Diakonia, Does international humanitarian law apply to the Gaza Strip after the withdrawal? 14 January 2009, www.diakonia.se/sa/node.asp?node=842. Nevertheless, the Israeli High Court of Justice ruled that Israel is not in "effective control" of the Gaza Strip and accepted the State's assertion that Israeli duties towards the Gaza population is limited to the prevention of a humanitarian crisis - a position which denies the Palestinian population in Gaza the protection it is entitled to under international human rights and humanitarian law. H.C. 9132/07, Jaber Al-Rayyuni v. the Prime Minister, High Court of Justice (30 January 2008).
44 CESCR, General Comment 7 on the right to adequate housing (Art.11.1): forced evictions, 20 May 1997.
45 Article 10 of the International Law Commission's Draft Articles on Responsibility of States for International Wrongful Act, reads as follows: "1. The conduct of an insurrectional movement which becomes the new government of a State shall be considered an act of that state under international law.
2. The conduct of a movement, insurrectional or other, which succeeds in establishing a new state in part of the territory under its administration, shall be considered an act of the new state under international law.
3. This article is without prejudice to the attribution to a State if any conduct, however related to that of the movement concerned, which is to be considered an act of that State by virtue of..." Pre-1948 Zionist militias were an organized movement that achieved its aims and formed a new state in part of the Mandate Palestine. It is an accepted rule that this new state could not avoid responsibility for conduct earlier committed by it. See in this regard Crawford, James International Law Commission's Draft Articles on Responsibility of States for International Wrongful Act: Introduction, Text and Commentaries, (Cambridge University Press, 2002), p.116-118.
53 "State succession occurs when one state (the "predecessor" state) is followed in the international administration of a geographical territory by another state (the "successor" state). [...] In the case of the Palestinian refugees, the predecessor state was the embryonic state of Palestine for which under international law, the British Mandate for Palestine constituted at most only a "stand-in," "custodian" or "guarantor." The successor state for part of the territory of Mandate Palestine) was Israel." Boling, G., (2007), op. cit. p.25-26
54 Hague Convention (IV) Respecting the Laws and Customs of War on Land and its annex: Regulations Concerning the Laws and Customs of War on Land, The Hague, 18 October 1907. The ICJ also held that Hague Regulations constitute customary norms. ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion (ICJ's Advisory Opinion on the Wall), 9 July 2004, para.89. Article 43 of the Hague Regulations states the rule that belligerent occupants – because their presence is temporary – must let the local population continue its normal existence with a minimum of interference. This implies the right of protected persons to remain or return to their places of habitual residence. Boling, G.(2007), op. cit., p. 40-50.

Arts. 45, 49 and 147 of the Fourth Geneva Convention.

Arts. 45, 49 and 134 of the Fourth Geneva Convention.


Article 71(d) of the Rome Statute.

Although Israel was not (and is not today) a party to the Hague Convention, it is bound by its regulations, because by World War II, the Hague Regulations' provisions had become binding customary norms so that violations could be considered prosecutable war crimes. Kagan M., “Restitution as a Remedy for Refugee Property Claims in the Israeli-Palestinian Conflict”, Florida Journal of International Law, Vol.19 (2007), p.421; 445; see also Yoram Dinstein, The Conduct of Hostilities under the Law of International Armed Conflict (2004).

Israel argues that Jordan's annexation of the West Bank and Egyptian control of the Gaza Strip prior to the 1967 war never received international recognition. Therefore, they do not meet the requirements for application of the provisions of the Fourth Geneva Convention based on occupation of a territory of a High Contracting Party because there was no legitimate sovereign of the Palestinian Territory prior to 1967. Israel argues that the OPT is not occupied but rather “disputed” territory and that it applies the “humanitarian provisions” of the convention as a matter of de facto policy. See in this regard Yehuda Zvi Blum, “The Missing Reversioner: Reflections on the Status of Judea and Samaria”, Israel Law Review 279 (1968). This argument was explicitly rejected by the ICJ. ICJ’s Advisory Opinion on the Wall, para.94 – 95.

Article 13(2) states that “everyone has the right to leave any country, including his own, and to return to his country.”

In this regard see also Arts. 21(1) of ICCPR and Human Rights Committee, General Comment No. 27: Freedom of Movement (Art.12), 2 November 1999, CCPR/C/21/Rev.1/Add.9.

Arts. 5(d)(i) and 5(d)(ii) of CERD, UNGA Resolution 2106 A (XX) of 21 December 1965.

The other instruments that Israel is party to are: 1966 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA Resolution 34/180 of 18 December 1979; 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), UNGA Resolution 39/46 of 10 December 1984; and 1989 Convention on the Rights of the Child (CRC).

ICJ’s Advisory Opinion on the Wall, paras.102-113.

See in this regard Art.17(1) of the ICCPR, which complements the right not to be forcibly evicted without adequate protection and recognizes, inter alia, the right to be protected against “arbitrary or unlawful interference” with one’s home. Also: Art.11(1) of CICESCR, and CESCR, General Comment no. 7: the Right to Adequate Housing (Art.11(1): Forced Eviction, 20 May 1997.

For legal analysis on this topic, see: Badil, “Follow-up Information to the Committee for Economic, Social and Cultural Rights Regarding the Committee’s 1988 Concluding Observations Regarding Israel’s Serious Breaches of its Obligations under ICESCR” for the 13 November 2000 Convening of the Committee, p. 28 - 32.


Principle 29.

Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles), Principle 2.2.

See: Certain Questions Relating to Settlements of German Origin in the Territory Ceded by Germany to Poland; 1923, P.C.I.J. (ser B) No. 6 (Sept. 10); quoted in: BADIL follow-up Information to CESCRR, 2000, p. 31.


See Articles 41, 53 and 54.

See also CESCR, General Comment no. 7: the Right to Adequate Housing (Art.11(1): Forced Eviction, 20 May 1997.


See: Certain Questions Relating to Settlers of German Origin in the Territory Ceded by Germany to Poland; 1923, P.C.I.J. (ser B) No. 6 (Sept. 10); quoted in: BADIL follow-up Information to CESCRR, 2000, p. 31.


See Articles 41, 53 and 54.

See also CESCR, General Comment no. 7: the Right to Adequate Housing (Art.11(1): Forced Eviction, 20 May 1997.


UNGA Resolution 194(III), UN Doc. A/910, at 21, 11 December 1948.

Paragraph 11(b) of UNGA resolution 194.


The Assembly rejected two separate amendments that referred in more general terms to the return of refugees to “the areas from which they have come. UNCCPR, Analysis of Paragraph 11 of the UNGA Resolution of 11 December 1948. UN Doc. W/45, 15 May 1950.


Ibid.

Ibid.

Ibid.

Ibid.

Compensation to Refugees for Loss of or Damage to Property to be Made Good Under Principles of International Law or in Equity. UN Doc. W/30, 31 October 1949, para. 8.

93 UNSC Resolution, S/RES/257 (1967), 14 June 1967. The Security Council did not call for the return of displaced Palestinians prior to 1967, with the exception of UNSC 93 (18 May 1951) which called upon Israel to permit the return of Arab villagers in the demilitarized zone near the border with Syria.

94 UNGA Resolution 2252 (ES-V) of 4 July 1967, and Resolution 2452 A (XXIII) of 19 December 1968.

95 UNGA Resolution 63/92, “Persons displaced as a result of the June 1967 War and subsequent hostilities, ARES/63/92, 18 December 2008, para.1.


100 Report of the Authority for Settling Arab Refugees, 1 August 1950, from Central Zionist Archives, file KKL 5/18875 cited in Cohen H. (2003), op. cit., Article 1 of the *Absentee Property Law* defines “absentee” as a person who, at any time after 29 November 1947 (the date of the UNGA resolution 181 to partition Palestine), had been: (a) a national or citizen of the Lebanon, Egypt, Syria, Saudi Arabia, Trans-Jordan, Iraq or the Yemen, or (b) in any of these countries or in any part of Palestine outside the area of Israel, or (c) Palestinian citizen and left his ordinary place of residence in Palestine who abandoned his or her normal place of residents, either for a place outside Palestine before 1 September 1948; or for a place in Palestine held at the time by forces which sought to prevent the establishment of the State of Israel or which fought against it after its establishment. Technically, this included all Palestinians who vacated their homes during the war, regardless of whether the returned and who are known the “present absentees” and are legal citizens of Israel. Forman G., and Kedar A. S., “From Arab to ‘Israel Lands’: the Legal Dispossession of the Palestinians displaced by the Israel in the wake of 1948”, *Environment and Planning D: Society and Space* Vol.22 (2004), p.809-830, 815.


105 Since Israel’s withdrawal of troops and decolonization of the Gaza Strip in 2005, Israeli border police are not physically present at the Rafah border crossing to Egypt. Israeli border police, however, controlled entry of persons into the Gaza Strip via video cameras and communicated its decisions to E.U. police officers present at the site. Since the summer of 2007, the Rafah border crossing has been closed for most of the time.


108 Only a tiny fraction of the population were able to seek refuge in UNRWA shelters that were made available on an emergency basis. In many situations these shelters were not treated as sanctuaries by the Israeli armed forces during Operation Cast Lead.


110 Paragraph 6 of Article 49 of the *Fourth Geneva Convention*. The *1907* Hague Regulations Respecting the Laws and Customs of War on Land (Articles 43 46 52 55), implicitly prohibited the demographic transformation of an occupied territory by designating the Occupying Power as an interim administrator and usufructuary, with no greater power over the territories than to protect and beneficially manage them until their eventual return to the new sovereign government. Susan M. Akram and Michael Lynk, "The Arab-Israel Conflict,” in Max Planck Encyclopedia of Public International Law (Oxford University Press, forthcoming).


112 *ICJ’s Advisory Opinion on the Wall*, para.120.

113 Article 8(2)(b)(vi)


115 Article 11(1) of the ICESCR; and CESC’s *General Comment 7 on The right to adequate housing (Art.11.1): forced evictions, 20 May 1997*, 5(d)(iii) of CERD; and Articles 2 and 17(1) of the ICCPR.
See for instance Article 11(1) CESCPR, General Comment 7 on The right to adequate housing (Art.11.1): forced evictions, para.11-13 and 20; Articles 2 and 17(1) ICCPR; and Principle 7 of the Guiding Principles on Internal Displacement.

116 See for instance Article 11(1) CESCPR, General Comment 7 on The right to adequate housing (Art.11.1): forced evictions, para.11-13 and 20; Articles 2 and 17(1) ICCPR; and Principle 7 of the Guiding Principles on Internal Displacement.


118 Ibid, para.25.

119 Ibid, para.25.


122 The Jerusalem Magistrate’s Court, for example, held that an air strike is clearly an act of war “that the legislator intended to make immune to prosecution” even when the plaintiffs showed that the victim was a civilian standing on the roof of his house. Odeh et al. v. The State of Israel, case No. C/007798/04, June 2009, cited in Goldstone Report, A/HRC/12/48, p. 519, para 1669.


125 Article 147 of the Fourth Geneva Convention, Articles 8(2)(a) and 8(2)(b)(viii) of the Rome Statute. The International Criminal Tribunal for the Former Yugoslavia has reaffirmed that forced displacements are crimes punishable under customary international law, The Prosecutor v. Kravljacić, IT-97-25, Trial Chamber Judgment of 15 March 2002.

126 Article 7(1)(d) of the Rome Statute. “forcible transfer of population” is defined by the Statute as “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.” Article 7(2)(d).

127 “The General Assembly (…) Recalling its relevant resolutions which affirm the right of the Palestinian people to self-determination, 1. Reaffirms the inalienable rights of the Palestinian people in Palestine, including: (a) The right to self-determination without external interference; (b) The right to national independence and sovereignty; 2. Reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return…” UNGA Resolution 3236 (22 November 1974) A/RES/3236 (XXIX)

128 A number of the Arab states had strong objections against including Palestinian refugees in the Refugee Convention as well as under the mandate of UNHCR. The Arab governments’ primary concern was that when included under the mandate of UNHCR the Palestinian refugees “would become subsumed [with other refugee groups] and would be relegated to a position of minor importance”, and that the prospect of their repatriation would be negatively affected if they were included in UNHCR’s mandate. GAOR, 5th session, 3rd comment, 328th meeting, para.52. Therefore, the Arab states advocated that the Palestinian refugees should remain the responsibility of special UN attention, namely UNRWA and UNCCP. Consequently, the Arab states proposed an amendment to exclude the Palestinian refugees from the mandate of UNHCR. UN doc. A/C.3/L.128. Furthermore “consideration regarding continued funding by Western donors of the massive relief operation on behalf of the Palestinian refugees is likely to have played a major role.” The Arab states were in a position that countries, which had supported the division of Palestine and the establishment of the state of Israel, “should continue to foot the assistance bill for the Palestinian refugees.” Takkenberg, Lex op. cit. (1998), p.66. Israel and Zionist organizations advocated for the UN decision to exclude the Palestinian refugees from the International Refugee Organization, which was the body that assisted Jewish refugees in Europe following World War II. The former were keen to prevent anyone from making any possible association or even possible connection between the two cases. Ilan Pappe, The Ethnic Cleansing of Palestine, (Oxford Press, October 2006), p. 235-236.


130 UNGA 2252(ES-V) of 4 July 1967. Despite the above UNRWA has never revised its working definition for “Palestine refugees” although it provides assistance to 1967 Palestinian refugees in accordance with UNGA resolutions.


133 Ibid, p.9

134 See, for example: The United Nations and Palestinian Refugees, UNRWA HQ, Gaza, 2007.


136 Akram S., “Reinterpreting Palestinian Refugee Rights under International Law”, Naseer Aruri (ed.) Palestinian Refugees: The Right of Return (2001), p.165, 174; Akram S. and Goodwin-Gill G. (2001), op. cit., p.31. The Convention-definition in Article 1A(2) was never intended to apply to Palestinian refugees for several reasons: “First, as UN delegates involved with drafting the Refugee Convention pointed out: ‘The obstacle to their repatriation was not dissatisfaction with their homeland, but the fact that a Member of the
UN was preventing their return.” Second, Palestinians as an entire group had already suffered persecution by virtue of their massive expulsion from their homeland for one or more of the grounds enumerated in the definition. Thus, they were given special recognition as a group, or category, and not subject to the individualized refugee definition. The delegates dealt with the Palestinians as de facto refugees, referring in a general way to those who were defined by the relief agencies at the time (UNCCP and UNRWA) but not limiting the term ‘refugee’ to those Palestinians who were in need of relief. Although they did not define them as such, the delegates were referring to Palestinian refugees as persons normally residing in Palestine before 15 May 1948, who lost their homes or livelihood as a result of the 1948 conflict. Akram, S. (2001), op. cit., p.167.

137 UNHCR, *Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of refugees to Palestinian refugees*, October 2002, p.2. 1A(2) of the *Refugee Convention* defines “refugee” as follows: “Owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being unable to, or, owing to such fear, is unwilling to return to it.”


139 UNRWA’s mandate, however, has not been amended to exclude the Palestinian IDPs of 1948. Thus, in legal terms, the Agency could resume its jurisdiction over these IDPs for purposes of providing humanitarian assistance.

140 Save the Children UK et al., *Broken Homes: Addressing the Impact of House Demolitions on Palestinian Children & Families*, 15 June 2009, p.34.

141 The *Refugee Convention* is the primary instrument for the protection of stateless persons who are also refugees. Since Palestinian refugees may not be recognized as “refugees” under the Refugee Convention, the Convention on Stateless Persons should be applied where possible in order to ensure basic protection. See *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, BADIL, August 2005.

142 Article 33 of the *Refugee Convention* prescribes that no refugee should be returned to any country where his or her life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion. This provision constitutes one of the basic articles of the 1951 *Refugee Convention*, to which no reservations are permitted. The principle of non-refoulement is broader than Article 33, and also encompasses *non-refoulement* prohibitions deriving from human rights obligations, including Article 3 of CAT and Article 7 of ICCPR.

143 Article 1 of the 1949 *Convention on the Status of Refugees*.

144 As of October 2008, 63 States are party to the 1954 *Convention on Stateless Persons*. Of the Arab States, only Algeria, Libya and Tunisia are parties. Israel is party to the Convention too. As of October 2008, only 35 states have ratified the 1961 *Convention on Statelessness*. Of these, only two are Arab states – Libya and Tunisia. Israel is a signatory but has not ratified the convention.

145 Article 1 of the *Convention relating to the Status of Refugees*.


147 Article 1 of the *Convention on the Reduction of Statelessness*.


150 Akram, S., Rempel, T., (2004), op. cit., p.68.


152 In light of pending further peace negotiations, “the status of Palestine as a state in the sense of international law (having a permanent population, a defined territory, government and the capacity to enter into relations with other states, including full membership of international organizations) remains undetermined.” Guy Goodwin-Gill, *The Refugee in International Law*, 2nd ed. (Oxford: Oxford University Press, 1998), p.244, footnote 200. See also Article 1 of 1933 Montevideo Convention on Rights and Duties of States, 165 LNTS 19; 28 AJIL Supp.(1934). Stateless persons who are also refugees are covered by the *Refugee Convention*, and Article 1A(2) definition has a separate analysis for refugees who are stateless. However, as described previously most Palestinian refugees are excluded from the *Refugee Convention*, or the analysis of Article 1A(2) is applied to them rather than the second paragraph of Article 1D, “which results in widespread loss or denial of legal protection.” Akram, S. (2001), op. cit., p.165, p.170, and footnote 41.

153 Article 1 of the 1954 *Convention on Stateless Persons*.

154 Article 12 of the 1951 *Convention on the Status of Refugees*.

155 Twenty years earlier, the UNGA had asked UNHCR to provide assistance to individuals under the 1961 *Convention on the Reduction of Statelessness*: www.unhcr.org/pages/49c3646c16a.html.

156 See articles 7(1) and 5, 6, 13, 18, 19, 21, 22(2), and 26.


159 Neither general international law nor treaty law obliges any state to accord durable solutions. Some consider such development as undesirable, “as tending to relieve the country of origin of its responsibility to establish the conditions permitting return, while also ‘institutionalizing’ exile at the expense of human rights.” Guy Goodwin-Gill, *The Refugee in International Law*, 2nd ed. (Oxford: Oxford University Press, 1998), p.268.


162 Ibid, Chapter 1, p. 3.
163 Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen are signatories but host only small numbers of Palestinian refugees.

164 Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen are signatories to the Refugee Convention but host only small numbers of Palestinian refugees. Algeria, Libya, and Tunisia have ratified the 1965 Convention on the Status of Stateless Persons. Libya and Tunisia have ratified the 1961 Convention on the Reduction of Statelessness. Ratification information available at www.unhchr.org last visited on 21 May 2009.

165 With regard to the comparison with other regional instruments see Akram S., and Rempel, T., (2004), op. cit., p.1 – 162.


167 In 1992, the LAS adopted the Declaration on the Protection of Refugees and Displaced Persons in the Arab World ("Cairo Declaration"), which emphasizes the need to ensure international protection for Palestinian refugees, encourages Arab states that have not done so to accede to the Refugee Convention, and calls upon Arab states to provide the LAS with relevant information concerning the status of Palestinian refugees in host countries. Declaration on the Protection of Refugees and Displaced Persons in the Arab World, The Group of Arab Experts, meeting in Cairo from 16–19 November 1992 at the Fourth Arab Seminar on Asylum and Refugee Law in the Arab World, organized by the International Institute of Humanitarian Law in collaboration with the Faculty of Law of Cairo University, under the sponsorship of the UNHCR.


169 These states include Algeria, Egypt, Libya, Sudan, Mauritania, and Tunisia. According to UNHCR statistical reports, there are 6,000 self-sufficient Palestinian refugees in Algeria receiving no assistance from UNHCR (2006). In Egypt, there are 70,174 (2008); in Libya 8,875 refugees (2005).

170 22 Arab states are members of the LAS: Algeria, Bahrain, the Comoros Islands, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, and Yemen. See Khadija Elmadmad, An Arab Convention on Forced Migration: Destablility and Possibilities, 3 INT’L J. REFUGEE L. 461, 466 (1991).

171 Casablanca Protocol, Article 1. “Whilst retaining their Palestinian nationality, Palestinians currently residing in the land of […] have the right to employment on par with its citizens.”

172 Ibid, Article 2. “Palestinians residing at the moment in […] in accordance with the dictates of their interests, have the right to leave and return to this state. Their right of entry only gives them the right to stay for the permitted period and for the purpose they entered for, so long as the authorities do not agree to the contrary.”

173 Ibid, Article 3. “Palestinians residing in other Arab states have the right to enter the land of […] and to depart from it, in accordance with their interests. Their right of entry only gives them the right to stay for the permitted period and for the purpose they entered for, so long as the authorities do not agree to the contrary.”

174 Ibid, Article 4. “Palestinians who are at the moment in […] as well as those who were residing and left to the Diaspora, are given, upon request, valid travel documents. The concerned authorities must, wherever they be, issue these documents or review them without delay.”

175 Ibid, Article 5.


179 Kuwait reserves the right to interpret Article 1 of the Protocol as excluding the right to conduct “private business” on par with Kuwaiti citizens. Lebanon reserves the right to interpret Article 1 of the Protocol in accordance with prevailing social and economic conditions in Lebanon, and the right of Palestinians to maintain their nationality. It further reserves the right to interpret Article 2 with the added phrase “on equal terms with Lebanese citizens and in accordance with the laws and regulations in operation”; and Article 3 with the added phrases “whenever their interests demand it” and “allowing Palestinians into Lebanon is conditional upon their obtaining an entry visa issued by the concerned Lebanese authorities.” It has also submitted reservations on Articles 4 and 5. The Lebanese reservations on the five articles of the protocol rendered it void of content Khalil, Asem, “Palestinian Nationality and Citizenship Current Challenges and Future Perspectives,” CARIM Research reports 2007/07, Robert Schumann Center for Advanced Studies, p.31. Libya submitted reservations to Article 1 “since dealing with Palestinian citizens in Libya is on par with and equal to dealing with other Arab citizens residing in Libya.” Abbas Shiblak, The League of Arab States and Palestinian Refugees’ Residency Rights. Monograph 11. Ramallah: Palestinian Diaspora and Refugee Centre Sham, 1998, p. 35–36.

180 See for example: Resolution 424, 14 September 1952.


182 The Refugee Convention, on the other hand, guarantees the right to housing (Article 21), public education (Article 22), property ownership (Articles 13-14), freedom of movement (Article 26), and social security (Article 24). Akram S., Rempel, T., (2004), op. cit. p.119.


184 UNGA, Cooperation between the UN and the League of Arab States, UNGA Resolution A/55/401, 21 September 2000.

185 Ibid.


190 Oroub El-Abed, Unprotected Palestinians in Egypt since 1948, Institute for Palestinian Studies/JDRC 2009, Chapter 2.

By the end of 2009 this agreement was yet to be implemented. However, some Palestinian refugees went on a “look-and-see” visit to the site in Khartoum to determine if it was a place they would consider being relocated to: www.maannews.net/en/index.php?option=com_content&view=article&id=36390.

Articles 2 – 4.


Ibid.

Based on: El-Abed O., (2009), op. cit. Chapter 4.

These documents were issued upon request of the Gazans when Gaza was under Egyptian administration. Ibid., Chapter 4.

This includes mostly Christian Palestinians who were granted citizenship in the 1950s under the presidency of Camille Chamoun to keep the balance between Christians and Muslims in Lebanon. Takkenberg, L., (1998), op. cit., p.164.


The Lebanese Palestinian Dialogue Committee (LPDC) was working with UNRWA to implement the government’s new policy by facilitating the issuance of identification cards to non-ID Palestinians. Ibid.

Order No.478 of the Ministry of Internal Affairs. When Libya expelled Palestinian refugees from its territory in 1995, the Lebanese government passed a decree preventing the 15,000 Libya-based Palestinian refugees with Lebanese residence, along with other Palestinians with Lebanese documents, from returning to Lebanon without a special re-entry visa. As a result, thousands of Palestinian refugees were stranded in airports and at borders. This decision was revoked in January 1999. It is estimated that as many as 100,000 Palestinians were unable to return to Lebanon as a result of this procedure. Jaber Suleiman, Marginalized Community: The Case of Palestinian Refugees in Lebanon, United Kingdom: Development Research Centre on Migration Globalization and Poverty, April 2006, p. 15. Takkenberg, L. (1998), op. cit., p.153.


Nationality Law (No. 98) (1954). Jordanian law, however, does not provide automatic citizenship to Palestinians who took up residency in Jordan after 1954.


El-Abed O., (2004), op. cit., Jordan had annexed the West Bank and ruled there until Israel’s occupation in 1967. In the 1970s the Jordanian government called 1967 Palestinian refugees to register, and 240,000 displaced persons followed the call. BADIL, “Palestinians Displaced”, Article 74 (12), p. 3.

Syria, Lebanon, Egypt and some Gulf States are among those who do not honor this temporary travel document. El-Abed, O. (August 2006), op. cit., p.17.


“Palestinian Refugees in Iraq get Special IDs”, The Mideast News Source (25 August 2008); “Iraq: Some Palestinian Refugees to get Special IDs”, IRIN (27 August 2008). Despite the Political Refugee Act (Law No.51) adopted in 1971 which envisages the legal basis for the
provision of asylum for "political or military reasons" the Palestinian refugees were never formally recognized as refugees by successive Iraqi governments. Wengert G. and Alfarou M. (2006), op. cit. p.19

226 UNHCR, 2007 Country Operations Plan, Kingdom of Saudi Arabia and Gulf Countries, Executive Committee Summary, p. 2–3


228 Palestinians living in the Gulf usually fled their homes and took up residence in one of the neighboring countries of Palestine before relocating to the Gulf region. Palestinian refugees in the Gulf states, including Saudi Arabia, generally hold various types of travel documents: Egyptian, Lebanese, Syrian and Jordanian passports, valid for two years, and Palestinian passports. A few hold Iraqi travel documents. UNHCR, 2007 Country Operations Plan, Kingdom of Saudi Arabia and Gulf Countries, Executive Committee Summary, p. 2–3. Many Palestinians residing in the Gulf States with Egyptian travel documents were not able to renew their residence permits. They found themselves in a legal limbo because they had lost their residency rights both in the Gaza Strip (due to their absence during Israel’s 1967 census) and in Egypt (because their temporary residency in Egypt had expired).

229 Nationality Law (1959) as amended by Decree No. 40 (1987), Statute No. 1 (1982), Decree No. 100 (1980) and Statute No. 30 (1970), Palestinian refugees are eligible for residency, which can only be obtained at the request of a Kuwaiti national through the Ministry of the Interior or the Ministry of Social Affairs and Labor. Brand, Laurie Palestinians in the Arab World, Institution Building and the Search for State (NY: Columbia University Press, 1988), p. 113. "Kuwait Restricts Stay of Non-Gulf Co-operation Council Arabs," 4 Middle East New Line 472, 12 December 2002. Under the new regulations, Jordanians, Palestinians, Sudanese and Yemenis are given one-month visas for family visits in Kuwait. These visas may be extended for up to three months. These nationals arriving on business trips are issued one-month non-renewable visas.

230 UNHCR, 2007 Country Operations Plan, Kingdom of Saudi Arabia and Gulf Countries, Executive Committee Summary, p. 2–3

231 Bitar M., (2008) op. cit., p.21


233 For Syria, see Law No. 260, 10 July 1956. Refugees in Syria are exempt from legislation that requires civil servants to hold Syrian nationality for at least five years prior to government service (Decree No. 37 [1949]). Also see Law No. 65 (1950), Law No. 119 (1951), Law No. 162 (1952) and Law No. 250 (1952), cited in Annual Report of the Director of the UNRWA, covering the period 1 July 1951–30 June 1952. UN GAOR, 7th Sess., Supp. No. 13 (A/171), 30 June 1952.


235 In Jordan, entry to professions is blocked as 1967 Palestinian refugees from the Gaza Strip are not allowed to register with professional societies, unions or to establish their own offices, firms or clinics. Only those with security clearance can gain private sector employment. El-Abde O., (August 2006), p.17.


238 Work permits are not required for irregular and poorly paid work in agriculture and construction. See also: Jaber Suleiman, "Legal Issues Governing Palestinians’ Right to Work and Social Security" Lebanese-Palestinian Dialogue Committee Briefing Note, 3 April 2008.

239 The reciprocity policy provides that the right granted to the nationals of a particular State in Lebanon shall also be granted to the Lebanese nationals living in that state. This policy is included in most of the Lebanese laws relating to foreigners, but it primarily targets the Palestinians whom Lebanon exempts from reciprocity. FIDH, Investigative International Mission Lebanon, Palestinian Refugees: Systematic Discrimination and Complete Lack of Interest on the Part of the International Community, No.356 (2 March 2003), p.12-13. With regard to the exemption of refugees from reciprocity see also Article 7 of the 1951 Refugee Convention.

240 The Cairo Agreement provided administrative autonomy to the Palestinian camps and lifted the ban on employment. Following the war in 1985 – 1987, the agreement was unilaterally repealed by the Lebanese cabinet in 1987. Takkenberg L., (1998), op. cit., p.146.

241 Prior to 2005, the Labor Minister barred Palestinians from roughly 70 professions. In 2005, a memorandum was issued which reduced the list to approximately twenty. However, numerous professions, such as engineering, pharmacy, medicine and the law remain off limits.

242 The Cairo Agreement provided administrative autonomy to the Palestinian camps and lifted the ban on employment. Following the war in 1985 – 1987, the agreement was unilaterally repealed by the Lebanese cabinet in 1987. Takkenberg L., (1998), op. cit., p.146.

243 For Syria, see Law No. 260, 10 July 1956. Refugees in Syria are exempt from legislation that requires civil servants to hold Syrian nationality for at least five years prior to government service (Decree No. 37 [1949]). Also see Law No. 65 (1950), Law No. 119 (1951), Law No. 162 (1952) and Law No. 250 (1952), cited in Annual Report of the Director of the UNRWA, covering the period 1 July 1951–30 June 1952. UN GAOR, 7th Sess., Supp. No. 13 (A/171), 30 June 1952.

244 Law No. 8/79 (1970). Also see Decree No. 1658 (1979), which permits foreigners to practice medicine, pharmacy and engineering if they are nationals of states that apply reciprocal treatment to Lebanese nationals. see Aasheim, Petter, “The Palestinian Refugees and the Right to Work in Lebanon,” A Minor Field Study. Graduate Thesis, Faculty of Law, University of Lund (September 2000). (On file at BADIL.)


246 Law No. 48 (1978). During the early years of exile in Egypt, Palestinian refugees were forbidden to work, based on the assumption that refugees would soon return to their homes of origin, and because of the serious unemployment situation in Egypt. Egyptian President Gamal Abdel Nasser introduced more favorable employment laws in 1954 and 1962. For further discussion and relevant legislation, see Brand L., (1988), op. cit., p. 52 –53. The present restrictions on employment in professions were put in place after the death of Egyptian President Gamal Abdel Nasser. El-Abde, O.,(2003), op. cit., p. 8.

247 Article 27 of Law 37 (1981). One of the conditions to obtain the work permit is that the foreign employee must have a certain qualifications that are needed by the employer (Article 3 of Law 43(1988)). “It is unlikely that Palestinians would have expertise or special qualifications that native Egyptians would not have, […] because Palestinians who complete university would have obtained the same kind of degrees as their Egyptian class mates.” El-Abde, O., (2009), p.92.


249 According to the Arab Ministers of Education, Palestinian students are to be treated the same as children of the host state. Brand L., (1988), op. cit., p. 119.
Badil \( \text{Å}\), Keeping Up: A Brief among the Living Conditions of Palestinian Refugees in Syria, Fafo 2007, 27.

El-Abed, O., (August 2006), op. cit., p.17

Decision No. 28 (1960), El-Abed O., Stateless Gazans: Temporary Passports in Jordan, unpublished manuscript (on file at BADIL).

El-Abed, O. (2009), op. cit., Chapter 2.

Ibid.

Decree 12, 6 July 1978.


The education restrictions were imposed in 1978, yet were confirmed or expanded periodically. See for instance, decrees 87, 1983 and 75, 1984, which reiterated the Palestinians' foreign status and reaffirmed the ban on their entering technical faculties.


Decree 24/722/92 (1992). The exempted categories were as follows: (1) Children of public sector employees; children of Egyptian widows and divorced, and children of women who have passed Egyptian high schools exams; (2) Continuous residents of Egypt – those who were born in Egypt and have completed all levels of basic education in Egyptian schools; (3) Students needing financial assistance. El-Abed, O., (2009), op. cit., Chapter 5.

El-Abed, O., (2009), op. cit. Chapter 5.


Law No. 230 of 1996. Also see Casarion Court Decision No. 1930/1966 (30 March 1997), which confirmed that Palestinian holders of two-year passports were non-Jordanian citizens and could not rent or sell immovable property without a permit from the Ministerial Council.

UNHCR, Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country, Aida-Memoire. UNHCR Geneva. December 2006, p. 2. In early 2000, the Iraqi government announced that Palestinians who had resided in the country since 1948 would be granted the right to own property in Baghdad. However, many refugees stated that legal restrictions prohibiting them from registering homes, cars or telephone accounts in their own name remained in force. Flight from Iraq: Attacks on Refugees and other Foreigners and Their Treatment in Jordan. New York: Human Rights Watch, 2003, p. 18.

Law no. 296 of 3 April 2001, restricts the law-decree no.11614 of 14 January 1969 according to which foreigners, including the Palestinian refugees, were entitled to acquire real-estate property on a limited scale up to 3,000 m² in Beirut and up to 5,000 m² in the rest of Lebanon.


According to the Law No. 56 (1988), subject to the approval of the Ministerial Council the total surface area of the property owned by foreigners must not exceed 3,000 m². El-Abed, O., (2009), Chapter 5.

See Law No. 104 (1985). Palestinian refugees were originally exempt from legislation barring foreigners from owning agricultural land, Law No. 15 (1963). Thus, the Palestinians were the only foreigners who still owned agricultural land at the time the Law No. 104 (1985) was enacted. Article 1 of this law stipulated that foreign-owned agricultural land would revert to the state within five years. In light of the above, Palestinians had to sell their property within the allotted time span to avoid uncompensated expropriation. It is worth noting that some Palestinians relied on their immovable property as a financial guarantee for renewing their residency every year. El-Abed O., (2009), op. cit., Chapter Five.

In Kuwait, see Law No. 74 (1979). The property must not exceed 1,000 square meters. Joint ownership with a Kuwaiti citizen is not required in such cases. Natour, S., (2003), op. cit, p. 20.

The United States is a signatory to the 1967 Protocol only and has not ratified the 1954 Refugee Convention.

For in-depth research on this matter see BADIL Handbook (2005) op cit.


141
This may also include Mexico, Nigeria and South Africa, but the small numbers of cases do not permit assessment of application by national authorities.


Ibid, p.217

Ibid, p.231.


Ibid.

UNGA Resolution 194(III), 11 December 1948, para. 2.

UNGA Resolution 394(V), 14 December 1950, A/RES/394(V), para. 2(c).

These included microphotographs of registers of title supplemented by the original registers when the microfilm was missing or defective; Registers of Deeds; Tax Distribution Lists and, failing these, taxpayers' registers; Field Valuation Sheets, and, failing these, valuation lists and taxpayers' registers; schedules of rights (in respect of blocks for which no registers of title had been prepared); parcel classification schedules; land registrars' returns of depositions; and village maps and block plans. For a comprehensive study, see Fischbach, Michael, Records of Deposition: Palestinian Refugee Property and the Arab-Israeli Conflict. New York: Columbia University Press, 2003.

The UNCCP wrote that “the present unwillingness of the parties fully to implement the UNGA resolutions under which the Commission is operating, as well as the changes which have occurred in Palestine during the past three years, have made it impossible for the Commission to carry out its mandate”, UN General Progress Report and Supplementary Report of the UN Conciliation Commission for Palestine, Covering the period from 23 January to 19 November 1951, A/1951, 20 November 1951, paras. 79 and 87. See Parvathaneni, Harish, “UNRWA’s Role in Protecting Palestine Refugees.” Working Paper No. 9, Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, December 2004, p. 15.

For more details, see Terry Rempel, The UN Commission for Palestine and a Durable Solution for Palestinian Refugees. Information and Discussion Brief No. 5, (BADIL Resource Centre, 2000).


Ibid.


The UNGA members still could not agree what changes to make in the UN effort for peacekeeping. The delegate of the United States

suggested to not break the

budget, see UNGAOR, 6th session, Annexes, Agenda item 24(a) (A/2072, 24 January 1952), p.1.


Assistance to Palestinian Refugees, UNGA, A/RES/302(IV), 8 December 1949, para. 7.

According to Article 6 of Resolution 302(IV), all relief and works operations were to be terminated by the middle of 1951.

(1) “Work Relief”, i.e., small-scale training and employment creation; (2) “Works Projects”, i.e., medium-sized public sector government-controlled projects (such as road-building and tree-planting), aimed at creating employment; (3) assistance to and subsidization for small numbers of Palestinian refugees willing to reettle in places such as Argentina, Brazil, Bolivia, Canada, Columbia, Chile, Egypt, Honduras, Iran, Iraq, Kuwait, Libya, Qatar, Sierra Leone, Saudi Arabia, the United States, Venezuela, Germany and Yemen; (4) large-scale regional development projects with regional governments.

Refugees refused to co-operate, wrote letters of protest and organized demonstrations against economic development/integration projects.

See UNGA Resolution 614 (VII), 6 November 1952.

Proposals for the Continuation of UN Assistance to Palestine Refugees, Document Submitted by the Secretary-General. UN Doc. A/4121, 15 June 1959, para. 17.


government for supposed support of the Iraqi occupation.” Although UNRWA’s mandate is limited to its five areas of operation, the Commissioner General made it clear that he favored a pragmatic approach: “I consider that the responsibility of UNRWA extends to Palestinians in all parts of the Middle East [including Kuwait]. If ambivalence is allowed to persist in this respect, this can only delay ad hoc UN protection and humanitarian activities.” As a result, UNRWA sent a special mission to Kuwait from July to September 1992 to assess the situation of the remaining Palestinians in Kuwait (UN doc. A/48/13, 7). The mission operated in close cooperation with UNHCR, yet the effects of this mission were limited. Takkenberg L. (1998), op. cit., p.300-301.


318 UNGA Resolution 37/120(A-K), 16 December 1982, Section J, para. 1.


320 UN SC Resolution 605, 22 December 1987.

321 “From Humanitarian Crisis to Human Development – The Evolution of UNRWA’s Mandate to the Palestine Refugees”, Peter Hansen, Commissioner-General of UNRWA, address to the American University of Cairo, 21 September 2003.


323 Ibid, p. 17.

324 Ibid, p. 17, 18.


333 Executive Committee Resolution No. 46 (XXXVIII) – 1987. See also Executive Committee Conclusion No. 50 (XXXIX) – 1987; Executive Committee Resolution No. 55 (XL) – 1990; Executive Committee General Conclusion on International Protection (XLIII) – 1991; Executive Committee Conclusion No. 68 (XLIII) – 1992; and Executive Committee Resolution No. 71 (XLIV) – 1993. These conclusions ceased after the Oslo process began in 1993, despite the continued protection gap affecting 1948 and 1967 Palestinian refugees.

334 In situations of disasters, or protection of civilians affected by conflict (other than IDPs), UN resident representative or humanitarian coordinator, consult closely with UNHCR, UNICEF and OHCHR to decide which agency should assume the cluster lead at the country-level. UNHCR, Supplementary Appeals for IDPs Programmes 2008, UNHCR’s Participation in the Inter-Agency Response to IDP Needs, January 2008, p. 4. Also see: Inter-Agency, Terms of Reference, IASC Cluster Approach Evaluation 1st Phase, 25 April 2007, footnote 1.

335 UNRWA and UNHCR, The UN and Palestinian Refugees, January 2007, p. 5.


339 UNRWA and UNHCR, The UN and Palestinian Refugees, January 2007, p. 3.


341 The lack of information about assistance and protection to Palestinian refugees fleeing Iraq is largely due to the difficulties of gaining accurate data in Iraq at present, as well as financial constraints.

342 UNHCR, “Palestinians/Iraq”, summary of what was said by the UNHCR spokesperson at the Palais des Nations briefing in Geneva, 30 January 2007.

343 The agreement has not been implemented yet. However, some Palestinian refugees recently went on a “look-and-see” visit to the site in Khartoum to determine if it was a place they would consider being relocated to www.maannews.net/en/index.php?option=com-showdetails&ID=36390.

344 “Palestinians from Iraq being Resettled in the U.S.”, Stephen Kauffman, America.gov.

345 UNHCR chief urges adherence to humanitarian principles in Gaza conflict, News Stories, 5 January 2009.

346 See: http://www.un.org/Depts/dpa/qpal/committee.htm

347 The UNGA mandated the establishment of a Special Unit on Palestinian Rights in the United Nations Secretariat to assist the Committee in its work (resolution 32/40 B of 2 December 1977), which was later redesignated as the Division for Palestinian Rights. See: http://www.un.org/Depts/dpa/qpal/dpr.htm.

348 UNGA, Respect for and implementation of human rights in occupied territories, 19 December 1968, A/RES/2443. In 1972, the GA requested to also investigate allegations concerning the exploitation and looting of the resources of the occupied territories; UNGA Resolution 3005 (XXVII), 15 December 1972.


350 Ibid, para.119.

351 See, for example: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, A/63/273, 13 August 2008, para.119.

354 Ibid, para.9.
356 Ibid, para.11.
359 Ibid, rec.51.
360 Ibid, rec.36.
361 Ibid, rec.39.
362 Ibid, rec. 27.
363 Ibid, rec.38.
364 www2.ohchr.org/english/bodies/chr/special/index.htm
368 "The international community, speaking through the United Nations, has identified three regimes as inimical to human rights - colonialism, apartheid and foreign occupation. Numerous resolutions of the General Assembly of the United Nations testify to this. Israel's occupation of the West Bank, Gaza and East Jerusalem contains elements of all three of these regimes, which is what makes the Occupied Palestinian Territory of special concern to the international community." "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard Implementation Of General Assembly Resolution 60/251 Of 15 March 2006", A/HRC/4/17, 29 January 2007 para 58. "What are the legal consequences of a regime of occupation that has continued for nearly 40 years? Clearly none of the obligations imposed on the occupying Power are reduced as a result of such a prolonged occupation. But what are the legal consequences when such a regime has acquired some of the characteristics of colonialism and apartheid? Does it continue to be a lawful regime? Or does it cease to be a lawful regime, particularly in respect of 'measures aimed at the occupants' own interests'? And if this is the position, what are the legal consequences for the occupied people, the occupying Power and third States? Should questions of this kind not be addressed to the International Court of Justice for a further advisory opinion?" Ibid, para 62
373 Ibid, p. 4–5.
375 Human Rights Situation in Palestine and Other Occupied Arab Territories, combined report of the Special Rapporteur, A/HRC/10/22, 20 March 2009, para. 100.
376 Ibid, para. 105.
377 Ibid, para. 87, 88.
378 In 2007, BADIL Resource Center and the Centre on Housing Rights and Evictions (COHRE), filed a communication on behalf of a group of displaced individuals of the Palestinian communities of: (1) Kafr Bir'im, forcibly removed from their land in 1948, and (2) Arab As-Subeih, a Bedouin community in the Naqab whose land had been progressively seized by Israeli authorities. Despite the fact that the communication met the admissibility criteria and was initially accepted for review, it was shelved by the Secretariat in June 2008, without providing reasons for the decision.
381 CERD, Concluding Observations on Israel, CERD/C/ISR/CO/13, 14 June 2007, para.18.
382 Ibid, para.35.
383 Ibid, para.37.
385 CRC, Concluding observations on Lebanon, CRC/C/LBN/CO/3, 8 June 2006.
386 CEDAW, Concluding Comments on Lebanon, CEDAW/C/LBN/CO/3, 8 April 2008, paras.40-41.
389 Protection Cluster Working Group of the OPT, Protection Strategy October 2009 – 2010 (on file at BADIL). The “cluster approach” is an inter-agency refined collaborative approach to address the gaps and strengthen the effectiveness of humanitarian response, through building partnerships among UN humanitarian, human rights, and development agencies as well as non-governmental and other international organizations. The cluster approach is supposed to ensure “predictability and accountability in international responses to
humanitarian emergencies, by clarifying the division of labor among organizations, and better defining their roles and responsibilities within the different sectors of the response.” The global cluster approach aims to fill capacity and response gaps in critical sectors, including protection. [www.humanitarianreform.org/humanitarianreform/Default.aspx?tabid=70](www.humanitarianreform.org/humanitarianreform/Default.aspx?tabid=70) In 2006, an Inter-Agency Protection Cluster Working Group (PCWG) led by OHCHR-oPt was established in the OPT.

390 Save the Children UK et al., Broken Homes: Addressing the Impact of House Demolitions on Palestinian Children & Families, 15 June 2009, p. 34.


396 ICRC statement sent by e-mail to BADIL, Ref: JER07E3110, ICRC Jerusalem, Wednesday, 9 May 2007.


402 International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 9 July 2004, paras. 151, 153.

403 ICJ’s Advisory Opinion on the Wall, para. 153.

404 Ibid, paras. 119–120, 163.

405 UNGA Resolution ES-10/15, 20 July 2004. 150 votes in favor and six against (United States, Israel, Australia, Marshall Islands, Micronesia and Palau). Abstaining were Cameroon, Canada, El Salvador, Nauru, Papua New Guinea, the Solomon Islands, Tonga, Uganda, Uruguay and Vanuatu.


408 COHRE and Stop the Wall, Rights without Remedy, July 2008.


410 Letter by the Technical Working Group on the UN Register of Damage (comprising Palestinian and international NGOs) to the UNSG ahead of his visit to the OPT, 24 March 2007 cited in COHRE and Stop the Wall, Rights without Remedy, p.10.


412 The Rome Statute does not define a state, leaving it to the ICC to make such a determination. Professor John Dugard has made a strong argument that Palestine should be considered a state for the purpose of the Rome Statute. John Dugard, “Take the Case,” The New York Times, 23 July 2009.

413 The Geneva Conventions provide for imperative universal jurisdiction over any person committing any of the grave breaches regardless to his or her nationality, based on actual custody: Article 49 GCI; Article 50 GCII; Article 129 GCIII; Article 146 and GCIV. Luc Reydam, Universal Jurisdiction: International and Municipal Legal Perspectives, (Oxford, NY 2006). See also Article V of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and Article 5 of the CAT.


415 For an overview and analysis of cases, see, for example, “Litigating Palestine”, Al-majdal, no. 41 (Spring-Summer 2009), BADIL Resource Center.
An UNRWA food distribution center, Rafah refugee camp, 1950s. (© UNRWA)
Preface

Refugees and IDPs have the right to assistance. Humanitarian assistance is an integral part of protection, and includes the provision of food, shelter, health and education services. In armed conflicts, the primary responsibility for providing humanitarian assistance to the needy civilian population rests with the parties of the conflict that are in effective control of the territory in which the population resides. International assistance is required when states are either unable or unwilling to act on their obligations to assist refugees and IDPs.

Despite Israel being the primary party obliged to provide humanitarian assistance to the Palestinian population in Israel and the OPT, including refugees and IDPs, it has acted as the primary cause for these communities requiring assistance in the first place. Israel has used limited assistance to Palestinian IDPs in its sovereign territory as a political tool aimed at silencing claims for reparations, including return and housing and property restitution. It has deliberately obstructed the work of humanitarian personnel in the OPT, and used crippling blockades and repeated military assaults to devastate Palestinian communities, including refugees and IDPs. These measures have been employed in the service of leveraging humanitarian pressure to force Palestinians to renounce their legitimate human rights, including the right to return, self-determination and the right to political representation.

The nature and scope of assistance provided to Palestinian refugees in Arab host states where 61 percent of Palestinian refugees reside, varies considerably between countries and has undergone changes over time. Most are not signatories to the 1951 Refugee Convention, nor have they incorporated the Guiding Principles on Internal Displacement within their national policies. Levels of assistance in these states tend to reflect national and regional political considerations rather than humanitarian concerns.

While international humanitarian assistance for displaced Palestinians has played an important role throughout the years, large shortfalls remain. The absence of an international agency with an explicit mandate to provide assistance to Palestinian IDPs in Israel and the OPT particularly stands out in the context of Israel’s dispossessive measures on both sides of the Green line. While humanitarian assistance has mitigated the effects of the conflict on Palestinian refugees and IDPs, it can only be a temporary measure aimed at alleviating suffering and cannot substitute for a comprehensive political solution. In reality however, the contemporary regime of humanitarian assistance that has developed for Palestinian refugees and IDPs, has come to replace effective efforts to find durable solutions to the plight of these vulnerable groups as envisaged under international law and UN resolutions.
4.1 Introduction: Humanitarian Assistance

Every human being, including refugees and IDPs, has the right to humanitarian assistance in order to “ensure respect for the human rights to life, health, protection against cruel and degrading treatment and other human rights which are essential to survival, well-being and public emergencies.” Humanitarian assistance is an integral part of protection. It refers to the impartial, neutral and non-discriminatory provision of aid “to prevent and alleviate human suffering, and to protect life and health and to ensure respect for the human being.” It may encompass “any material indispensable to the survival of victims, such as foodstuffs, water, medication, medical supplies and equipment, minimum shelter, clothing, [...] medical services, and tracing services.”

In armed conflicts, the primary responsibility for providing humanitarian assistance to the needy civilian population rests with the parties of the conflict that are in effective control of the territory in which the population resides. Only if these parties are unable or unwilling to assume their obligations should outside relief action be taken. The 1949 Fourth Geneva Convention regulates the provision of food and other goods for persons in occupied territories.

States signatories to the 1951 Refugee Convention and its Protocol are under the obligation to “accord refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.” Records from the drafting history of the Refugee Convention confirm that this provision “must be given a broad interpretation” and that it is “subject to immediate and unqualified realization, with no possibility of invoking differentiating treatment.” In response to a government’s request, UNHCR assists and complements the efforts of national authorities by acting “as a channel for assistance from the international community, and by coordinating and monitoring implementation of the assistance.” UNHCR has a responsibility to ensure that the “immediate material needs of the refugees are met effectively and appropriately.”

Because many refugees find themselves in the midst of armed conflict, refugee law is often closely linked to international humanitarian law. Under international humanitarian law, victims of armed conflict, whether displaced or not, should be respected, protected and provided with impartial assistance.
With regard to assistance for IDPs, the 1998 Guiding Principles on Internal Displacement address their specific rights and needs and reiterate that States have the primary responsibility to “provide humanitarian assistance to IDPs within their jurisdiction.” The Guiding Principles identify rights and guarantees relevant to IDP assistance during displacement as well as during return and reintegration. They also affirm the right of IDPs to request and to receive humanitarian assistance.

Humanitarian organizations have the right to offer humanitarian assistance to states without this being regarded as an unfriendly act or interference in the internal affairs of a state. Governments must give their consent for such humanitarian assistance provided that the necessary requirements are fulfilled, namely, that the international relief operation is humanitarian, impartial and neutral. In situations of armed conflict where a non-state party is in de facto control of the territory where the relief operation is to be held, humanitarian organizations in practice also require the consent of such a party. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance. It has been argued that a denial of humanitarian assistance can constitute a crime under international law. Once a relief operation is accepted, the authorities are under an obligation to cooperate, for instance, by facilitating rapid access of the relief consignments and guaranteeing their protection. When a humanitarian assistance offer is refused without justification, or when the provision of humanitarian assistance encounters serious difficulties, the competent UN organs, under Chapter VII of the UN Charter, “may undertake necessary measures, including coercion, in accordance with their respective mandates, in case of severe, prolonged and mass suffering of populations, which could be alleviated by humanitarian assistance.”

4.2 Israel’s Failure to Assist

4.2.1 Palestinian IDPs in Israel

In 1952, Israel announced that it would assume responsibility for the 1948 displaced Palestinians in its territory. UNRWA subsequently ceased its services for this group of Palestinian IDPs (see also Chapter Three, 3.3.1.2) and no more international humanitarian assistance has been provided to them. From then onwards, Israel has used limited assistance to Palestinian IDPs in its sovereign territory as a political tool aimed at silencing the claims of Palestinian IDPs for reparations, including return and housing and property restitution.

In the period of Israel’s military rule over its Palestinian population (1948 – 1966), an Israeli Refugee Rehabilitation Authority (RRA) operated primarily in official and semi-official “shelter villages” to which the IDPs had fled. The RRA supervised housing construction in these Palestinian villages with the aim to encourage involuntary local integration or resettlement of Palestinian IDPs through a housing assistance program. The program was guided by two basic criteria: preservation of the demographic changes that had resulted from the 1948 war, and preservation of Jewish control over temporarily abandoned Palestinian land. Services were conditioned upon IDPs relinquishing their claims to property and lands in their villages of origin. The number of IDPs handled by the RRA was, however, small. It resettled 204 families (1,020 persons) in Israel, and transferred 1,489 persons outside the borders of Israel.

In 1958, for instance, the Israeli government launched a construction program aimed at improving housing conditions in “shelter communities” and villages with high IDP concentrations, and to counter the phenomenon of “illegal construction” in Palestinian communities. Lands for the housing construction program were allocated by a Permanent Land Commission from among state lands, including “absentee property” and confiscated Palestinian-owned lands. Some 700 loans and grants were issued to individuals in some 80 villages.

In general, Palestinian IDPs have access to public services on par with other Palestinian citizens of Israel, who, as a group, experience institutionalized discrimination and a lower level of services compared to Jewish citizens.
Israel’s policy of denying access to public services to so-called Palestinian communities living in “unrecognized” villages has induced subsequent forced displacement, in particular in the Naqab. Palestinian victims of subsequent, including contemporary, forced internal displacement do not receive humanitarian assistance from national authorities or international humanitarian organizations.

4.2.2 Palestinian Refugees and IDPs in the OPT

Israel as the Occupying Power exercises territorial jurisdiction over the OPT. As such, it is the primary party obliged to provide humanitarian assistance to the Palestinian population in the OPT, including refugees and IDPs. Under international humanitarian law, “the occupying Power has the duty of ensuring the food and medical supplies of the population. It should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.” Provision of assistance also means that if Israel’s supplies are inadequate, it must agree to relief provided by outside sources and is obliged to allow the free passage of objects necessary to the survival of the civilian population.

In practice, between 1967 and 1994, Israel’s military government in the OPT maintained rudimentary public services for the occupied Palestinian population, through its “civilian arm”; the so-called “Civil Administration.” Similar to the policy applied on Palestinian IDPs in Israel, humanitarian assistance, in particular family reunification and access to special medical treatment, have been used as a political tool for obtaining the cooperation and compliance of the local civilian population.

As a result of the interim agreements of the Oslo peace process since 1994, administration of civil affairs was transferred to the newly established Palestinian Authority (PA) in the OPT, and Israel was released from the financial burden of providing public services and humanitarian assistance to the Palestinian population under occupation. Since then, Israel has on many occasions prevented or delayed the delivery of humanitarian assistance provided by the PA, PLO and international organizations. Israel thereby deliberately obstructs the work of humanitarian personnel in the OPT, leaving the Palestinian victims, including refugees and IDPs, without basic medical attention, food and other services in violation of both international human rights and humanitarian law. Since
2006, Israel has implemented an ever-tightening blockade of the occupied Gaza Strip, where the large majority of the population are 1948 Palestinian refugees. Israel has repeatedly targeted and indiscriminately attacked public facilities, including medical facilities, water and sanitation networks, electricity, gas, agriculture, fisheries and industries. Israel thereby further erodes Palestinian access to basic services and goods and increases dependency on international humanitarian aid.

### Assistance by the PLO and the Palestinian Authority

The PLO Department of Refugee Affairs is the national body responsible for assistance to Palestinian refugees in all areas of exile. In the past, assistance was provided through PLO run medical facilities, economic enterprises and factories, pensions and scholarships. However, the level of PLO assistance has been susceptible to political developments in host countries. In Lebanon, for example, the expulsion of the PLO in 1982 led to a significant reduction in assistance to Palestinian refugees, eventually leading to the establishment of NGOs to fill the assistance gap. Since the mid-1990s, the PLO has been unable to provide effective assistance to Palestinian refugees in exile. By 1994, the Oslo peace process had resulted in the relocation of the PLO to the OPT, where the organization merged de facto with the PA, invested its resources mainly in building institutions for the expected state, and neglected its responsibility to assist Palestinian refugees in exile.

In the OPT, the Palestinian Authority/Ministry of Social Affairs, family and friends networks, charities and NGOs constitute the main sources of assistance to the non-refugee population, including new IDPs, while UNRWA is the main provider of services to Palestinian refugees, including newly displaced refugees. The PLO Department of Refugee Affairs provides additional assistance to refugees.

The ability of the PLO and PA to provide public services and assist Palestinian refugees and IDPs in the OPT has been limited by the limited powers granted to them under the terms of the Oslo peace process and the shortage of independent resources. Since 2006, it has been further undermined by the sanctions imposed on the PA by the Quartet in response to the Hamas election victory, the subsequent Palestinian leadership and governance crisis, and Israel’s ongoing occupation and effective control over the OPT, in particular Israel’s blockade of the occupied Gaza Strip.

### 4.3 Humanitarian Assistance by Arab Host States

The nature and scope of assistance provided to Palestinian refugees in Arab host states has undergone changes over time and varies considerably between countries.

In 1950, the League of Arab States (LAS) agreed to co-operate with UNRWA in the discharge of its responsibilities, “provided that every state should declare its reservations to the said Agency in respect of the final settlement of the Palestinian problem and the right of refugees to return to their homes and to be compensated for their funds and properties.” The LAS emphasizes the importance of continued support for UNRWA as a sign of international responsibility for the Palestinian refugee case, until the refugee issue is resolved on the basis of UN Resolution 194(III). The LAS and member states have not encouraged a role for UNHCR in assisting Palestinian refugees in UNRWA areas of operations, mainly due to concerns that UNHCR involvement might result in a drop of international donor support for UNRWA, and for other political reasons. (See Chapter Three)

Most states in the Middle East where the majority of Palestinian refugees reside are not signatories to the 1951 Refugee Convention, nor have they incorporated the Guiding Principles on Internal Displacement within their national policies. Regionally, the 1965 Protocol on the Treatment of Palestinians (“Casablanca Protocol”), adopted by the League of Arab States (LAS), and the 1969 Organization of African Unity (OAU) Convention Governing Specific Aspects of Refugee Problems in Africa, applicable to African-Arab states, do not include explicit provisions for public relief and assistance on par with host-state nationals. Moreover, not all member states of the LAS are signatories to the Casablanca Protocol, and few Palestinian refugees reside in OAU Convention signatory states. In many of these states, levels of assistance often reflect national and regional political considerations rather than humanitarian concerns.
Egypt established refugee camps in Cairo (al-‘Abbasiyya) and in al-Qantara. A smaller number of refugees managed to secure private accommodation in the country. The camps were eventually closed in 1949, and Palestinian refugees found housing mainly in Cairo and Alexandria, or in camps in the Gaza Strip, which was then under Egyptian control.

Today, approximately 61 percent of Palestinian refugees reside in Arab host states. Most Arab host states have established special bodies linked to the Ministry of Interior and/or the Ministry of Social Affairs to administer the humanitarian affairs of resident Palestinian refugees and co-ordinate delivery of international assistance. These include the Department of Palestinian Affairs in Jordan,33 the Department of Political Affairs and Refugees (DPAR) (formerly the Directorate General for Palestinian Affairs) in Lebanon, the General Authority for Palestine Arab Refugees in Syria (GAPAR), the Office of the Military Governor in Egypt, and the Ministry of Displacement and Migration (formerly Department of Palestinian Affairs) in Iraq.

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

Arab host states generally provide Palestinian refugees with access to health care and education, as well as basic infrastructure for the camps. Some Arab states carry a significant financial burden in assisting Palestinian refugees in their territory, and contribute to humanitarian assistance in the OPT via transfers of grants and donations to Palestinian charities, national institutions, and the PA.

### Table 4.1: Access to Public Education by Palestinian Refugees in UNRWA areas of Operation

<table>
<thead>
<tr>
<th>Type of Services</th>
<th>Syria</th>
<th>Jordan</th>
<th>OPT</th>
<th>Lebanon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>Free access</td>
<td>Free access</td>
<td>Free access</td>
<td>Limited access</td>
</tr>
<tr>
<td>Preparatory</td>
<td>Free access</td>
<td>Free access</td>
<td>Free access</td>
<td>Limited access</td>
</tr>
<tr>
<td>High school</td>
<td>Free access</td>
<td>Free access</td>
<td>Free access</td>
<td>Limited access</td>
</tr>
<tr>
<td>University</td>
<td>Free access</td>
<td>Limited access with tuition fees (200 places reserved for camp refugees). Limited access to 1967 refugees from Gaza. Access with tuition fees.</td>
<td>Limited access. Certain fields of studies are prohibited to Palestinians.</td>
<td></td>
</tr>
</tbody>
</table>
4.4 International Humanitarian Assistance for Displaced Palestinians

Since 1948, the United Nations has upheld the need for assistance of Palestinian refugees. In 2008, the UN General Assembly, for example, stated that:

“[R]epatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not yet been effected, and that, therefore, the situation of the Palestine refugees continues to be a matter of grave concern and the Palestine refugees continue to require assistance to meet basic health, education and living needs.”

In 2008, the UN General Assembly again urged international donors, agencies and organizations and non-governmental organizations to extend to the Palestinian people, as rapidly as possible, emergency economic assistance and humanitarian assistance to counter the dire humanitarian situation in the OPT.

The Limits of Humanitarian Assistance

Humanitarian assistance has mitigated the effects of the conflict on Palestinian refugees and IDPs. This assistance has also often prevented the worsening of humanitarian crises. It is only however a temporary measure aimed at alleviating suffering. In this regard, UNRWA has noted that “emergency assistance is no substitute for a comprehensive political solution; it can only mitigate the effects of the crisis on the most vulnerable.”

In reality, since the UNCCP ceased its protective mandate, the regime of humanitarian assistance developed for Palestinian refugees and recently for IDPs, has effectively replaced all efforts to find durable solutions to the plight of these vulnerable groups as envisaged under international law and UN resolutions.

4.4.1 International Humanitarian Organizations

Private voluntary organizations, governments, and the International Committee of the Red Cross (ICRC) in cooperation with the League of Red Crescent Societies (LRCS) were the first to provide emergency relief assistance to Palestinian refugees in 1948. The UN established several disaster relief programs in 1948 to coordinate and fund humanitarian operations in Palestine, including the UN Relief for Palestine Refugees (UNRPR), which was established in November 1948.

Following the decision by private voluntary organizations to terminate relief operations in Palestine, UNRWA was established by the UN General Assembly in 1949, to provide international assistance to all persons displaced during the 1948 war in Syria, Lebanon, Jordan, the West Bank and the Gaza Strip (UNRWA’s area of operation). The Agency’s mandate was later expanded to...
include humanitarian assistance on an emergency basis to Palestinians displaced as a result of the 1967 war and subsequent hostilities.

Palestinian refugees outside UNRWA’s area are eligible for assistance from UNHCR in line with the current interpretation of the 1951 Refugee Convention and division of roles between UNRWA and UNHCR.39 Humanitarian assistance provided by UNHCR to these Palestinian refugees, however, has remained limited.40

Currently, there is no international agency with an explicit mandate to provide assistance to Palestinian IDPs in Israel and the OPT. No international agency has provided assistance to IDPs in Israel since UNRWA ceased to operate there in 1952. Elsewhere, international humanitarian assistance is provided to displaced Palestinian refugees and IDPs on an emergency basis. UNRWA’s mandate to provide such humanitarian assistance, for example, has been re-affirmed by the UN General Assembly most recently in 2008, when it called upon the Agency to:

"[C]ontinue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are internally displaced and in serious need of continued assistance as a result of recent crises in the OPT and Lebanon."41

In the OPT, the humanitarian crisis was aggravated by the international embargo imposed on the PA in the wake of the January 2006 election, and dependence on humanitarian assistance has increased. Since the split of the PA in mid-June 2007, most international donor assistance has been channeled to the PA in the occupied West Bank whose medium term plan gives preference to economic development in urban population centers rather than humanitarian assistance. The ability of local authorities and the international community to deliver basic public services and humanitarian assistance has decreased in particular in the occupied Gaza Strip,42 where the collapse of the local economy and Israel’s blockade and military operations have had a disproportionate and devastating effect on vulnerable groups such as refugees and IDPs.43 According to the World Bank, poverty in the Gaza Strip (based on household income) rose to almost 67 percent of the population in 2008, with about 80 percent relying on some form of United Nations humanitarian assistance.44

First line response to forced displacement in the OPT is provided by the ICRC and UNRWA (for displaced refugees) in the form of emergency assistance. Delivery of intermediate and long term assistance to forcible displacement have remained inadequate.45 (See also Chapter Three, Sections 3.3.5.2 and 3.3.5.7)

Denial of Humanitarian Access

UNRWA’s relationship with host governments is based on bilateral agreements and the principles set out in the UN Charter and the 1946 Convention on United Nations Privileges and Immunities. Under the UN Charter, member states are obliged to grant UNRWA “every assistance in any action it takes in accordance with the present Charter” (Article 2), and to respect the privileges and immunities the Agency requires in order to fulfill its mandate (Articles 100, 104 and 105).

Under the Fourth Geneva Convention, Israel as an Occupying Power has an obligation to cooperate with humanitarian organizations,
UNRWA was established under UNGA Resolution 302(V), 8 December 1949, with the purpose: “(a) To carry out in collaboration with local governments the direct relief and works program as recommended by the Economic Survey Mission; (b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available.”

Since then, UNRWA has been the main provider of international assistance to Palestinian refugees in Jordan, Lebanon, Syria, the West Bank and the Gaza Strip.

Initially, the UNGA accorded UNRWA a short-term mandate, based on the expectation that the plight of the refugees would soon be resolved in accordance with the framework set forth in UNGA Resolution 194. Following the 1967 war, UNRWA’s mandate was expanded to include the provision of humanitarian assistance on an emergency basis and as a temporary measure to other persons in the area who are displaced and are in serious need of immediate assistance as a result of the 1967 and subsequent hostilities. Since 1949, UNRWA’s mandate has been extended on a regular basis, most recently until 30 June 2011, due to the lack of a durable and just solution to the Palestinian refugee plight.

UNRWA registers and delivers assistance to 1948 Palestinian refugees in line with its working definition of a
“Palestine refugee.” The eligibility rules issued in 1993 define a “Palestine refugee” as “[a]ny 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.”

Until 2006, children of registered refugee women married to non-refugees were not eligible for most UNRWA benefits. Since then, UNRWA has incorporated gender-neutral registration guidelines and extended services to such women and children.

In 2007, UNRWA reported that its relief and social service program was unable to complete registration of the children of registered refugee women married to non-refugees as a result of insufficient funds to hire additional staff required. UNRWA also provides assistance on an emergency basis to 1967 Palestinian refugees and persons displaced in subsequent hostilities, including displaced refugees, but the Agency does not maintain a register of such persons.

UNRWA’s regular assistance program includes education programs, health and social services programs, microfinance and micro-enterprise programs, housing and infrastructure support. In 2004, a large UNRWA donor-initiated conference was held in Geneva to enhance the level of engagement of the Agency with the international community, and to increase support for the needs of Palestinian refugees. Participants to the conference recommended that UNRWA adopt a rights-based approach to its assistance program and operations. (See Chapter Three)

Arab host states made significant contributions towards assistance programs for Palestinian refugees during the early years of displacement after the 1948 war. The U.S. State Department, for example, noted that during the last nine months of 1948, Arab states had borne “the great brunt of relief expenditures” and that the sum of their contributions (US $11 million) “in light of the very slender budgets, [was] relatively enormous.” UNRWA’s largest donors in 2007 and 2008 were the United States, European Union, Sweden, Norway and the U.K. In all Arab host countries where UNRWA operates, the Agency has remained the main provider of basic education, health, relief and social services for Palestinian refugees, followed by host governments and the private sector. Education is UNRWA’s largest program; it accounted for over 50 percent of UNRWA’s budget in 2007. Other main budget items were health services (20 percent), relief and social services (9 percent), operational and technical services (5 percent), and the Agency’s common services (4 percent).

In May 2008, UNRWA reported that its project budget for the same year had remained largely unfunded which the organization warned result in “non-implementation of badly needed infrastructural requirements essential for the efficient delivery of services to registered Palestinian refugees.” Moreover, it left UNRWA with ever-smaller funds for investing in improving the quality of the Agency’s services.
I. Education

The Agency has four main educational programs: school development; technical and vocational education and training; teacher training; and education planning and management. It also offers a limited number of university scholarships to qualified refugee youth. Lack of adequate funding has prevented UNRWA’s Vocational Training Centers from offering the variety of courses that meet the requirements of local labor markets. In 2007, UNRWA granted 200 scholarships, among them 73 to students from families defined as “special hardship cases.”

UNRWA is the main provider of elementary and preparatory education to Palestinian refugees in the OPT, Lebanon, Syria and Jordan, followed by public schools. UNRWA provides only elementary and preparatory level education, except in Lebanon where it also provides limited secondary education.

At the end of 2008, UNRWA ran 689 schools and ten vocational training centers attended by approximately half a million refugee children and youth. UNRWA employed 21,217 education staff, the majority of whom are Palestinian refugees. In 2007, UNRWA, in cooperation with UNHCR and UNICEF, opened a tent school for Palestinian refugee children stranded at the al-Tanf border crossing between Iraq and Syria. As of May 2008, UNRWA had built three temporary prefabricated schools following the destruction of the Nahr el-Bared camp in 2007.

Table 4.2: UNRWA School Population, Number of Schools, Education Staff and Training Places, 1999 – 2008

<table>
<thead>
<tr>
<th>Year</th>
<th>Elementary, Preparatory, and Secondary Pupils</th>
<th>Schools</th>
<th>Education staff</th>
<th>Vocational &amp; Technical Training Centers (VTTC)</th>
<th>VTTC Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>468,651</td>
<td>640</td>
<td>14,050</td>
<td>8</td>
<td>4,664</td>
</tr>
<tr>
<td>2000</td>
<td>477,216</td>
<td>639</td>
<td>14,803</td>
<td>8</td>
<td>4,709</td>
</tr>
<tr>
<td>2001</td>
<td>486,026</td>
<td>644</td>
<td>15,437</td>
<td>8</td>
<td>4,891</td>
</tr>
<tr>
<td>2002</td>
<td>490,949</td>
<td>656</td>
<td>15,234</td>
<td>8</td>
<td>5,101</td>
</tr>
<tr>
<td>2003</td>
<td>491,978</td>
<td>663</td>
<td>15,814</td>
<td>8</td>
<td>5,111</td>
</tr>
<tr>
<td>2004</td>
<td>488,795</td>
<td>652</td>
<td>16,123</td>
<td>8</td>
<td>5,223</td>
</tr>
<tr>
<td>2005</td>
<td>485,471</td>
<td>663</td>
<td>19,557</td>
<td>8</td>
<td>5,431</td>
</tr>
<tr>
<td>2006</td>
<td>484,781</td>
<td>666</td>
<td>20,973</td>
<td>8</td>
<td>5,669</td>
</tr>
<tr>
<td>2007</td>
<td>481,130</td>
<td>684</td>
<td>21,962</td>
<td>9</td>
<td>5,856</td>
</tr>
<tr>
<td>2008</td>
<td>479,156</td>
<td>689</td>
<td>21,217</td>
<td>10</td>
<td>6,395</td>
</tr>
</tbody>
</table>

Source: UNRWA Public Information Office, UNRWA Headquarters (Gaza), UNRWA in Figures (Figures as of 31 December of each year until 2008).

The largest student population served by UNRWA schools is in the occupied Gaza Strip with 198,860 pupils in 2008. Years of under-funding have left refugee children in Gaza crammed into 124 school buildings. 89 percent of these schools operate on a “double shift” basis, where the same school facility accommodates two consecutive school streams - one in the morning and the other in the afternoon. In 2006, 77 percent of UNRWA schools in its five areas of operation were operated on double-shifts, which is a practice that constitutes the “antithesis of a conducive learning environment for children. Given the pressure it generates on facilities and staff, it frequently leads to shortened school days and a lack of space and time for extra-curricular activities.” Short-falls in UNRWA’s budget are likely to prevent construction of urgently required additional schools in the near future.

The education program follows the curricula of host governments in order to facilitate the transition of UNRWA students to public and private secondary and post-secondary level education. UNRWA schools enjoy gender parity with half of its pupils being girls. The Agency also offers special education services to help children with learning difficulties participate in mainstream educational programs. Nevertheless, there is as yet no comprehensive system in place to identify these students. It is estimated that 20 percent of children in
UNRWA schools, i.e., roughly 100,000 children, may require – and are not at the moment receiving – special help under this initiative.77

II. Health Care

UNRWA has been the main primary health care provider for Palestinian refugees for the past six decades. The Agency safeguards and promotes the health status of the refugees within available means and in a manner consistent with the principles of the UN, the basic concepts and strategic approaches of the World Health Organization, the Health Millennium Development Goals and the Convention on the Rights of the Child. However, as a result of chronic under-funding the Agency faces an immense challenge to maintain improvements in the health profile of Palestinian refugees and raise the quality of service delivery to international standards.78

UNRWA health services are divided into four main categories: medical care services; environmental health in refugee camps; nutrition and supplementary feeding; and program management. Medical care services are divided into primary, secondary and tertiary care. Primary medical care is provided directly and at no cost to refugees registered with UNRWA. This includes a comprehensive maternal and child program, family planning, treatment of common diseases, and dental care. UNRWA also provides specialist care, including physiotherapy, radiology, cardiology and ophthalmology.

UNRWA runs one of the most cost-effective health services in the region, with comparable or better results than other health providers. However, medical resources are stretched, especially when compared to host authorities. One problem with the delivery of the Agency’s health services relates to the high patient caseload. UNRWA’s 127 clinics handle almost 9 million consultations per year.79 On average, doctors see 95 patients per day as opposed to the ideal standard of 70.80
National health assistance is important given that UNRWA does not generally operate secondary and tertiary health facilities for Palestinian refugees. Hospital beds in public and private hospitals are paid for by the Agency, because UNRWA operates only one hospital in the occupied West Bank town of Qalqilya. UNRWA provides financial assistance for vital secondary health care services (such as hospitalization for life-saving treatment), while tertiary care provided by the Agency includes prosthetic devices, specialized medical investigations, and life-saving medicines. Refugees share health-care costs through co-payment towards secondary and tertiary care. Because socio-economic conditions in Lebanon are especially harsh, refugees there are exempt from the co-payment system for secondary and tertiary care, although co-payments are required for specialized life-saving treatment.

Table 4.3: Access to Public Health-care Systems for Secondary and Tertiary Care Services

<table>
<thead>
<tr>
<th>Access to health care services and insurance</th>
<th>Syria</th>
<th>Jordan</th>
<th>Lebanon</th>
<th>OPT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access – universal health coverage &amp; cost-sharing with UNRWA.</td>
<td>Access – on average, 50% of refugees have insurance &amp; cost-sharing with UNRWA.</td>
<td>Limited access – more than 90% of refugees do not have insurance. UNRWA covers nearly all costs.</td>
<td>Access – on average, 50% of refugees have insurance &amp; cost-sharing with UNRWA.</td>
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</tr>
</tbody>
</table>

In Syria, nearly all Palestinian refugees have public insurance.81 Palestinian refugees have access to the state-run public health system, which provides universal health coverage.82 This includes hospitals, clinics and mother-care centers. Prenatal care and primary care for children under the age of three are available free of charge at public clinics. Although the public health system provides universal coverage, it is struggling to meet the demand as a result of population growth.83 In 2005, the Syrian government increased the costs of hospitalization by 460 percent, straining the capacity of both UNRWA and the refugee population to meet the cost.84 Private clinics and hospitals, and UNRWA play a more significant role than public clinics and hospitals in treating refugees.

Palestinian refugees also have access to the public health system in Jordan, which covers most health services and also provides pharmaceuticals.85 Nearly two-thirds of 1948 and 1967 refugees outside camps lack health insurance, while only half of the camp population has insurance.86 Prenatal care and primary care for children under the age of three are available free of charge at public clinics. Government-sponsored family planning is not available in Jordan. Public and private health clinics and hospitals, and UNRWA play equal roles in treating refugees however, few non-camp refugees use UNRWA health facilities.

Palestinian refugees have limited access to public health care in Lebanon.87 Few can afford private health care, which plays a larger role in the delivery of secondary and tertiary health care in Lebanon than in other Arab host countries. The importance of the private sector can be attributed to the under-developed public health care system in Lebanon. As in the OPT, private health care expanded significantly during periods of conflict, when public health services collapsed. UNRWA and private health clinics and hospitals therefore tend to play a greater role than public hospitals and clinics in treating Palestinian refugees.

In the OPT, Palestinian refugees and non-refugees have equal access to the public health system operated by the PA, the Palestine Red Crescent Society, and private providers.88 Prenatal care and primary care for children under the age of three years are available free of charge at public clinics. Women with public health insurance may use maternity services at public hospitals free of charge. However, public facilities charge for postnatal checkups. As in Jordan, sponsored family planning is not available in the OPT. UNRWA and private clinics play a greater role than public clinics in treating refugees.89 Several UNRWA health installations were damaged during the Israeli military operations, in particular in the occupied Gaza Strip.
Some environmental health services, such as the installation of sewerage, drainage and water networks, and the provision of safe drinking water in refugee camps, are also provided by UNRWA, particularly in Lebanon and the OPT, through contractual arrangements with local municipalities or private contractors.

### III. Relief and Social Services

Humanitarian relief was historically the core of UNRWA’s activities. The goal of UNRWA’s relief and social services program is to provide aid to the most vulnerable and neediest refugees. Beneficiaries include elderly, female-headed households, sick and disabled. Services provided by the relief and social services program include food support, shelter rehabilitation and cash assistance to families living in conditions of special hardship; community based social services; access to subsidized credit and the maintenance, and, updating and preservation of records and documents of the registered refugee population.

**Special Hardship Cases** – Services to special hardship cases (SHC) include food support; shelter rehabilitation; selective cash assistance in emergencies; preferential access to vocational training courses; higher coverage of hospitalization costs, and a variety of community-based social services. However, financial constraints have forced UNRWA to limit its services and the admission of new hardship cases, thereby excluding many vulnerable persons in need of assistance. In 2007, for instance, only 1,564 families, i.e., 2.4 percent of all SHC families, benefited from special support owing to austerity measures. At the end of 2008, UNRWA had identified 257,222 SHC, accounting for six percent of the registered refugee population. The largest number of households receiving special assistance is in the Gaza Strip, followed by Jordan and Lebanon.

**Shelter and Infrastructure** - Arab host states provide state land or rented private land for the 58 UNRWA-serviced refugee camps located in Syria, Jordan, Lebanon and the OPT, as well as varying degrees of infrastructure for the camps. Shelter rehabilitation is needed for shelters that do not meet minimally acceptable standards for structural soundness, hygiene, ventilation, and space relative to family size. During 2007, UNRWA completed the rehabilitation of 1,163 shelters for special hardship families, representing 13 percent of the total 9,500 shelters identified as being in need of rehabilitation.

In **Syria**, some refugee camps were originally established in dilapidated military barracks used by allied forces in World War II. In 2000, UNRWA and the Syrian government undertook a pilot rehabilitation project aimed at reducing overcrowding in the Neirab camp by relocating families to 300 newly-constructed houses in the nearby Ein al-Tal camp (Phase I), as well as improving living conditions in the Neirab camp (Phase II). The Syrian government also provided a new water supply network to serve the houses in Ein el-Tal camp. The United Arab Emirates contributed funds to alleviate the slum-like conditions of the camp through Phase II of the Neirab Rehabilitation Project. At the request of the refugees and the government of Syria,
a clause was added to the agreement stipulating that participation in the project would not affect the right of return of the Palestinian refugees involved.

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

Refugee camps in **Lebanon** were established on public and private land. In the 1950s, some landowners resorted to the courts in order to remove Palestinian refugees from their lands. The government demanded that UNRWA relocate some of the refugee camps elsewhere in Lebanon, as well as some refugee homes built next to official camps on land not allocated for that purpose. Since the destruction of Nahr-el Bared and part of the area bordering the official camp boundaries by the Lebanese Armed Forces in 2007, UNRWA has also been repairing and upgrading buildings and infrastructure in areas adjacent to the camp, in order to provide additional accommodation for numerous families. As of May 2008, three temporary shelter sites have been constructed in an adjacent area for housing of families living in unacceptable conditions in the Beddawi camp where they had initially found shelter.

In the **Gaza Strip**, approximately two-thirds of refugee campsites are on public land and one-third are on private land, which was provided to UNRWA by the Egyptian authorities prior to Israel’s occupation of the area. In the **West Bank**, most of the camps are established on private land. Since 2003, additional land has been made available by the PA in the occupied Gaza Strip and West Bank for re-housing refugees displaced by Israel’s military operations. Rebuilding efforts are underway in the Gaza Strip subsequent to Israel’s military campaign Operation Cast Lead. UNRWA’s ability, however, to repair and rehabilitate damaged shelters depends on the availability of construction materials in Gaza, which are very limited due to the Israeli blockade.

**IV. Economic Development**

**UNRWA micro-finance and micro-enterprise program** - In 1991, UNRWA launched a micro-finance and micro-enterprise program in the OPT in response to rapidly deteriorating economic conditions marked by high unemployment and spreading poverty in the wake of the first Intifada and the first Gulf War. The program was expanded to Jordan and Syria in 2003, and in 2005 a new housing micro-finance project was introduced in the Gaza Strip. UNRWA’s microfinance department aims to promote economic development and to alleviate poverty among Palestinian refugees. By mid-2008, the department had financed over 150,000 enterprise, consumer and housing loans to clients in the West Bank, Gaza Strip, Jordan and Syria.

**Economic recovery** - Labor force participation rates in the OPT are low and dropping. In the course of 2008, UNRWA’s temporary job creation program generated temporary work for almost 10,000 destitute refugees in the Gaza Strip at any one time. Unemployed workers benefit from temporary employment inside and outside UNRWA in a range of skilled, unskilled and professional positions.

Regarding the possibilities of economic development in the OPT, the World Bank noted that “currently, freedom of movement and access for Palestinians in the West Bank is the exception rather than the norm contrary to the commitments undertaken in a number of Agreements between [Israel] and the PA.” In 2007, the World Bank noted that “economic recovery and sustainable growth will require a fundamental reassessment of closure practices, a restoration of the presumption of movement, and review of Israeli control of the population registry and other means of dictating the residency of Palestinians within the [West Bank and Gaza Strip] as embodied in the existing agreements between the [Government of Israel] and the PLO.” Irrespective of the above, the World Bank reported that in 2008 economic and movement restrictions have increased.
V. Emergency Assistance

UNRWA operates in a region profoundly affected by the Israeli-Palestinian conflict and its consequences in terms of violence and a worsening socio-economic situation. Emergency conditions, especially in the OPT, “impose heavy operational and financial burdens on the Agency, threatening the sustainability and quality of UNRWA services and necessitating emergency appeals” to complement the fundraising activities for the regular budget. Throughout six decades of operation, UNRWA provided emergency humanitarian assistance during political and humanitarian crises in its five areas of operation.

During the early 1980s, the Israeli invasion of Lebanon largely undid the Agency’s work of three decades in the country. Emergency operations at the time included distributing food rations, blankets, mattresses, kitchen supplies, clothing, water and medical supplies. After the Sabra and Shatila massacres in 1982, UNRWA was left with the task of providing emergency care to the wounded and the families of the some 3,000 refugees massacred by Israeli-allied Lebanese Phalangist militiamen, as well as reconstructing camps and Agency infrastructure. Many of the same emergency services were provided to Palestinian refugees during the first Intifada in the OPT.

Since the second Intifada in 2000, UNRWA has administered an extensive program of emergency assistance for refugees affected by armed conflict, closures and the deteriorating economic situation in the OPT and Lebanon. Interventions seek to: (1) provide social safety net assistance to alleviate the impact of increasing poverty and unemployment, through targeted programs of food aid, temporary job creation and cash assistance; (2) guarantee access to essential public services; (3) protect the rights of refugees while using strategies that focus on the immediate and long-term impacts of the conflict.

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

In 2007, UNRWA provided coordinated emergency assistance to around 2,000 persons displaced from Um El-Nasser village in the Gaza Strip as a result of a massive sewage spill at the beginning of that year. In coordination with other service providers, the Agency provided temporary shelters, food, blankets, mattresses and hygiene kits for the displaced.

In 2007 and 2008, UNRWA launched Emergency Appeals to the donor community to attend to the humanitarian needs that resulted from the emergency situation in the OPT. UNRWA received only 55 percent of the amount appealed in its 2007 Emergency Appeal. In 2008, confirmed pledges were less than 50 percent. By May 2008, UNRWA had received only 33 percent of the amount requested. UNRWA has warned that the insufficient donor pledges to its Emergency Appeal prevent the Agency from adequately addressing the humanitarian needs of the refugees resulting from the escalating emergency in the OPT.
On 5 December 2008, UNRWA launched the 2009 Emergency Appeal for the OPT, which is the largest appeal since 2000. On that day, UNRWA noted that “current developments leave little prospect of improvement in the immediate future, and the ranks of those dependent on humanitarian assistance continues to grow.” In the wake of the 2008/2009 Israeli “Operation Cast Lead” and the continuing blockade of the Gaza Strip, the need for emergency assistance rose significantly. Coordinated emergency assistance was provided to Palestinians who lost their houses and/or were displaced. At the height of hostilities, UNRWA was operating 50 emergency shelters for over 50,000 displaced persons. Thousands of other Gazans sought refuge with family members. Assistance has also been extended to needy non-refugees, in close coordination with other aid organizations such as ICRC. In January 2009, UNRWA was providing food assistance to around 650,000 refugees in Gaza through its Emergency Appeal and Special Hardship Case programs.

Emergency appeals were also launched by UNRWA to attend to the humanitarian needs that resulted from the emergency situation in Lebanon both in 2007 and 2008. The siege and destruction of Nahr el Bared by the Lebanese Armed Forces in 2007 left thousands of Palestinian families without homes. Several thousand refugees were initially provided with emergency shelter in UNRWA and public schools, mosques, kindergartens and community centers. Others were provided collective temporary accommodation for a few months. In coordination with the UN Country Team and UN Resident Coordinator’s Office, UNRWA worked with the ICRC and national and international NGOs through six clusters (shelter/waste, health, education, protection, livelihoods, food security), in order to provide relief assistance to displaced refugees. UNRWA and partners pledged to provide emergency water and electricity supplies until the local Lebanese authorities and utility providers are able to resume normal services. With regards to the destroyed Nahr el Bared refugee camp, UNRWA appealed to donors in the Gulf to assist with reconstruction. Nevertheless, by October 2008, 91 percent of the pledged funds for the rebuilding of Nahr el Bared were from Western governments.

4.4.1.2 Other Humanitarian Organizations

In addition to UNRWA, a number of humanitarian organizations contribute relief and services to the Palestinians, among them:

UN High Commissioner for Refugees (UNHCR)

The first Gulf war (1990-91) dramatically intensified the need of Palestinian refugees for international protection and assistance. UNHCR played an extensive role in extending both material and assistance and international protection to the displaced as a result of the conflict, including large numbers of Palestinians.

In Iraq, Palestinian refugees were originally housed in schools and other public buildings. The government also rented (or subsidized the rental of) housing for these refugees. In the 1970s, the government built high-rise apartment blocks to resolve the housing crises in Baghdad and Mosul. All national housing assistance came to a halt in 2003 in the context of the U.S.-led war and occupation of Iraq, and has not been resumed. Since 2003, UNHCR has been coordinating the provision of assistance with UNRWA, and has participated in delivering emergency assistance to Palestinian refugees stranded on the border between Syria and Iraq. Despite limited access to Al Waleed camp, UNHCR was able to distribute food rations and non-food items, electricity, and fuel through the Italian Consortium for Solidarity (ICS). The ICRC provided water, sanitation services, and medical supplies. In early 2008, UNHCR made a call for urgent humanitarian assistance to Palestinian refugees living under inhumane conditions in two camps on Iraq’s border with Syria. UNHCR expressed its concerns about the health situation in the camps, which became increasingly dire as proper medical care and viable alternatives are lacking. Medicines are in short supply, and many residents suffer from asthma, cancer, and heart problems. ICS has been taking seriously ill patients to a hospital every two weeks. Yet, the nearest proper medical facility in Iraq is more than 400 kilometers away. Neighboring countries such as Syria have tightened entry requirements, particularly for Palestinians, and it is extremely difficult to obtain admission of patients with urgent medical needs for treatment.
UNHCR statistics at the end of 2008 indicate that the Agency had assisted 17,976 Palestinian refugees worldwide, whereas 342,681 Palestinian refugees were registered with the Agency as a population of concern. Thus, less than 5 percent of the Palestinian refugees of concern to UNHCR were assisted by the Agency in 2008.

**UN Office for the Coordination of Humanitarian Affairs (OCHA)**

OCHA is the UN body charged with strengthening the coordination of humanitarian assistance to complex emergencies. The OCHA-OPT office was established following the second Intifada in 2000 in response to the deteriorating humanitarian situation in the OPT caused by Israel’s military incursions and closures. OCHA-OPT aims to improve the humanitarian situation by enhancing coordination between agencies to ensure effective distribution of humanitarian assistance.

**International Committee of the Red Cross (ICRC)**

ICRC responds to home demolitions by providing affected Palestinian families with tents and basic household and hygiene items, as needed, to help them through the first couple of weeks after displacement. Some 1,187 people (185 households) and 1,560 people (230 households) whose homes had been destroyed or damaged received ad hoc food assistance, emergency shelter and essential household items in 2007 and 2008, respectively. The ICRC also regularly intervenes with the Israeli authorities to remind them of their obligations under international humanitarian law and to address the humanitarian consequences of such demolitions.

**Non-Governmental and Charitable Organizations**

Non-governmental organizations (NGOs) played a key role in providing assistance to displaced Palestinians during the 1948 Nakba. Major international non-governmental aid agencies in 1948 included the American Friends Service Committee, as well as the ICRC in cooperation with the League of Red Crescent Societies. Most NGOs, however, soon transferred responsibilities to the host country authorities and/or UNRWA.

Until the beginning of the 1990s, NGOs played a limited role, and many Palestinian refugee communities did not receive aid from such organizations. In Lebanon, NGOs were barred from operating in the camps between 1959 and 1969, when camps were placed under strict military surveillance. Moreover, Lebanese law barred NGOs from providing services to non-Lebanese, including Palestinian refugees. In Israel, internally displaced Palestinians were subject to military rule until 1967, and very few NGOs existed to provide assistance to these IDPs or advocate on their behalf.

By the 1990s however, the number of local NGOs offering various services to Palestinian refugees in Arab host countries had doubled. NGOs offered social, medical and financial assistance, culture and sports programs, as well as special services for women, disabled persons and youth. The growth of NGO activities can be attributed to the decrease in assistance provided by the PLO, greater political freedom, and growing international investment in the wake of the Oslo process, in particular in the OPT. Palestinian refugees themselves became more active as they sought means of influence and change. In 2000, over 60 Palestinian and international NGOs committed to utilize “expertise and experience in communication, education, advocacy and assistance in locally and internationally coordinated efforts on behalf of Palestine refugees.”

In the OPT, many local organizations working in the refugee community are multi-service-oriented. A large number focus on women, children and education. Since the beginning of the second Intifada, Palestinian and international NGOs have had to shift part of their activities towards emergency relief operations, such as providing food aid, emergency employment, and essential medical supplies. NGOs in the OPT have also been criticized for severing their relationships with grassroots organizations and popular movements in response to the Madrid-Oslo peace process and donor policies, and for treating Palestinian refugees as beneficiaries and not rights bearers. Many
international humanitarian NGOs, such as Care International, Save the Children, Islamic Relief, and World Vision, have provided assistance to Palestinians displaced as a result of Israel's "Operation Cast Lead" in the Gaza Strip, including shelter, food and non-food items.

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

In Jordan, by contrast, NGOs operate only a small number of the available health centers. The vast majority of health centers in refugee camps in Jordan are private. There are also fewer Palestinian NGOs in Jordan than in Lebanon or the OPT. They usually work on governance and women’s issues and provide training. In Syria, the number of local Palestinian organizations is increasing; most focus on the rights of women, children and refugees, and development and environmental matters.
In Jordan, the department responsible for Palestinian refugees is linked directly to the Office of the Prime Minister. Kuwait, Lebanon, and Libya endorsed the Protocol, but with reservations. Saudi Arabia, Morocco and Tunisia are not signatories.

Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen are signatories, but (with the exception of Egypt) host only small numbers of Palestinian refugees.


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UNGA Resolution, Assistance to the Palestinian People, A/63/L/50, 5 December, 2008.

UNRWA Emergency Appeal 2007, p. 3.

For example Principle 27 of the Guiding Principles on Internal Displacement explicitly notes that when providing assistance international humanitarian organizations should give due regard to the protection needs and human rights of IDPs. See Chapter Three


Paragraph 1 of Article 1D of the Refugee Convention and paragraph 7(c) of UNHCR Statute. See Chapter Three.

See Chapter Three, Section 3.5.5.3, for more details about gaps in international protection and assistance.

UNGA Resolution 63/93, Operations of UNRWA, A/RES/63/93, 18 December, 2008, para.7. See also: UNGA Resolution, Persons Displaced as a Result of the June 1967 and Subsequent Hostilities, ARES/63/92, 18 December 2008, para. 3, calling upon UNRWA to “[c]ontinue 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.”
42 See in this regard Human Rights Situation in Palestine and Other Occupied Arab Territories, combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health et. al., A/HRC/10/22, 20 March, 2009, para.7.


45 Save the Children UK et. al., Broken Homes: Addressing the Impact of House Demolitions on Palestinian Children & Families, 15 June, 2009, p.54.

46 See for instance Articles of 59-61 of the Fourth Geneva Convention. Warring parties, however, have the right to supervise the operation and impose certain restrictions, Article 59-63 of the Fourth Geneva Convention

47 Comay-Michelmore Agreement, 14 June, 1967. Michael Comay was then the political adviser to the Foreign Minister and Ambassador at large of Israel, and Lawrence Michelmore was UNRWA Commissioner-General. The agreement is reprinted in Schiff, Benjamin, Refugee into the Third Generation: UN Aid to Palestinians, Syracuse, New York: Syracuse University Press, 1995, p. 295–96.


50 Human Rights Situation in Palestine and Other Occupied Arab Territories, combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health et. al., A/HRC/10/22, 20 March, 2009, paras. 33 and 50.

51 Ibid., paras. 33 and 50.


53 Ibid., para.56.

54 UNRWA, Consolidated Eligibility and Registration Instructions, 1 January, 1993, para.2.13, see Annex 2. This new definition eliminated UNRWA’s previous requirement of need and initial flight, in 1948, to a country within UNRWA’s area of Operation. See in this regard op. cit Takkenberg, (1998), p.68-76.

55 See also Christine M. Cervenak, “Promoting Inequality: Gender-Based Discrimination in UNRWA’s Approach to Palestine Refugee Status”, 16 Human Rights Quarterly 300 (1994).


57 On registration of Palestinian refugees, see Chapter Two.


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

91 Food assistance includes five basic commodities distributed on a quarterly basis (flour, sugar, rice, milk and oil). As many refugees as UNRWA reported in 2008 that it introduced new and more accurate ways to identify refugees in greatest need in the OPT and that a
89 According to a 1997 survey by the Health, Development and Policy Institution (HDIP), approximately 40% of refugees seek treatment at
88 For an overview, see Babille, Marzio et. al., Finding Means, Vol. III, p. 22.
87 For a brief overview, see Babille, Marzio et. al., Finding Means, Vol. III
86 World Bank Technical Team, “Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy”,
84 For an overview, see Babille, Mazzio et. al., Finding Means, Vol. III, p. 16, 21–22.
82 For a brief overview, see Babille, Mazzio et. al., Finding Means, Vol. III, p. 18.
80 For a brief overview, see Babille, Mazzio et. al., Finding Means, Vol. III, p. 16.
79 Ibid., p. 18.
77 In the 2004–2005 academic year, 12,718 children benefited from these programs, which include audio-visual programs, curriculum enrichment materials, and self-learning kits. UNRWA, Report of the Commissioner-General of UNRWA, 1 July 2004 – 30 June 2005.
76 UN GAOR, Sixtieth Session, Supp. 13 (A/60/13), 2005, paras. 37, 38, 39, para. 46, p. 11.
73 “The assistance was hit hard in 2006 due to severe budget cuts, resulting in an almost 90% reduction in available funds”, UNRWA, General Fund Appeal 2008 – 2009, p.25.
72 Special Hardship Cases are defined as households having no male adult medically fit to earn an income, and no other identifiable means of financial support above a defined level.
71 “Over the course of its 50 years of operating, UNRWA has launched numerous emergency funding appeals to cover the costs of emergency programs. In 1997, for example, UNRWA launched a special emergency appeal for Lebanon (totaling US $11 million) for essential health, education, relief and social services so as to alleviate financial pressure resulting from the damage caused by the Israeli invasion. 111 UNRWA, Emergency Appeal 2009, November 2008.
61 “Over the course of its 50 years of operating, UNRWA has launched numerous emergency funding appeals to cover the costs of emergency programs. In 1997, for example, UNRWA launched a special emergency appeal for Lebanon (totaling US $11 million) for essential health, education, relief and social services so as to alleviate financial pressure resulting from the damage caused by the Israeli invasion. 111 UNRWA, Emergency Appeal 2009, November 2008.
58 UNRWA, Gaza Quick Response Plan, January 2009 (on file at BADIL).
56 UNRWA, Gaza Quick Response Plan, January 2009 (on file at BADIL).
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117 Ibid.
118 Ibid.
120 "The reversal of Gaza's humanitarian crisis extends beyond the entry of goods, and must include the access of the population to the West Bank for all purposes, Israel and elsewhere for health, education and other social services", The World Bank, *Palestine Economic Prospects: Aid, Access and Reform*, 22 September, 2008, p.25.
121 See in this regard, OCHA, *Gaza Crisis Response*, June 2009.
124 Ibid.
126 Ibid.
127 "UN Calls for Arab Funds for Refugees", *XinHua*, 9 October, 2008.
129 The Iraqi governments of Abdel-Karim Qasem (1959) and Ahmad Hassan al-Bakr (1970) were responsible for constructing most Palestinian housing in the al-Salam, al-Horiyya and al-Baladiyat districts of Baghdad in response to the pressing need to house Palestinian refugees. Following the 1948 exodus to Iraq, and until the 1970s, many Palestinians were housed in poor living conditions in old schools and military camps under the direct supervision of the Iraqi Ministry of Defense. See *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999. Under Saddam Hussein’s regime, three buildings were constructed in the al-Baladiyat area. See “Displaced Yet Again,” Saad Rasha *Al-Ahram*, Issue 641, 5 – 11 June, 2003. The Iraqi government also rented houses for Palestinian refugees. An estimated 63% of the Palestinian refugees in Baghdad (1,466 families, comprising 8,944 refugees) benefited from such government-provided houses. *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999. (Available from BADIL.)
131 UNHCR concerned about situation of Palestinians on Iraq border, 18 March, 2008.
133 UNHCR concerned about situation of Palestinians on Iraq border, 18 March, 2008.
135 www.ochaopt.org
137 In Syria, for instance, the Association for the Liberation of Palestine was formed in 1948 to provide assistance to Palestinian refugees. By mid-1948, however, the number of refugees in Syria had grown too large to manage effectively, and the association appealed to the Syrian government for help. Assistance included relief in kind and cash payments, extra allowances for pregnant women, and free medical care for the sick. Orphans were provided with food, lodging and primary education. In Egypt, the Higher Committee responsible for Palestinian refugee affairs, together with the Egyptian Red Crescent and international non-governmental organizations, established an assistance system for 5,000–7,000 Palestinian refugees with material supplied by the UN and later through USAID.
140 See World Bank and Bisan Center for Research and Development, *The Role and Performance of Palestinian NGOs in Health, Education and Agriculture*, December 2006, p. 27.
Palestinian citizens of Israel commemorate 60 years of Nakba in the destroyed village of Safouriya, near Nazareth. (© BADIL)
POLITICS AND THE QUESTION OF PALESTINIAN REFUGEES AND IDPs

Preface

Resolving the plight of refugees and IDPs in accordance with international law has become an integral part of peace agreements. A rights-based approach to refugees and IDPs includes acknowledging the right to return, restitution and compensation, and has been recognized as one of the pillars of just and durable peace. Peace negotiations between Israel and Arab states, and later the PLO, have not however followed a rights-based approach. Official efforts to find a solution to the Palestinian refugee question have been politically driven, sidelining Palestinian refugees and IDPs and their rights to return, restitution and compensation.

A first round of official negotiations on the question of 1948 Palestinian refugees was facilitated by the UN (1949–1952) and based on UNGA Resolution 194(III). A second round was conducted under the sponsorship of the United States and based on the 1993 Declaration of Principles (Madrid-Oslo process 1991–2001). The issue of 1967 Palestinian refugees was raised during peace negotiations between Egypt and Israel in the late 1970s (at Camp David), as well as during the interim negotiations of the Madrid-Oslo process. Internally displaced Palestinians in Israel and the OPT were not explicitly addressed during the negotiations of the Madrid-Oslo process because they were considered an internal matter by those taking part in discussions.

Politically-driven efforts have failed to bring about Israeli-Palestinian peace or durable solutions for Palestinian refugees and IDPs. The gap between the positions of the negotiating parties has remained unbridgeable as Israel rejects refugee return and restitution as a principle or right, so as to safeguard a Jewish majority among its population and retain control over land confiscated from Palestinian refugees. Regardless of persistent demands by Arab states and the PLO, no mechanism for enforcing international law, including UNGA Resolution 194(III), has been established in peace negotiations with Israel, due to a lack of political will from powerful Western states, particularly the U.S. and E.U. within the framework of the UNSC and its “Quartet.”

In the absence of effective protection of their rights to return, restitution and compensation, Palestinian refugees and IDPs have attempted to protect these rights themselves. During the 1990s, marginalization by the Madrid-Oslo process set in motion a renaissance of organizing and protest by Palestinian refugees, exiles and civil society. This in turn created a Palestinian constituency for the right of return that could no longer be dismissed by Palestinian negotiators or ignored by the international community. In 2005, Palestinian refugee and IDP community organizations joined in a broad Palestinian civil society call for a strategic campaign of boycotts, divestment and sanctions (BDS) against Israel until it complied with its legal obligations under international law, including its obligation towards the Palestinian refugees. Building on growing international awareness of Israel’s colonialism and apartheid, and inspired by the campaign against apartheid in South Africa, global participation and impact of the BDS Campaign has grown exponentially, in particular since Israel’s 2008/2009 military aggression against the occupied Gaza Strip. By 2009, the BDS call served as a reference for most initiatives worldwide, including the explicit demand for implementation of the right of return of Palestinian refugees.

Year 2008 also witnessed one of the largest mobilizations ever of Palestinian refugees commemorating 60 years of their dispossession. In contrast to the prediction of Israel’s first Prime Minister Ben Gurion that “the old will die and the young will forget,” history has proven otherwise. Recent attempts to destroy the Palestinian collective identity and struggle bind new generations of Palestinians directly to the older ones and the exile to home. Without a rights-based approach to addressing the root causes of Palestinian displacement – causes which include the denial of the right to self-determination, ethnic cleansing, colonization, foreign occupation, racial discrimination and practices of ethnic/religious separation akin to international recognized forms of apartheid - no peace process can be effective or meaningful.
5.1 Background: Refugees, IDPs and Peace Agreements

The right of return has been recognized and respected on many occasions as early as the 13th century with the Magna Carta. More recently at the end of WWI, the first peace treaty between the Bolshevik government in Russia and Germany, Austria-Hungary, Bulgaria and Turkey, concerned the return of prisoners of war and interned civilians. The Treaty of Brest-Litovsk of 1918 included provisions guaranteeing that prisoners of war and interned or exiled civilians were to be returned to their countries of origin “as soon as possible,” that for ten years from the Treaty, all residents of the states’ parties coming from the territory of other parties would “have the right to return to their country of origin” upon agreement of the receiving state; and all parties agreed to complete immunity of prisoners of war and of all civilians for any acts committed during the occupation period.1


All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.2

Annex 7 of the Dayton Peace Agreement also includes detailed provisions setting up a framework that guarantees respect for the rights and needs of refugees and displaced persons, including those choosing to return, and the establishment of a repatriation plan by the UN High Commissioner for Refugees. Respect for the rights of refugees and IDPs is an intrinsic component of peace agreements.

Why are rights-based solutions for Palestinian refugees and IDPs so important for sustainable peace?

A rights-based approach to resolving the question of Palestinian refugees and IDPs is crucial for sustainable peace because it allows all displaced Palestinians to freely choose their preferred durable solution, including return, restitution, and compensation. It is also an appropriate response to the demands for justice of the Palestinian people, 70 percent of whom are refugees and IDPs. The core of such a solution would involve acknowledgment by Israel of its responsibility for the displacement and dispossession of the Palestinian people, recognition of the right of return of Palestinian refugees, and implementation of a solution in accordance with international law and the relevant UN Resolutions. Moreover, a rights-based solution would reverse violations of international law through reparations and lay the foundation for reconciliation and peace-building. Failure to apply a rights-based approach to the search for durable solutions for Palestinian refugees and IDPs is likely to undermine the prospects of sustainable peace. Such failure would also carry the risk of implicitly sanctioning further mass displacements in the future.

In other words, the right of return of forcibly displaced Palestinians is central to sustainable peace because it is a matter of direct, material and ethical concern to millions of Palestinians and other Arab people who need to see that the root causes of the protracted conflict, i.e., Zionist Israel’s racist policies and practices of colonialism and ethnic cleansing that caused the Palestinian Nakba, will no longer be tolerated but removed and corrected in the context of peacemaking. The lead role of Palestinian refugees in the establishment of the PLO in 1964 with the objective to achieve return, freedom and self-determination is an indicator of the human and political importance of this matter. This also explains why Palestinian refugees will not agree to rescind these fundamental individual and collective rights in exchange for some form of limited Palestinian sovereignty in (parts of) the OPT. Irrespective of the political contours of any future solution, whether one state or two, Palestinians therefore overwhelmingly view return, restitution and compensation of the refugees and IDPs as the litmus test of whether a solution is just and hence acceptable.
5.2 Bilateral and Multilateral Negotiations on the Palestinian Refugee Question

The question of the 1948 Palestinian refugees has been tabled for political negotiation twice in 61 years, and neither round succeeded in reaching an agreement or solution. The first round of talks between Israel and Arab states was facilitated by the UN (1949–1952) and based on UNGA Resolution 194(III), while the second took place between Israel and the PLO under the sponsorship of the U.S. and based on the 1993 Declaration of Principles (Madrid-Oslo process 1991–2001). The question of 1967 Palestinian refugees was raised in the peace negotiations between Egypt and Israel in the late 1970s, and in the interim negotiations of the Madrid-Oslo process, but remained unresolved.

1948 displaced Palestinians who remained in the territory that became Israel (1948 IDPs) were integral to the “refugee question” addressed in the first round of UN-facilitated negotiations. Soon after these talks collapsed, Israel agreed to take responsibility for Palestinians displaced in its territory and UNRWA transferred their records to Israel in 1952.1 One result was that these Palestinian IDPs thus ceased to be considered part of the “Palestinian refugee question” by the UN and the international community. They were subsequently excluded from negotiations in the Madrid-Oslo process.

Palestinian IDPs in the OPT since 1967 were not recognized as a matter of concern and their issue was not explicitly addressed in peace negotiations. During the negotiations in the late 1990s, the PLO demanded that Israel issue a block payment of compensation for damages incurred by Palestinians (including IDPs) in the OPT during decades of military occupation. However, the right of IDPs to return and restitution was considered a matter best addressed by the incumbent independent state of Palestine.

5.2.1 Negotiations concerning the 1948 Palestinian Refugees

1949–1952

Early peace negotiations between Israel and the Arab states began in 1949 and ended in 1952. Negotiations were facilitated by the UN Conciliation Commission for Palestine (UNCCP) and based on UNGA Resolution 194(III). Two UNCCP-facilitated peace conferences in Lausanne (1949) and Paris (1951) aimed to achieve a permanent solution for Palestinian refugees and a comprehensive peace agreement. Although the question of Palestinian refugees featured centrally in these negotiations, Palestinians did not enjoy direct representation.

The 1949 conference in Lausanne was held to draw up details of a final and comprehensive peace agreement, and included territorial questions, the status of Jerusalem and the refugee issue. Arab delegates maintained that Israel’s recognition of the right of Palestinian refugees to return to their homes and receive compensation, as provided for in UN Resolution 194(III), was a condition for comprehensive peace negotiations. The UNCCP considered that it had a specific mandate to resolve the refugee question, and was willing to press Israel to accept the principles laid out in UN Resolution 194(III). Israel, however, refused to accept these principles (the right of return, in particular) and insisted that the refugee
question should be addressed only as part of the negotiations concerning an overall peace settlement. Israel advised the conference that it could re-admit up to 100,000 refugees in the context of a comprehensive agreement, but reserved the right to resettle the repatriated refugees in locations of its choosing. Both the UNCCP and the Arab representatives found the Israeli proposal unsatisfactory. A request by the Arab delegations for the immediate return of all refugees originating from territory allotted to the “Arab State” under the 1947 UN Partition Plan was also rejected by Israel. The UNCCP subsequently tried to facilitate agreement by means of a memorandum that proposed that "the solution of the refugee problem should be sought in the repatriation of refugees in Israel-controlled territory and in the resettlement in Arab countries or in the area of Palestine not under Israel’s control of those not repatriated." While Arab delegates agreed to negotiate on this basis, the Israeli delegates said that they would discuss the proposal only if "the solution of the refugee problem was to be sought primarily in resettlement in Arab territory." In other words, while Arab states and the UNCCP agreed that the choice was between "repatriation and compensation for damages suffered, on the one hand, or no return and compensation for all property left behind, on the other", Israel held that "the desirability of achieving demographic homogeneity in order to avoid minority problems was the principle which should govern the process of repatriation." According to UNCCP, Israel’s position was a result of its "unwillingness to relinquish the land that belonged to the refugees."

In 1951, a second peace conference was convened in Paris. Israel argued that economic, political and security concerns made the return of refugees impossible, and that "the integration of the refugees in the national life of Israel was incompatible with present realities." Arab states maintained that there could be no limitation on the return of the refugees and linked Israel’s recognition of the right of return of Palestinian refugees to the prospects for peace in the Middle East. The UNCCP continued to envisage both repatriation of refugees to Israel and integration in Arab countries as components of a solution of the refugee question. However, the UNCCP now also argued that because the conditions in Israel had changed considerably since 1948, repatriation of refugees would have to take into consideration "the possibilities of the integration of the returning refugees into the national life of Israel", thereby adding absorption capacity as a new criteria for determining the number of Palestinian refugees eligible to return. Due to the incompatibility of the positions taken by the parties, the UNCCP further suggested that, even at the cost of straying from the letter of UNGA Resolution 194(III), the parties had "to depart from their original positions in order to make possible practical and realistic arrangements towards the solution of the refugee problem."

Soon thereafter, the UNCCP recognized that it had failed in its task. Probably as a result of the failure of the Paris conference, it concluded in 1951 that it had “been unable to make substantial progress in the task given to it by the General Assembly of assisting the parties to the Palestine dispute towards a final settlement of all questions outstanding between them.”

1991–2001

Political negotiations on the question of Palestinian refugees were resumed, based on the Madrid Peace Conference of 1991 and the 1993 Declaration of Principles on Interim Self-Government Arrangements, which established, for the first time, direct Palestinian representation through the PLO. The Madrid-Oslo process set up two separate tracks to address the refugee issue: a political bilateral track, and a more technical multilateral track formed in 1992 to address regional issues such as water, regional economic development, arms control, and refugees. Under Article V of the Declaration of Principles, bilateral negotiations on the 1948 refugee issue were to be part of the negotiations concerning a final peace agreement (issues to be discussed at the final stage of the negotiations), and to begin no later than three years after the beginning of the interim period (focused on limited self-government).

The technical Refugee Working Group (RWG) headed (“shepherded”) by Canada was established in the first round of multilateral talks held in Moscow in January 1992. The RWG was accorded a mandate to: (1) improve the living conditions of Palestinian refugees and displaced persons without prejudicing final status deliberations on the refugee issue; (2) ease and extend access to family reunification; (3) support the process of achieving a viable and comprehensive solution to the refugee question. Israel, Egypt, Jordan, Lebanon, Syria and the PLO (as of 1993) were members of the
RWG, although Syria and Lebanon soon withdrew from participation in RWG meetings in protest against the intransigent position of Israel’s (Likud) government in the Madrid negotiations.21

Seven main themes concerning the refugee issue were identified by the RWG, and a lead-country was assigned to each theme: databases (Norway); family reunification (France); human resources development (U.S.); job creation and vocational training (U.S.); public health (Italy); child welfare (Sweden); economic and social infrastructure (E.U.); and the human dimension (Switzerland). RWG activities were conducted at two levels: plenary sessions were held to review ongoing work and set priorities for the future; and “inter-sessional” meetings brought together Arab and Israeli representatives, their extra-regional counterparts, and international experts for closer consideration of specific issues. Eight plenary sessions were held between 1992 and 1995.

Multilateral talks ground to a halt in 1996, when excavations conducted by Israel’s Likud (Netanyahu) government near the Al-Aqsa mosque compound in occupied Eastern Jerusalem led to political crisis (the “Tunnel crisis”) and armed conflict between the Palestinian Authority and Israel in the OPT.22 In 1997, the Arab League called for a boycott of the multilateral talks, and no further plenary sessions were held. RWG activities continued at the inter-sessional level until September 2000.23 The multilateral process, as well as the broad format of the opening Madrid Peace Conference in 1991, were designed to meet the Arab demand for an international forum for peace efforts, and to enable issues to be addressed at a regional level. Procedural rules required that the multilateral talks operate by consensus, and that the chairs of the working groups act as facilitators, rather than exercising procedural power or dictating direction. The main achievements of the RWG were humanitarian in nature, and included mobilization of some resources for the improvement of refugee living conditions, data collection and research (primarily on living conditions), as well as support for improvements, albeit temporary, of Israel’s family reunification procedures. While consensus rule allowed the RWG to operate for five years, it prevented substantial and wide-ranging talks about all matters related to means of solving the Palestinian refugee question.

Specific provisions concerning Palestinians refugees of 1948 and 1967 were included in the Treaty of Peace signed between the Hashemite Kingdom of Jordan and the State of Israel in 1994. Article 8 of the treaty stated that the parties would resolve the refugee issue in accordance with international law and “in the framework of the Multilateral Working Group” or “in negotiations, in a framework to be agreed bilaterally or otherwise.”24 As Jordan ceased to be enemy territory, Israel amended its 1950 Absentees’ Property Law so that property of Jordanian residents or citizens would no longer be defined as “absentee property” subject to confiscation under Israeli law. However, the amendment did not apply retroactively and was carefully worded to preclude claims for housing and property restitution by Palestinian refugees in Jordan and residents of the OPT.

Official bilateral negotiations concerning a final peace agreement between Israel and the PLO did not begin in earnest until 2000, as implementation of numerous interim agreements was delayed by Israel because it resisted transferring some powers to the Palestinian Authority. The first peace summit was convened by the United States at Camp David in July 2000, but no substantive negotiations were entered into concerning a solution to the Palestinian refugee issue. While the PLO demanded recognition, in principle, of the right of return as enshrined in international law and affirmed by UNGA Resolution 194(III), Israel was unwilling to engage in negotiations on this basis. Israel also refused to recognize its moral responsibility for causing the refugee problem. U.S. bridging proposals were general, focused on resettlement rather than return, and included an offer of financial compensation, which was rejected by the PLO.

The first substantive U.S. proposal was advanced by President Bill Clinton in December 2000. The “Clinton Parameters” were presented as guidelines for accelerated peace negotiations to be concluded before the end of his presidential term. With regard to Palestinian refugees, the Parameters stated that "under the two-state solution, the guiding principle should be that the Palestinian state will be the focal point for Palestinians who choose to return to the area, without ruling out that Israel will accept some of these refugees."25 The proposed agreement would recognize a right to return to historic Palestine or a homeland consistent with the two-state solution, with five possible final homes for the refugees: (1) the state of Palestine; (2) areas in Israel to be transferred to Palestine in a land swap; (3) rehabilitation in a host country; (4) resettlement in a third
The agreement would “make clear that the return to the West Bank, Gaza Strip, and the areas acquired in the land swap would be a right to all Palestinian refugees; while rehabilitation in host countries, resettlement in third countries and absorption into Israel will depend upon the policies of those countries.” Hence, while a general right of return to historic Palestine would be recognized, the right of refugees to return to their homes in Israel would not be recognized, and would be subject to “Israel’s sovereign decision.” The PLO insisted that “the essence of the right of return is choice: Palestinians should be given the option to choose where they wish to settle, including return to the homes from which they were driven.” According to the PLO, “the U.S. proposal reflected a wholesale adoption of the Israeli position that the implementation of the right of return be subject entirely to Israel’s discretion.” They also argued that the Parameters in fact constituted a setback compared to the principles acknowledged in previous negotiations. The Clinton Parameters failed to bring about agreement among the parties, and the subsequent Bush regime did not pursue the initiative.

In the last round of peace negotiations at Taba, Egypt, in January 2001, the PLO initiated an exchange of “non-papers” with the Israeli delegation. The PLO presented a schematic framework for durable solutions for Palestinian refugees, which was generally consistent with international law, the terms of UNGA 194(III), and best practice concerning durable solutions for refugees. Israel’s “private response” confirmed that a just settlement would necessarily lead to the implementation of UNGA Resolution 194(III), but did not recognize a right of return. It laid out a primarily politically-driven framework, which provided for implementation of a “wish to return ... in a manner consistent with the existence of the state of Israel as the homeland for Jewish people”, components of which were inconsistent with UNGA Resolution 194(III), as well as international law and practice. The Taba negotiations ended inconclusively, and peace negotiations came to a halt in 2001 with the election of Ariel Sharon as Israel’s new Prime Minister, and the subsequent efforts to quell the second Palestinian uprising by military means.

In early 2002, the E.U. Special Representative to the Middle East Peace Process, Miguel Moratinos, released another “non-paper” summarizing the general content of the Taba negotiations and the positions of both parties on the question of Palestinian refugees. It adds some detail to the papers presented by Israel and the PLO at Taba. According to Moratinos, Israel proposed a 15-year absorption program to facilitate a limited return of Palestinian refugees to Israel. The absorption quota suggested by Israel ranged from 25,000 refugees over three years to 40,000 over five years; i.e., less than one percent of the total Palestinian refugee population, while the right of the remaining 99 percent to exercise their individual right of return would be withheld. Israeli negotiators also rejected the right of Palestinian refugees to restitution of their properties.

5.2.2 Negotiations Concerning the 1967 Refugees

Early negotiations concerning a solution to the plight of Palestinians displaced in the June 1967 war began in August 1967 between Jordan, host of the majority of Palestinians displaced in 1967, and Israel, which had military control of the newly occupied West Bank and Gaza Strip. The negotiations were facilitated by the International Committee of the Red Cross (ICRC); neither Palestinians nor the PLO were officially represented at these talks. The two parties agreed to a process whereby refugees could submit applications for return to their places of origin in the OPT. Israel, however, retained overall control of the admission of refugees. Few were able to return and re-establish residence under this short-lived process.

More than a decade later, the issue of the 1967 Palestinian refugees re-emerged in the context of peace negotiations between Israel and Egypt. The peace agreement concluded in 1978 (Camp David Agreement) includes provisions for a “Continuing Committee” composed of representatives of Egypt, Israel,
Negotiations on the Palestinian refugee question have failed mainly because no impartial third-party mediation or binding enforcement mechanisms have been included in peace negotiations between Arab states, the PLO and Israel. Such a mechanism, if based on principles established by international law and UN resolutions, would level the playing fields of power politics and bring the parties, Israel in particular, closer to a rights-based approach. Israel has persistently rejected impartial third-party monitoring and international peace conferences under the auspices of the UN, insisting instead on “direct negotiations among the parties.” Powerful states have lacked the political will to enforce international law and UN resolutions in political negotiations involving Israel. Instead Western governments, most recently the U.S., have supported Israel’s position and provided it with the diplomatic, financial and military means to continue its policies against the Palestinians.
5.3 Political actors, peace, and the question of Palestinian Refugees

5.3.1 The Palestine Liberation Organization (PLO)

The PLO, established in 1964, and recognized as the legitimate representative of the Palestinian people, has consistently called for the return of Palestinian refugees to their homes of origin in accordance with international law, relevant UN resolutions, and the choice of each refugee. The PLO takes a rights-based approach to durable solutions. The organization has represented the Palestinian people in peace negotiations with Israel since 1991. The lack of international law-based third-party mediation or enforcement mechanisms, and the absence of a separate “component protection agency” to represent the interests of all displaced Palestinians in these negotiations, has weakened the bargaining power of the PLO on behalf of Palestinian refugees and IDPs. Since 2006, the ability of the PLO to represent the Palestinian people has been undermined by the failure of PLO reform to activate its institutions and incorporate all sectors of the Palestinian people, including its Islamic movement.

5.3.2 Israel

The state of Israel is unwilling to accept return as a right or principle. Israel has continuously voted against UN Resolutions that affirm the rights of return and restitution of Palestinian refugees, and/or the right to self-determination of the Palestinian people. Although Israel has accepted, in principle, the right of return to the occupied West Bank and Gaza Strip of those displaced for the first time in 1967, successive Israeli governments have continued to insist on a politically-driven approach to the refugee question. On this basis Israel is prepared to permit, at most, the return of a limited number of Palestinian refugees, not as a matter of right, but as a humanitarian gesture within the framework of family reunification.

Since 2002, Israel has been annexing de facto more of the OPT by means of its Wall. Until recently, Israeli governments advanced that this was part of a “unilateral solution to the conflict” whereby the borders of both Israel and a Palestinian state would be defined. Since 2009, however, Israel’s right-wing coalition government led by Likud, abandoned all rhetoric of peacemaking. The Israeli Knesset began debating new legislation to criminalize commemoration of the Nakba and to prevent the publication of material that “negates the existence of Israel as a Jewish state.”

Rights-based vs. Politically-driven Approaches to Palestinian Refugees and IDPs

A rights-based approach to peacemaking, peace-building, reconciliation and development emphasizes the role of legal norms and obligations. Such an approach entails recognition of the rights of all parties; respect for the principles of accountability, justice and the rule of law; and the participation of the parties concerned. Negotiations undertaken by international organizations and states should aim to establish, safeguard and implement the rights of all parties to the conflict, most especially civilian victims of that conflict. Priority should be given to the rights and participation of the victims of violations of human rights and humanitarian law, such as the right to remedy and reparation in the case of refugees and IDPs. Victims are encouraged to organize themselves and advocate for their rights.

A rights-based approach to the question of Palestinian refugees and IDPs emphasizes the intrinsic value and function of the rights to return, restitution and compensation for durable solutions and peacemaking, as well as the panoply of civil, economic, social and cultural rights to be accorded to displaced persons until they are able to realize durable solutions, whether these are voluntary return, resettlement or integration.

However, efforts to resolve the Palestinian refugee question have placed greater emphasis on the national interests of states, the balance of power between them, and the give-and-take of an open-ended bargaining process. This approach is sometimes described as “politically-driven”, “pragmatic” or “realistic”, given that Israeli and Palestinian representatives do not agree on the interpretation or applicability of international law concerning the matter of Palestinian refugees.

While durable solutions for refugees and displaced persons are ultimately the result of political negotiation processes, a rights-based approach strengthens the role played by law. By contrast, in negotiations that are politically-driven, the status of refugee rights is determined by the balance of power between the parties. The two approaches are also distinguished by the fact that the starting point of a rights-based approach is the individual refugee herself or himself, while politically-driven approaches are state-centric.
Israel’s primary problem with a rights-based approach is that it would lead to an unacceptable political outcome. The return of Palestinian refugees would negate Israel’s raison d’état as a Jewish state. Israel would no longer be able to guarantee a permanent Jewish demographic majority and would have to return and share the land, and enshrine equality as a basic principle of law. Israeli politicians frequently equate such outcomes as being tantamount to the physical destruction of the state and its Jewish citizens. Israel also raises security arguments (e.g., physical, psychological, material, and cultural etc.) and the state’s capacity to absorb the refugees (e.g., physical space, material resources etc.) in order to prevent the application of a rights-based approach to the Palestinian refugee question.

Israel, however, cannot deviate from the universal prohibition of racial discrimination, not even on grounds of public order and/or security. It has a legal obligation to readmit Palestinian refugees as part of reparations and grant equal rights to all its citizens. (See also Chapter Three) UN human rights committees have affirmed this in general and specific terms, for example:

- CERD has concluded that all refugees and displaced persons “have the right freely to return to their homes of origin under conditions of safety in cases of massive displacement due to foreign military, non-military and/or ethnic conflicts” and in situations where individuals are displaced “on the basis of ethnic criteria.”
- The UN Human Rights Committee has clarified that the return of a person to “his/her own country” is not limited to nationals in a formal sense and would include “nationals of a country who have there been stripped of their nationality in violation of international law, and of individuals whose country of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them”, as well as those born outside the country.
- The Committee also concluded that the right of return applies to situations of mass displacement and “implies prohibition of enforced population transfers or mass expulsions to other countries.”
- The Committee narrowed the range of what might constitute permissible grounds for depriving persons of their right to return by ruling that “there are few, if any, circumstances in which deprivation of the right to enter one’s own country could be reasonable”, and that a state “must not, by stripping a person of nationality or by expelling an individual to a third country, arbitrarily prevent this person from returning to his or her own country.”

UN human rights committees have, for example, recommended specifically that Israel:

- Incorporate the “prohibition of racial discrimination and the principle of equality” as “general norms of high status in [Israeli] domestic law;” and,
- Implement legislative reforms that would allow Palestinian refugees to resume domicile in Israel and repossess or receive compensation for their properties.

Some Israeli arguments against the return of Palestinian refugees raise important questions about space and natural resources available for absorbing returning refugees. These are practical questions that are being tackled in the context of refugee return worldwide. However, they are often raised by Israel in order to evade debate, given that Israel has absorbed more than one million Jewish and other immigrants since 1990 alone. Independent research findings suggest that approximately 78% of the Jewish population today lives on 15% of the land of Israel, and that Palestinian villages depopulated in 1948 whose land has become part of new Israeli urban infrastructure account for less than 10% of the total number of the villages from which Palestinian refugees originate. More rights-based research about development and planning in the Israeli context could provide useful answers and guidelines for successful repatriation of Palestinian refugees, because refugee return is not so much about restoring the past as it is about building a future.

5.3.3 The Quartet

Since 2002, the “Performance-based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict” reflects the official position of the Quartet (composed of the U.S., E.U., Russia and the UN). Its declared goal is the creation through peaceful negotiations of an independent, sovereign and viable Palestinian state living in peace and security with Israel. The Road Map includes three phases which, if implemented, would have put an end to the Israeli-Palestinian conflict in 2005. In 2006, the Quartet reiterated that a permanent solution could be reached only through the realization of the goal of two democratic states: Israel and Palestine.
The Road Map provides an ambiguous set of guidelines for resolving the refugee issue. It calls for “an agreed, just, fair and realistic solution”, but does not define what is meant by these terms. According to the Road Map, final settlement issues, including borders and refugees, should be negotiated on the basis of “Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), and 1515 (2003), the terms of reference of the Madrid peace process, the principle of land for peace, previous agreements, and the initiative of Saudi Crown Prince Abdullah endorsed by the Beirut Arab League Summit,” UNGA Resolution 194(III), is not expressly mentioned, although reference is made to the Beirut Arab League Summit (Beirut Declaration), which calls for a just solution to the Palestinian refugee problem in accordance with UNGA Resolution 194(III). The Road Map was endorsed by the PLO, while Israel’s endorsement was qualified by 14 conditions, including the stipulations that “references must be made to Israel’s right to exist as a Jewish state and to the waiver of any right of return for Palestinian refugees to the State of Israel.” While the Annapolis Summit of November 2007 voiced the political will to re-start negotiations and implement the Road Map, no substantive change in approach or momentum to negotiations has followed since then.

On the Role of the Quartet

Alvaro de Soto, UN Special Coordinator for the Middle East Peace Process resigned in May 2007. In his “End of Mission Report”, de Soto explains: “I could live with the arrangements until the point came when the Quartet started taking positions which are not likely to gather a majority in UN bodies, and which in any case are at odds with Security Council resolutions and/or international law…” (para. 69)

Sharply critical of the response of the Quartet to the outcome of the 2006 legislative elections in the OPT, de Soto finds that the Quartet was transformed “from a negotiation-promoting foursome guided by a common document [the Road Map] into a body that was all-but imposing sanctions on a freely elected government of a people under occupation as well as setting unattainable preconditions for dialogue.” (para. 50) “[T]he Quartet is pretty much a group of friends of the U.S. – and the U.S. doesn’t feel the need to consult closely with the Quartet except when it suits it.” (para. 63) It is a “shield” for what the U.S. and E.U. do. (para 79)

As for U.S. policy after the victory of Hamas in the 2006 elections, de Soto describes how, “at the time, and indeed until the Mecca Agreement a year later, the U.S. clearly pushed for a confrontation between Fatah and Hamas – so much so that, a week before Mecca, the U.S. envoy declared twice in an envoys meeting in Washington how much ‘I like this violence’, referring to the near civil war that was erupting in Gaza…” (para. 56)

On the peace process, de Soto writes that despite current initiatives, “... we shouldn’t fall for our own propaganda” and adds, “we should be aware that [these initiatives] are not likely to [lead anywhere], because they don’t rest on the sturdy foundations of proper situation analysis and even-handedness.” (para. 119)

5.3.4 The United States

While the U.S. actively supported implementation of UNGA Resolution 194(III) during the 1950s, this position changed as the strategic alliance with Israel deepened, in particular after the 1967 war. Since then, the U.S. has endorsed a politically-driven solution to the refugee issue that would preserve the “Jewish character” of the state of Israel. The U.S., like Israel, continues to vote against UNGA resolutions that reaffirm the right of return for Palestinian refugees and the right to self-determination of the Palestinian people.62

In April 2004, U.S. President George W. Bush affirmed in a letter to then Israeli Prime Minister, Ariel Sharon, that:

"[t]he United States is strongly committed to Israel's security and well-being as a Jewish state. It seems clear that an agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel."63

This letter, which reflected the official position of the Bush administration, also recognizes as a fait accompli Israel's colonial apartheid regime in the occupied West Bank and its implications for a future Palestinian state. It states that “in light of new realities on the ground, including already existing major Israeli population centers [a reference to Israeli colony blocs], it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949.”64 The U.S. administration under President Obama clarified in 2009, that the letter issued by President Bush did not constitute U.S. guarantees to Israel and did not reflect the official U.S. position.65

Israel is the largest annual recipient of direct U.S. economic and military assistance since 1976 and the largest total recipient since World War II (over $140 billion).66 Israel receives about $3 billion in direct foreign assistance each year - roughly one-fifth of America’s entire foreign aid budget. The U.S. also determined in 2007 to increase military aid by $150 million each year, reaching $3.15 billion a year by 2013, and remaining there through 2018.

5.3.5 The United Nations

The UN has long been a “divided house” over the issue of Palestinian refugees and IDPs.67 On the one hand, the UNGA has taken a rights-based approach, reiterating the right of return, as well as rights to restitution and compensation of Palestinian refugees numerous times since it first passed UNGA Resolution 194(III) in December 1948.64 It has emphasized Israel's obligation to facilitate the return of all refugee women and children to their homes and properties,69 and expresses annual regret that the repatriation of Palestinian refugees has still not occurred. Since 2006, the General Assembly has also condemned the ongoing internal displacement of civilians in the OPT.70

On the other hand, the UNSC has never passed a resolution outlining its position on what a solution to the question of 1948 Palestinian refugees should entail. With regard to the 1967 Palestinian refugees, Resolution 237 called upon Israel to “facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.”71 However, this Resolution has been overshadowed by UNSC Resolution 242, which serves as the major reference for peace efforts between Israel, the Arab States, and the PLO. Resolution 242 simply calls for a “just settlement of the refugee problem”,72 without providing further details. Although the meaning of the word “just” should be interpreted as defined by other relevant UN resolutions, in particular UN Resolution 194, the lack of explicit language in the UNSC resolution has encouraged a climate of ambiguity and a politically-driven approach to resolving the Palestinian refugee question within the Security Council and in the Quartet. Recent UNSC resolutions (UNSC 1515 of 19 November 2003, UNSC 1850 of 16 December 2008) continue this trend. They endorse a two state solution and call for implementation of the Road Map. No reference is made to international law or the core issues of the conflict, including the Palestinian refugee question.
5.3.6 The European Union

The E.U. has not formulated a clear policy regarding Palestinian refugees and IDPs, nor has it explicitly recognized the right of return, or rights to restitution and compensation of Palestinian refugees in accordance with UNGA Resolution 194(III).73 In the 2002 Seville Declaration, the E.U. stated that “a just, viable, and agreed solution to the problem of the Palestinian refugees” should be found.74 However, the concrete terms of such a solution were not defined.

As a member of the Quartet, the E.U. upholds the need to implement the Road Map in order to engage in meaningful final status negotiations, with the goal of achieving a two-state solution. The European Council has meanwhile stressed its concern about Israeli activities that contravene international law, including the construction of the Wall and the establishment of colonies.75 The E.U. has moreover stated that it will not recognize changes to Israel’s pre-1967 borders unless these are agreed to by both parties.76 The European Parliament has “take[n] an extremely critical view of the European Council’s inability to take appropriate action” towards moving the peace process away from total political and diplomatic deadlock,77 but has also passed resolutions that ignore the right of return of the 1948 Palestinian refugees.78

In general, the E.U. which proclaims a role in promotion of the rule of law in international relations, has thus taken an ambiguous approach towards the rights of Palestinian refugees and IDPs. The E.U. has, moreover, maintained its preferential trade agreement with Israel despite Israel’s repeated and gross violations of international law. An additional upgrade of cooperation between the E.U. and Israel in spheres such as trade, transportation, energy, culture, financial services, and welfare was decided on 8 December 2009.79 The latter has not proceeded as planned due to public criticism and pressure in response to Israel’s military assault on the occupied Gaza Strip.

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5.3.6.1 The European Union on the Road Map

The European Union has consistently supported the Road Map as the basis for the negotiation of a final settlement, and continuously calls on the parties to implement its provisions.76 The European Union is committed to a two-state solution to the Israeli-Palestinian conflict based on 1967 borders, international law and UNGA Resolution 194(III).75

Despite this commitment, the European Union has also maintained a preference for maintaining a preferential trade agreement with Israel, which it has decided to upgrade on 8 December 2009.79 This has been met with criticism and pressure in response to Israel’s military assault on the occupied Gaza Strip.

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On the Role of the UN Security Council and Secretary General

In 2008, the UN Special Rapporteur on Human Rights in the OPT reiterated his opinion that “negotiations should take place with a normative framework with the guiding norms to be found in international law, particularly humanitarian law and human rights law, the Advisory Opinion of the International Court of Justice, and Security Council resolutions.” (para. 58)

The Special Rapporteur found that “[t]he Security Council is prevented from backing the [ICJ Advisory] Opinion by the United States which has refused to accept it. Similarly the United States prevents the Quartet from taking steps to implement the Opinion.” (para. 52)

The Special Rapporteur concluded: “[T]he representative of the United Nations in the Quartet – the Secretary General or his representative – is in law obliged to be guided by the Opinion. If the Secretary General (or his representative) is politically unable to do so he has two choices: either to withdraw form the Quartet or to explain to his constituency - "we the peoples of the United Nations" in the language of the Charter – why he is unable to do so and how he justifies remaining in the Quartet in the light of its refusal to be guided by the law of the United Nations.” (para. 53)

5.3.7 The League of Arab States

The League of Arab States (LAS), the primary regional organization in the Middle East and North Africa, has consistently called for the return of Palestinian refugees to their homes and properties. The LAS framework for peace negotiations refers to UNSC Resolutions 242, 338, and 425, UNGA 194(III), the Madrid-Oslo agreements, and the principle of land for peace. In March 2002, the LAS adopted the Arab Peace Initiative (Beirut Declaration) calling upon Israel to: (1) withdraw fully from the occupied Arab territory; (2) arrive at a just solution to the Palestine refugee problem in accordance with UNGA Resolution 194(III); (3) accept the establishment of a Palestinian state in the occupied Palestinian territory. In exchange, Arab states shall: (1) consider the Arab-Israeli conflict at an end; (2) establish normal relations with Israel.

5.3.8 The Organization of the Islamic Conference

In 2006, the Organization of the Islamic Conference (OIC) reaffirmed the responsibility of the UN with regard to the question of Palestine, “until it is resolved in all its aspects on the basis of international law, including a just resolution to the plight of the refugees in accordance with UNGA Resolution 194(III) of 11 December 1948.” The OIC supports the Beirut Declaration and the Road Map, but has warned against “any guarantees or promises undermining the...rights of the Palestinian people and rewarding the Israeli occupation which seeks to impose its conditions through the policy of fait accompli.”

5.3.9 The African Union and the Non-Aligned Movement

The African Union supports the Beirut Declaration and states that no peace can be possible in the Middle East unless Israel fully withdraws from the occupied territory and enables the Palestinians to exercise their rights, in particular their right of return to their homes and property. The Non-Aligned Movement has also reaffirmed its support for the inalienable rights of the Palestinian people.

The LAS, OIC, African Union and Non-Aligned Movement continue to play a major role in protecting Palestinian rights and supporting related diplomatic initiatives, in particular in the United Nations.
5.4 Civil Society Initiatives for Palestinian Refugee and IDP Rights

5.4.1 Participation by Palestinian refugees and IDPs

In the absence of effective protection of their rights to return, restitution and compensation on the part of much of the international community and the UN, Palestinian refugees and IDPs have attempted to advance these rights by themselves.

A small group of Palestinians, owners of properties confiscated by Israel in 1948, tried to raise their claims during the first round of peace conferences in Lausanne (1949) and Paris (1951), but were not given formal standing or a substantive hearing. Ordinary refugees have sent thousands of letters and petitions to UNRWA and other international organizations insisting on their right of return to homes and properties, but to no avail. They have also joined the organizations, institutions and activities of the Arab national movement, the PLO and Islamic movements in order to liberate their homeland and return to it.

The Madrid-Oslo process launched in 1991 provided, for the first time, direct Palestinian representation through the PLO. However, this came at a time when the latter’s democratic institutions and mechanisms for popular participation had largely been destroyed. Neither the negotiating parties nor their international sponsors consulted Palestinian refugees and IDPs about their vision and ideas for a solution, as negotiations were conducted in secrecy. In this context, refugees were generally seen as an “obstacle” to peace and a political problem; their opinions, perceptions and needs were surveyed, quantified and classified in the hope that their demand for a just solution based on their right to return, restitution and compensation could be defused by means of humanitarian and development aid.

The fact that the Madrid-Oslo process nevertheless brought the refugee question back onto the Palestinian, Israeli and international agenda, compounded by the lack of transparency of the political negotiations, gave rise in the 1990s to a new wave of refugee/IDP community mobilization in Israel, the OPT, and the exile. This broad-based movement has demanded better political representation and democratization of the peacemaking process.

Popular refugee conferences were first launched among IDPs in Israel in 1991 in protest against their exclusion from the refugee portfolio presented in the negotiations by the PLO. Similar conferences followed among refugees in the OPT and in exile during the mid-1990s. These set out the basic principles, structures and mechanisms of a popular campaign for refugee/IDP rights, with a focus on the right of return. Refugees emphasized that the campaign should be led by a broad-based, non-sectarian and independent movement comprised of Palestinian popular organizations and initiatives (both refugee and non-refugee) in the homeland and in exile to lobby and advocate for the protection of Palestinian refugee rights and durable solutions based on international law as affirmed in relevant UN resolutions. “It should be clear that popular refugee support for parties – elected or not, official or not – and for any negotiating team, will depend on their respect for democracy, national and human rights.”

The renaissance of community mobilization resulted in the establishment of the Association for the Defense of the Rights of the Internally Displaced in Israel (ADRID) in 1995, and in the re-activation of old and the formation of new refugee grass-roots organizations, unions (such as the Union of Youth Activity Centers) and professional organizations (such as Badil) in the OPT. This mobilization led to the organization of strategy debates, public awareness-raising campaigns and protests. The PLO (including the Department for Refugee Affairs, Popular Service Committees, and the Palestinian National Council), the Palestinian Authority’s Legislative Council and members of Palestinian unions, political parties and national institutions were lobbied to join the campaign. Community-based right of return initiatives in Palestine connected with similar initiatives in exile, recruiting professional support among the academia and media. More refugee rights initiatives were launched in Lebanon, Syria, Europe and North America from 2000 onwards. Global networks, among them the Palestine Right of Return Coalition (Al Awda),
organized their first coordinated activities, including annual commemorations of the *Nakba*, both within Palestine and abroad. By the time the Camp David summit was convened by the U.S. in 2000 to negotiate a final peace agreement between Israel and the PLO, including a solution to the Palestinian refugee question, community organizing had built a visible Palestinian constituency demanding the right to return. This call could no longer be dismissed by Palestinian negotiators or ignored by the international community.

### 5.4.2 Civil Society Initiatives

As refugee and IDP community mobilization continued to grow throughout the second Palestinian *Intifada*, most Palestinian civil society organizations adopted the agenda of the refugee rights campaign, and several unofficial proposals for non-rights-based solutions to the Palestinian refugee question (the Nasseibeh-Ayalon Plan and the Geneva Initiative, for instance) were publicly rejected. More international NGOs and human rights organizations, including Amnesty International and Human Rights Watch, affirmed the right of return of Palestinian refugees, and raised the need for accountability to international law and ending Israeli impunity.

The 2001 recommendations of a British Joint Parliamentary Middle East Councils’ Commission of Inquiry into Refugee Choice, which included the need to bring Palestinians in exile back into the Palestinian body politic in order to boost successful peacemaking, received the support of the European Commission, and resulted in a Palestinian-led research project hosted by the University of Oxford. Between 2004 and 2006, the Civitas project organized dozens of community meetings among Palestinians in exile worldwide, and recorded the concerns, needs and suggestions raised in the process. The final project report (Civitas Report) presents the voices of refugees in exile on the topic of the right to return, as well as their recommendations for improving access to social, economic, civil and political rights, including political participation and representation through the PLO, and protection and assistance provided by host states and the UN.

The exposure of Jewish Israeli society to renewed armed conflict with the Palestinian people, together with public debate about the failure of the peace negotiations, triggered new interest in the events of 1948 and the Palestinian refugee question. This led, for the first time in decades, to a number of small but persistent Jewish Israeli organizations (such as Zochrot) tackling Israel’s responsibility for the Palestinian *Nakba* in 1948, and advocating for rights-based solutions for Palestinian refugees and IDPs. It also resulted in renewed organizing efforts amongst Jewish communities abroad to more clearly differentiate between Zionism and Judaism, and to support Palestinian rights to return and equality.

In 2006 and 2007, Palestinian civil society organizations in Israel presented a series of four proposals for public debate on how the status and relationship of Palestinian citizens with the state of Israel should be re-defined. One such initiative by the National Committee of the Heads of the Arab Local Authorities in Israel – the highest civil forum of Palestinian citizenship inside Israel – outlines *The Future Vision of the Palestinian-Arabs in Israel*. It demands the democratization of the state of...
Israel, including equality between Jews and Palestinians; Israel’s recognition of its responsibility for the Nakba; acknowledgment of the status and rights of Palestinians as an indigenous people and national minority; and respect for the right to social, religious, cultural and national ties with the rest of the Palestinian people.93

The BDS Campaign

As states, the Quartet and the United Nations refused to act upon the 2004 ICJ Advisory Opinion, civil society organizations and networks worldwide took up the challenge to build pressure on their governments and Israel to comply with international law. On 9 July 2005, the first anniversary of the ICJ Advisory Opinion, over 170 Palestinian civil society organizations and networks in the OPT, Israel and the exile community launched a global campaign of boycott, divestment and sanctions (BDS) against Israel until it complies with international law and (1) ends its occupation and colonization of all Arab lands and dismantles the Wall; (2) recognizes the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; (3) respects, protects and promotes the right of Palestinian refugees to return to their homes and properties as guaranteed under international law and relevant UN Resolutions. Since 2006, the Palestinian civil society Boycott National Committee (BNC) provides guidance and coordination of the global BDS Campaign.94

Building on growing international awareness of Israel’s colonialism and apartheid, and inspired by the campaign against apartheid in South Africa, global participation and impact of the BDS Campaign has grown exponentially, in particular

Voices from the Palestinian Exile

“The right of return is under significant threat at this stage because of the decline of the institutions of the PLO, the retreat of the priorities of the struggle, and the international pressures that aim to harm the right of return. We are therefore obliged, as refugees, to make our voice heard to preserve the right to return to our country, specifically to the 1948 territory, and not just to the 1967 territory as is suggested now.”

Participant, Preparatory Workshop, Homs (‘A’idee) camp, Syria (Civitas Report)

“I want to go to Palestine as a Palestinian citizen who has rights, and who knows that she has a land with people around her who feel her pain. I don’t want to be a stranger in Palestine. This is an important issue. I want to go there as a Palestinian citizen recognized by everyone. I don’t want to face problems with the Authority treating me like a third-class citizen. I don’t want to face cultural problems with internal Palestinian society. I have had enough with the special status thing. I don’t want to have special status. I want to be a normal citizen in my country who exercises her rights there.”

Participant, Meeting, Cairo, Egypt (Civitas Report)

“I was born in the camps of exile…People tell us we are foreigners, that we don’t have a country or a homeland. We have been patient for a long time. When we moved to Khan El Sheikh camp [from another camp] we remained refugees and the Nakba continued. Our relations with others [in the camp] is good and friendly, because we are all Palestinians…Our hearts are one in the camp, as is our love and concerns – to return to our homeland. The right of return to Palestine is a principle condition for a just peace, and there will be no peace without the return of the refugees to their homeland.”

Yara Mohammed (15), descendent of refugees from Abu Shusha village, Tiberias; residing in Khan El Sheikh, outskirts of Damascus. (Cited in “We are the generation of return,” Badil Youth Education and Activation Program 2008.)
since Israel’s 2008/2009 military aggression against the occupied Gaza Strip. By 2009, the BNC’s principled 2005 BDS call served as reference for most initiatives worldwide, including the explicit demand for implementation of the right of return of Palestinian refugees.

The Nakba 60 Campaign

Commemoration in 2008 of the 60th anniversary of the Palestinian Nakba resulted in a surge of public awareness of the issue of Palestinian refugees and Israel’s ethnic cleansing policy in Palestine, the Arab world and farther abroad. In Palestine, public activities were coordinated by the National Committee/Nakba 60 which included refugee and IDP community organizations, NGO networks, unions and the PLO Department of Refugee Affairs. Two large public rallies for the right of return to the 1948 depopulated Palestinian village of Saffuriya, near Nazareth (10-15,000 participants) and in Ramallah (up to 50,000 participants) formed the highlights among hundreds of memorial events. No similar large public events could be held in the Gaza Strip due to concerns for public safety.

Civil society and the media abroad engaged in the Nakba commemoration in a way they had never done before, not only in Arab countries, but also in Europe, North America, Australia and elsewhere. For the first time in decades, the Palestinian Nakba featured prominently in major mainstream newspapers published in Europe and North America. The term "Nakba" even made its way into an official communiqué by UN Secretary General Ban Ki Moon which triggered Israeli protest.

In Palestine, Nakba 60 commemorations were closed in November 2008 by the Fourth National Conference to Defend the Right of Return, which deliberated future strategies for the right of return movement. (See box)
“There Is No Alternative To Returning Home”

Selected recommendations from the Fourth National Conference to Defend the Right of Return held on 29 November 2008 in El Bireh.

**to the PLO and the PA**

- Immediately and without delay, re-build and activate all PLO institutions and committees, particularly the Palestinian National Council (PNC) and the Department of Refugee Affairs;
- Immediately and without delay, take action to end internal division through a comprehensive national dialogue;
- Set up transparent mechanisms, particularly with regard to political negotiations, in order to re-connect the leadership with the Palestinian people wherever they live;
- Abstain from the use of ambiguous language when speaking about the right of Palestinian refugees and displaced persons to return to their homes; do not engage with international, Israeli or Palestinian proposals that do not meet the standards of UNGA Resolution 194(III).

**to the International Community**

- Implement measures that can build political will to recognize Israel’s institutionalized racial discrimination and eliminate the apartheid, settler-colonialism and military occupation imposed on the Palestinian people, including boycotts, divestment and sanctions against Israel and ending all forms of economic and diplomatic cooperation;
- Provide international protection and humanitarian assistance to the refugees and displaced Palestinians as a matter of legal responsibility and not charity. Do not use support of the PA as a pretext for cutting-back on financial support of UNRWA.

**to Palestinian society and communities everywhere**

- Oppose all those who undermine our right to return to our homes of origin by all means, including formal protests to officials, shaming, demonstrations, and others;
- Make 11 December (anniversary of UN Resolution 194) into a national day to affirm the right of return by organizing events in all of historic Palestine and the exile in order to highlight culture, national identity and rights of the Palestinian people.
Endnotes


3 Most Palestinians displaced during the 1948 war, including those displaced within what became the state of Israel, registered with UNRWA. In other words, all those displaced were initially considered refugees. Israel, however, had an interest in erasing acknowledgement of refugees within its territory to prevent the return of refugees to their homes and villages of origin. In 1952, Israel suggested to UNRWA that it would take over responsibility for Palestinian refugees within its territory. Under financial pressure and seeking resettlement opportunities, UNRWA accepted and ceased to operate in Israel. UNRWA also allowed the files of Palestinian refugees within Israel who had registered for assistance to become dormant. However, UNRWA has informed Badil Resource Center that these dormant records are still found in the Agency’s archives.


8 Ibid para. 22.

9 Ibid para. 23(a).

10 Ibid para. 27.


15 Ibid para. 21.

16 Ibid paras. 29–33.

17 Ibid para. 34. The UNCCP stated that “Nothing in the instructions given to the Commission states that in this undertaking it is obligated to comply to the letter with the terms of the preceding subparagraph of paragraph 11, e.g., that it is compelled to facilitate the granting of permission to return for all refugees wishing to do so.” UNCCP, Analysis of Paragraph 11 of the General Assembly’s Resolution of 11 December, 1948, Part One, A/AC.25/W/45, 15 May, 1950, Principle 2.


19 “It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and co-operation with other neighbors, and other issues of common interest.” Article V(3), Declaration of Principles on Interim Self-Government Arrangements, 13 September 1995.

20 As part of the effort to conduct negotiations outside the framework of the United Nations, new language was created to avoid reference to UN procedures and mechanisms. “Working groups”, “shepherds” and “gavel-holders”, for example, thus replaced committees, heads of committees and lead countries.

21 Yitzhak Shamir headed the Likud government at the time. Shamir had been a member and leader of militant right-wing Zionist militias prior to 1948 (Irgun Zvai Leumi and the Lehi), which were outlawed by the British Mandate authorities and involved in high-level assassinations.


23 Despite the end of the multilateral track, “Canada and the various RWG gavel holders continued to use the RWG ‘chapeau’ to encourage a range of research, dialogue, technical, and other projects aimed at addressing both the immediate needs of the refugees and enhancing the prospects for eventually achieving a negotiated, mutually-acceptable resolution of the refugee issue.” Brynen, Rex, “Addressing the Palestinian Refugee Issue: A Brief Overview,” background paper prepared for a meeting of the Refugee Co-ordination Forum, Berlin, April 2007, p. 2.

24 “Recognizing the massive human problems caused to both Parties by the conflict in the Middle East, as well as the contribution made by them towards the alleviation of human suffering, the Parties will seek to further alleviate those problems arising on a bilateral level. Recognizing that the above human problems caused by the conflict in the Middle East cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following: In the case of refugees, (1) In the framework of the Multilateral Working Group on Refugees; (2) In negotiations, in a framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations pertaining to the Territory referred to in Article 3 of this Treaty.” Article 8, para. 1(b), Treaty of Peace between the Hashemite Kingdom of Jordan and the State of Israel, 26 October, 1994.

25 The Clinton Parameters, 23 December 2000, refugee section.

26 Ibid

27 Ibid

28 Ibid

POLITICS AND THE QUESTION OF PALESTINIAN REFUGEES AND IDPs

30 “Recognition of the right of return and the provision of choice to refugees is a pre-requisite for the closure of the conflict. The Palestinians are prepared to think flexibly and creatively about the mechanisms for implementing the right of return. In many discussions with Israel, mechanisms for implementing this right in such a way so as to end the refugee status and refugee problem, as well as to otherwise accommodate Israeli concerns, have been identified and elaborated in some detail. The United States proposal fails to make reference to any of these advances and refers back to earlier Israeli negotiating positions. In addition, the United States proposal fails to provide any assurance that refugees’ rights to restitution and compensation will be fulfilled.” PLO Negotiations Affairs Unit, “Remarks and Questions from the Palestinian Negotiating Team Regarding the United States Proposal,” 1 January, 2001.


33 The full text of the EU “non-paper” concerning refugees (as published in Ha'aretz) was reprinted in al majdal, Issue 13 (March 2002) and is available at: www.Badil.org/Publications/Press/2002/press224-02.htm

34 Camp David Accords, 17 September, 1978, Section A, para. (e).


36 Commission on Human Rights Resolution No. 2 (XXXVI), 14 February, 1980.

37 “The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and co-operation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other hand, to promote co-operation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorders. Other matters of common concern will be dealt with by this Committee.” Declaration of Principles on Interim Self-Government Arrangements, 13 September, 1993, Article XII.

38 Treaty of Peace between the Hashemite Kingdom of Jordan and the State of Israel, 26 October, 1994, Article 8, para. 2.

39 “Pursuant to Article XII of the Declaration of Principles, the two Parties shall invite the Governments of Jordan and Egypt to participate in establishing further liaison and co-operation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote co-operation between them. These arrangements shall include the constitution of a Continuing Committee.” Agreement on the Gaza Strip and Jericho Area, May 1994, Article XVI, paras. 1, 2 and 4.


41 Ibid p. 3.

42 The 1968 National Charter of the PLO, for example, affirms the right of all Palestinians to return to their homeland. The Charter is reprinted in Documents on Palestine: From the Pre-Ottoman/Ottoman Period to the Prelude of the Madrid Middle East Peace Conference. Vol. II, Jerusalem: PASSIA, 1997, p. 213–15. On the eve of final status negotiations under the Oslo process, the PLO Department of Refugee Affairs affirmed that a just solution to the Palestinian refugee issue “would be defined as the Israeli acceptance of the Palestinian refugees’ right of return to their homes and to receive compensation, as outlined in UN General Assembly Resolution 194 and subsequently relevant UN resolutions.” Reprinted in The Palestinian Refugees, FACTFILE. Jerusalem: PLO Department of Refugee Affairs, 2000, p. 18.

43 “Under refugee law principles, the interests of refugees should be represented separately by a component protection agency, along with the PLO, in the negotiations including their long-term solution.” Susan Akram, “Reinterpreting Palestinian Refugee Rights under International Law”, Naseer Aruri (ed.) Palestinian Refugees: The Right of Return (2001), p.177.


48 “Israel's new frontier”, Aluf Benn, Ha'aretz 25 February, 2005.


51 Human Rights Committee General Comment No. 27, Freedom of movement (Art.12), (Sixty-seventh session, 1999), UN Doc. CCPR/C/21/ Rev.1/Add.9 (1999), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1 Rev.6 at 174 (2003), para. 20.

52 Human Rights Committee General Comment No. 27, Freedom of movement (Art.12), para. 19.

53 Ibid para. 21.

55 Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel. CERD/C/304/Add.45 (1998), para. 18. See also the 1998 concluding observations of the Committee on Social, Economic and Cultural Rights.
57 These three phases were envisaged as follows: (1) ending terror and violence, normalizing Palestinian life, and building Palestinian institutions; (2) a period of transition towards creating an independent Palestinian state; (3) Israeli-Palestinian negotiations aimed at a permanent status agreement. For more information, see “A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict.” Available at: http://www.un.org/media/main/roadmap122002.html.
58 “Middle East Quarter, Taking Stock of Recent Developments, Stresses Urgent Need for Progress Towards Just, Comprehensive Peace,” Department of Public Information, Secretary-General, SG/2116, 20 September 2006.
61 The Annan plan was seen as a means through which the Bush administration could demonstrate commitment to a diplomatic process which had largely abandoned in favor of Israeli unilateralism during the second Intifada. The U.S. was intent on deflecting pressure from the Arab world, particularly its Arab allies, enraged, alienated and potentially threatened by the failures of U.S. regional strategy in the wake of the U.S. occupation of Iraq, and the Israeli war against Lebanon in 2006. See final joint statement at: http://www.haaretz.com.hasen/spages/928652.html.
64 Ibid.
65 “Clinton Rejects Israeli Claim of Accord on Settlements “ Glen Kessler, Washington Post, 6 June, 2009
66 “U.S. Military Aid and the Israeli/Palestine Conflict” If Americans Know, http://www.ifamericansknew.org/stats/usaid.html
67 For further details, see Rempel, Terry, “Known Knowns’ and ‘Unknown Unknowns’: the UN and Israeli-Palestinian Conflict,” al majdal, No. 33, Spring 2007; BADIL, p. 9–15.
70 UN General Assembly, Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem : report of the Secretary-General, 5 November 2008, A/63/518; UN General Assembly, Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem : resolution / adopted by the General Assembly, 10 January, 2008, A/RES/62/109.
75 The Council concluded that Israeli activities “reduce the possibility of reaching a final status agreement on Jerusalem, threaten to make any solution based on the co-existence of two viable states physically impossible, and are contrary to international law.” European Council conclusions on Middle East Peace Process, 2691st External Relations Council meeting, Brussels, 21 November, 2005, para. 7.
78 The European Parliament has not affirmed the right of return in its resolutions on the Middle East. The Council of Europe (CoE), a regional network that precedes the EU, has also passed resolutions that violate the Palestinian refugees’ right of return, proposing instead solutions based on involuntary resettlement in the host countries (for example, Resolution 1358/2003).
81 See, for example, Declaration on Palestine, XIV Ministerial Conference of the Non-Aligned Movement, 19 August, 2004.
82 The PLO had at that stage suffered a number of setbacks, leading to the destruction of its infrastructure and popular bases in Jordan (1970) and Lebanon (1982 and 1985). The PLO was also weakened by the first Gulf War (1990/91). These events led to ruptures between the

86 Declaration issued by the First Popular Refugee Conference in Dheisha Refugee Camp, 13 September, 1996. On file at BADIL.

87 In 2005, for instance, Human Rights Watch noted in a letter to then U.S. President Bush that despite international condemnation, "the international community, including the United States, has failed to hold Israel accountable to its obligations under the Fourth Geneva Convention to cease Israeli settlement activity," (Letter to President Bush, Human Rights Watch, 11 April, 2005). In 2006, Amnesty International reaffirmed that "the right to return to one's own country is based in international law and is the most obvious way to redress the situation of those who are in exile." ("Limitation on the Rights of Palestinian Refugee Children, Lebanon", Amnesty International, 5 June, 2006) In a statement to the Quartet, Amnesty International also noted that: "[t]he history of the conflict and the repeated failure of previous peace initiatives, in which human rights were subordinated to political considerations, stand as compelling evidence that such an approach will bring neither durable peace nor security and, indeed, may further exacerbate the divisions and hamper the search for peace. A durable resolution, one which guarantees peace and security to both Israelis and Palestinians, can only be achieved if key problems which have been left to fester are addressed in a constructive manner, on the basis of respect for human rights and international law." ("Israel-Occupied Palestinian Territory Quartet Meeting: New Approach Needed to Break Deadlock," Public Statement, Amnesty International, 1 February, 2007)


90 For more information, see the Zochrot website at http://www.nakbainhebrew.org/index.php.

91 See the International Jewish Anti-Zionist Network, http://www.ijsn.net/home/

92 The four documents are: The Future Vision of the Palestinian Arabs in Israel published by The National Committee for the Heads of the Arab Local Authorities in Israel (http://electronicintifada.net/v2/article6381.shtml); The Democratic Constitution published by Adalah: The Legal Center for Arab Minority Rights in Israel (http://electronicintifada.net/v2/article6606.shtml); An Equal Constitution for All? On a Constitution and Collective Rights for Arab Citizens in Israel published by Mossawa Center - The Advocacy Center for Arab Citizens in Israel; and The Haifa Declaration.


94 For the full text and signatories of the 2005 Call and information about the BNC, see www.bdsmovement.net

95 For examples of achievements of the BDS Campaign, see the "BDS Campaign Updates" featured in al majdal, BADIL quarterly magazine, since 2007 (http://www.Badil.org/al majdal/). Also see the websites of PACBI (http://www.pacbi.org/), and Stop the Wall (www.stopthewall.org).

96 "Israel Protests Ban Ki Moon’s Use of Term ‘Nakba’,” Rotem Sela, Haaretz, 16 May, 2008

97 For the final statement with all recommendations, see al majdal, Issue No. 39/40 (Autumn 2008-Winter 2009)