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Chapter One

The Palestinian Refugee Population

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1. Circumstances of Displacement²⁴

Forced Displacement of Palestinians

Palestinian refugees represent one of the largest and longest-standing unresolved refugee matters in the world today. Most Palestinians lived inside the borders of Palestine at the beginning of the 20th century. This area is now divided into the state of Israel, and the West Bank, including eastern Jerusalem, and the Gaza Strip. The latter areas have been occupied by the state of Israel since 1967 (occupied Palestinian territories (1967-OPT)).

Around three-quarters of the Palestinian people are displaced. According to the *2003 Survey of Palestinian Refugees and Internally Displaced Persons* (BADIL 2003 Survey), it is estimated that there are some 7.3 million Palestinian refugees and internally displaced persons out of a global population of 9.7 million persons.²⁵ This includes (figures as of 31 December 2003) 4 million “Palestine refugees” registered with the UN Relief and Works Agency (UNRWA), and an estimated 1.6 million non-registered 1948 refugees, 780,000 1967 refugees (“1967-displaced persons”) and 838,000 refugees displaced primarily from the West Bank, eastern Jerusalem and the Gaza Strip after 1967. Approximately half of the Palestinian people have been displaced outside their homeland. Another twenty-five per cent are displaced within Israel and the 1967-OPT. Palestinian refugees are defined as refugees vis-à-vis the state of Israel.

There have been five major waves of displacement from former Palestine. During the British Mandate (1922–1948), around 150,000 Palestinians were displaced within and beyond the borders of the country. Thousands of Palestinians were denationalized under the 1925 Palestine Citizenship Order.²⁶ Several tens of thousands fled the country during the Palestinian uprising in the mid-1930s.²⁷ Others were displaced inside former Palestine as a result of punitive house demolitions and following the sale of land to colonization associations affiliated with the Zionist movement.²⁸

The UN General Assembly recommendation (Resolution 181(II)) to partition Palestine into two states in 1947 and the subsequent Israeli-Arab war led to a second and massive wave of displacement known as the *Nakba* or Catastrophe. An estimated 750,000–900,000²⁹ Palestinians became refugees. Most fled as a direct result of military hostilities and expulsion. The large majority of these 1948 Palestinian refugees found shelter across ceasefire lines in vicinity of their homes, i.e., in the West Bank, the Gaza Strip, the East Bank/Jordan, Syria, Lebanon, or Egypt, hoping to return after the cessation of hostilities. A small number fled to more distant Arab or other countries.

The roughly 150,000 Palestinians who remained in the areas of Palestine that became part of the state of Israel in 1948, including 30,000 internally displaced persons, continued to be displaced after the end of the war due to internal transfer and expulsion, primarily from the northern border villages, the Negev (Naqab), the “Little Triangle” (area ceded to Israel under the 1949 armistice agreement with Jordan), and from villages partially emptied during the first Israeli-Arab war. The majority of Palestinians were displaced during the 1950s. From 1949 until 1966, between 35,000 and 45,000 Palestinians were expelled from Israel, comprising about fifteen per cent of the total Palestinian population of the state of Israel.³⁰

A fourth wave of displacement occurred during the second Israeli-Arab war in 1967 when Israel occupied the West Bank, eastern Jerusalem and the Gaza Strip, as well as the Egyptian Sinai and the Syrian Golan Heights. An estimated 350,000–400,000 Palestinians were displaced, half for a second time. Again, most became refugees as a direct result of military hostilities and expulsion. Some ninety-five per cent of these 1967 Palestinian refugees (often called 1967-displaced persons) fled to Jordan. Smaller numbers found shelter in Syria, Lebanon and Egypt. Some 60,000 Palestinians were abroad at the time of the 1967 war and unable to return to the 1967-OPT.

Since then, Palestinians have continued to be displaced both within and from the 1967-occupied Palestinian territories, and within and from Israel itself, through a process that includes deportation,³¹ revocation of residency rights,³² land confiscation,³³ uprooting of orchards and destruction of farmland,³⁴ and demolition of homes.³⁵ The most recent cause of displacement is Israel’s construction of a separation Wall in the occupied West Bank.³⁶ It is estimated that more than 800,000 Palestinians have been displaced since 1967.³⁷

Palestinian refugees and displaced persons frequently face additional forced displacement within and from their Arab host countries (first country of refuge). Lack of protection from the effects of political and social instability, crisis and armed conflict are the major causes of such secondary Palestinian displacement inside and outside the Arab world, illustrated by the following examples:

- Mid-1950s: Palestinian oil industry workers were expelled from the Gulf States.³⁸
- 1970: numerous Palestinian refugee families were expelled from Jordan as part of the expulsion of the nascent Palestinian resistance movement, Palestinian Liberation Organization (PLO)³⁹ in the events termed “Black September”. Most of them settled in Lebanon.⁴⁰
- 1976–1991: during the civil war in Lebanon, it is estimated that more than 100,000 Palestinians were forced to leave the country.⁴¹
- 1990–1991 Gulf war: more than 400,000 Palestinians were expelled from Kuwait in response to the PLO’s political support of Iraq.⁴²
- 1995: Libya expelled some 30,000 Palestinians from its territory. (Some were subsequently re-admitted.)⁴³
- 2003–: several thousand Palestinian refugees were displaced, and many more remain threatened, in the context of the US-led war against and occupation of Iraq.

More than 500,000 Palestinian refugees and displaced persons have moved to countries outside the Arab world, mainly to the United States (where approximately 236,000 Palestinian refugees reside), and to Europe (approximately 200,000).⁴⁴

Voluntary Refugee Movement

Voluntary refugee movement – in addition to forced displacement – has widened the geographic spread of Palestinian refugees over time. Many Palestinian refugees, mainly young males, have left their homes and families in the first country of refuge in search for better education and employment opportunities elsewhere. In the period between 1950 and the late 1970s, voluntary migration led Palestinians mainly to the Gulf States, where cancellation of visa requirements and issuance of travel documents facilitated the movement of refugees who were needed in an expanding labour market. More recently, Palestinian refugees unable to establish stable lives in the Arab world have arrived in European and other Western countries seeking asylum, education or employment.

Forced and voluntary migration has led to the splitting of Palestinian families on a large scale. The story below illustrates a common phenomenon in most Palestinian families:

After almost four years in Canada – in his early 20s no more – Ahmad was refused refugee status. He cannot work and has already received his deportation notice. As Ahmad’s mother opens the photos, to show her son to my friends in the camp, she begins to cry. All of my sons are in different countries, she explains. Rami has been refused in Canada. Tears fill the eyes of those in the room, for they have all lived the same story. Um-Majed – born in Palestine, who raised her children in the refugee camps of Beirut – comes to comfort her. One of my sons is in Italy. Another in Germany, and Majed is now in Dubai. This is the life for Palestinians here. They will be fine.⁴⁵

UN Partition Plan 1947



Source: ARIJ, Applied Research Institute - Jerusalem

Palestinian Territories Occupied by Israel Since 1967



Source: ARIJ, Applied Research Institute - Jerusalem

Social networks based on the family and village of origin, however, have remained in place, irrespective of forced and voluntary migration and the splitting of Palestinian families on a massive scale across countries and geographical regions.

2. The Framework for Durable Solutions⁴⁶

Given the massive scope and collective character of urban and rural Palestinian displacement prior, during, and immediately after the first Israeli-Arab war in 1948, the United Nations called for a durable solution for 1948 Palestinian refugees as *a group*, affirmed their right to return, restitution of properties and compensation, and established repatriation as the primary durable solution for Palestinian refugees. UNGA Resolution 194(III), paragraph 11, of 11 December 1948:

Resolves that refugees wishing to return to their homes and live in 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 and equity, should be made good by the Governments or authorities responsible.

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations.⁴⁷

This paragraph sets forth a clear hierarchy of solutions for Palestinian refugees by delineating the specific rights and the primary durable solution. The primary durable solution for Palestinian refugees is return, housing and property restitution, and compensation for loss of or damage to property. UNGA Resolution 194(III) does not “resolve” that Palestinian refugees should be resettled. Refugees who choose not to exercise the rights set forth in paragraph 11(a), however, may opt for local integration in the host state or resettlement in third countries, as well as housing and property restitution, and compensation (paragraph 11(b)). Thus, the sole trigger for the resettlement of Palestinian refugees is the voluntary choice of the refugee not to return to his or her place of origin.

All Palestinian refugees, whether they still live in their first country of refuge or have moved to another country, have the voluntary choice to return to their place of origin in what became Israel, and to housing and property restitution, and

compensation for loss of or damage to property. Thus, all Palestinian refugees, including those who have obtained citizenship, should be included in the final durable solution to the Israeli-Arab conflict.

UNGA Resolution 194(III) affirms both the above rights and the principle of individual refugee choice. By 1948, this principle had already become an established principle of refugee law and practice.⁴⁸ This framework is consistent with that set forth in international refugee law – i.e., voluntary repatriation, voluntary local integration, and voluntary resettlement to a third country, in addition to property restitution. Under international refugee law and modern state practice, voluntary repatriation is considered to be the primary solution to refugee flows.

Recognizing the direct role of the UNGA 181(II) in the creation of the Palestinian refugee question, the United Nations took responsibility for bringing about a just solution by means of direct intervention by two UN agencies especially established for this purpose: the United Nations Conciliation Commission for Palestine (UNCCP) was to provide protection and promote the search for a political solution, while the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was to provide temporary relief and assistance.⁴⁹ A special provision (Article 1D) of the 1951 Refugee Convention was to bring Palestinian refugees under the scope of the Convention – to serve as a safety net that would afford them adequate protection at all times and in changing circumstances.⁵⁰

Additional UN resolutions affirming the right of Palestinian refugees to a just solution based on return followed in the wake of subsequent Israeli-Arab conflicts and other crises involving further Palestinian displacement. Thus, for example, following the 1967 Israeli-Arab war, the United Nations Security Council adopted Resolution 237 of 14 June 1967. Paragraph 1 of the Resolution:

[c]alls upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.⁵¹

Since 1948, the UN framework for a durable solution of the Palestinian refugee question has been welcomed and supported by Palestinian refugees, who continue to put forward their demands to return to homes and properties now located in the state of Israel, to receive restitution for their lost properties, and to receive adequate and fair compensation.

More than five decades after the first mass displacement, no such durable solution

for Palestinian refugees has been found, including in the political negotiations between Israel and the PLO (Madrid-Oslo process, 1991–2000). Consecutive Israeli governments have refused to re-admit a population that is not Jewish according to Israeli law and perceived as a demographic and political threat. Western states, on the other hand, have lacked the political will to enforce international law and UN resolutions in the face of Israel's objections.⁵²

3. Current Scope and Categories of Population

In the absence of durable solutions, Palestinian refugees have grown into one of the largest displaced populations in the world today. At the end of 2003, some 7.3 million of the seventeen million refugees worldwide were Palestinians (see below). Moreover, the overwhelming majority of the Palestinian people, currently estimated to number some 9.7 million persons, are refugees.⁵³

For the purpose of this Handbook, Palestinian refugees and displaced persons can be grouped into three categories:⁵⁴

1. 1948 Palestinian refugees and their descendants, currently estimated to number more than 5.6 million persons, are composed of two sub-groups:
 - 1a. The overwhelming majority, some 4 million as of 31 December 2003, are registered with UNRWA as "Palestine refugees". Most of them reside within UNRWA's area of operations in Lebanon, Syria, Jordan, the West Bank and the Gaza Strip. However, some have left UNRWA's area of operations and taken up residence elsewhere, but continue to be registered with UNRWA.
 - 1b. The minority, some 1.6 million 1948 Palestinian refugees and their descendants, have never registered with UNRWA, although they are entitled to do so.⁵⁵
2. Some 780,000 Palestinians are 1967 refugees and their descendants (also referred to as "1967-Displaced Persons"), i.e., persons who became refugees for the first time as a result of the second Arab-Israeli conflict in 1967. They have never been registered with UNRWA, although the Agency extended its services to them on an emergency basis. The majority of 1967 Palestinian refugees continue to reside in the countries to which they fled in 1967.

3. Some 838,000 Palestinians originating from the 1967-OPT have subsequently become refugees due to various types of forced migration induced by the policies of Israel's military occupation.

A fourth category, some 360,000 internally displaced Palestinians, are not included within the scope of this Handbook as they do not – as IDPs – enjoy protection under the 1951 Refugee Convention.⁵⁶ Some of these IDPs were displaced in 1948 or 1967, while others were forced to move for the first time between or after armed conflicts.

4. Where do Palestinian Refugees Live Today?

Estimated Distribution of Palestinian Refugees, by Area of Residence

Area of Residence	2003
West Bank	703,512
Gaza Strip	922,674
Jordan	2,797,674
Lebanon	415,066
Syria	436,157
Egypt	61,917
Iraq & Libya	115,542
Saudi Arabia	309,582
Kuwait	39,402
Other Gulf Countries	124,230
Other Arab Countries	6,523
United States	236,357
Other Foreign Countries	300,977

Source: Palestinians at the End of Year 2003. Ramallah: Palestinian Central Bureau of Statistics, December 2003. There is no single authoritative source for the global distribution of the Palestinian refugee and IDP population. The chart is derived from the estimated global distribution of the Palestinian people. The majority of Palestinians living outside former Palestine are refugees. Figures are indicative rather than conclusive. At the end of 2003 there were approximately 428,000 Palestinian refugees of concern to UNHCR including Saudi Arabia (240,000), Iraq (100,000), Egypt (70,215) and Libya (8,787). UNHCR, *2003 Global Refugee Trends, Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum Seekers and Other Persons of Concern to UNHCR*. Geneva, 15 June 2004, Table 4, Refugee population and changes by major origin and country of asylum, 2003, p. 29. According to community estimates there are some 250,000 Palestinians living in the US, as many as 50,000 Palestinians in Canada, at least 237,000 in Europe, some 30,000 in Australia and New Zealand and more than 360,000 in Central and South America. Information on community estimates is provided by the Civitas-Foundations of Participation project's database. See www.civitas-online.org. (For more details, see Chapter Five) PCBS estimates for 'Other Foreign Countries' therefore appear to be an under-estimate of the total Palestinian population living in these areas.

Most Palestinian refugees have remained in the Middle East, primarily in Jordan and in other Arab states bordering Israel, and in the 1967-OPT (figures as of 31 December 2004).

Lebanon: The vast majority of Palestinian refugees in Lebanon are registered with UNRWA (399,152). More than half of these refugees (210,155) reside in twelve refugee camps.⁵⁷

Jordan: Of those Palestinians living in Jordan, 1,776,669 are registered with UNRWA. A relatively small number of refugees (283,262) live in ten refugee camps.⁵⁸

Syria: The vast majority of Palestinian refugees in Syria are registered with UNRWA (421,737). There are 112,008 refugees living in ten refugee camps serviced by UNRWA.⁵⁹

1967-OPT: Almost three million Palestinians reside in the West Bank (1,857,872) and the Gaza Strip (1,039,580). Approximately half this population is made up of 1948 refugees and their descendants.⁶⁰ In the West Bank, 682,657 refugees are registered with UNRWA, with a comparatively small number (179,851) residing in 19 refugee camps.⁶¹ In the Gaza Strip, UNRWA has registered 952,295 refugees, with more than half of them (468,405) living in eight refugee camps.⁶²

Some 595,000 Palestinians reside in Arab countries other than those adjacent to Israel (see table above). This includes Palestinians residing in Iraq and Libya (115,542), Saudi Arabia (309,582), Kuwait (39,402), other Gulf countries (124,230), and other Arab countries (6,523).

It is characteristic of this refugee population that the majority still live within 100km of the borders of Israel and the 1967-OPT, where their original homes are located. In many places of exile, they maintain social relations and structures dating back to Palestinian village life in pre-1948 Palestine. Residents of a particular village tend to be displaced to the same area within a host country, and marriages within the extended family and/or the community based on the village of origin continue to be frequent.⁶³

Most Palestinian refugees do not live in refugee camps, such as two-thirds of UNRWA-registered refugees who live in and around cities and towns, often in the vicinity of refugee camps. While most of UNRWA's installations (such as schools and health centres) are located in refugee camps, some operate outside the camps, and the Agency's services are available to both camp and non-camp residents.

Refugees who are not registered with UNRWA generally do not live in refugee camps serviced by the Agency. Most Palestinian refugees who were displaced for the first time in 1967 live in cities and towns, with only a small number residing in refugee camps in Jordan and Syria.



Jabalia Refugee Camp

Refugee Camps

Only one-third of UNRWA registered refugees, i.e., some 1.3 million, live in 59 recognized refugee camps administered by the government authorities.⁶⁴ A camp, according to UNRWA's working definition, is a plot of land placed at the disposal of UNRWA by the host government for accommodating refugees and for setting up facilities to cater to their needs. Areas not designated as such are not considered camps. Refugees in the camps do not own the land on which their shelters were built, but have the right to use the land for residence. UNRWA's responsibility in the camps is limited to providing services and administering its installations.⁶⁵

Socio-economic conditions in the refugee camps are generally poor, with high population density, crowded living conditions and inadequate basic infrastructure such as roads and sewers. In some areas, infrastructure in camps may be more developed than in refugee areas outside of camps, as a result of targeted international assistance.

Refugee camp populations vary from area to area, with the largest camp population residing in the Gaza Strip (more than half of all registered refugees), and the smallest camp population residing in Jordan (sixteen per cent). The Gaza Strip also has some of the largest refugee camps (107,415 people live in Jabalia camp, 93,928 in Rafah camp and 78,158 people in Beach Camp).⁶⁶ Jabalia camp in the Gaza Strip, for example, is described by UNRWA in the following way:

Jabalia camp is located north of Gaza City beside a village of the same name. The camp was established after the 1948 Arab-Israeli conflict for 35,000 refugees who had fled from villages in southern Palestine. The refugees were at first provided with tents, which UNRWA later replaced with cement block shelters with asbestos roofs. The camp covers an area of 1.4sq.km. The

shelters, which usually consist of two or three small rooms, a small kitchen and bathroom on an area of maximum 40sq.m., are packed closely together. Narrow alleys and pathways, some less than one meter wide, run between the shelters. The camp lacks basic infrastructure. Solid waste is collected by UNRWA's sanitation labourers. Water is supplied by the local municipality or comes from UNRWA and private water wells. The first Palestinian *intifada* started in Jabalia camp in December 1987. Prior to the closure of the Gaza Strip in September 2000 most of the refugees worked as labourers in Israel or locally in agriculture on nearby farms in Beit Lahia. Some own small shops in the camp and a few work in small businesses.⁶⁷

5. Legal Status in Countries of First Refuge⁶⁸

5.1 Legal Status in Arab Host States (inside and outside UNRWA's area of operations)

General

The Protocol on the Treatment of Palestinians ("Casablanca Protocol") is the regional instrument that attempted to regularize the status of Palestinians in Arab states where they have found shelter since 1948. The Protocol, adopted during a special summit conference of Arab heads of states,⁶⁹ held in Casablanca in 1965, required that Palestinians be granted the same treatment as nationals of Arab host states with regard to employment, the right to leave and return to the territory of the state in which they resided, freedom of movement between Arab states, issuance and renewal of travel documents, and freedom of residence, work and movement. Not all member states of the Arab League are signatory to the Casablanca Protocol.⁷⁰

Implementation of Arab League standards varies. Despite the obligation to treat Palestinian refugees the same way as nationals regarding employment, the right to leave and enter, travel documents, and visas and residence, in Egypt, Libya, and Gulf states like Kuwait in particular, they often experience protection standards similar to those accorded to foreigners. In contrast, Palestinian refugees in Jordan, Syria, Algeria, Morocco and Tunisia generally enjoy relatively favourable treatment. In 1991, the League of Arab states adopted Resolution 5093, which authorized states to treat Palestinian refugees in accordance with local norms rather than the provisions set forth in the Protocol.⁷¹

In the absence of binding and enforceable regional standards for the treatment of Palestinian refugees in Arab host states, their legal status is regulated by the national legislation of each country. Restrictions on residency rights, freedom of movement, employment, property

ownership rights and access to government services are imposed in varying degrees on Palestinians who are holders of refugee documents in all Arab countries. Moreover, Palestinian affairs in Arab host countries are often governed by ministerial decrees or administrative orders, which can easily be reversed in response to changing political circumstances.⁷² A Palestinian entitled to certain rights upon departure from his or her country of habitual residence can therefore not be sure that those rights will remain in place.⁷³

The absence of regional standards, moreover, has resulted in a situation where legal status and basic human rights of Palestinian refugees differ from one host country to another. At the same time, Arab host countries share a number of common principles and policies.⁷⁴

- Arab countries do not generally grant foreigners full residency status (naturalization or permission to remain indefinitely). The only exception is Jordan vis-à-vis 1948 Palestinian refugees living in its territory.
- Most countries have special provisions prohibiting naturalization on political grounds.
- Nationality in more than one Arab country is not allowed in principle.
- Marriage to a female citizen of a country does not constitute grounds for naturalization or special residency rights, either for the husband or non-national children.⁷⁵
- The majority of Palestinians (except for those in Jordan) are issued special Refugee Documents, which in most countries do not confer secure residency status.

Refugees registered with UNRWA are entitled to receive the services provided by the Agency, such as education, health care and social services. Registration with UNRWA, however, does not confer protected legal status upon Palestinian refugees living in Arab host countries inside UNRWA's area of operations.⁷⁶

Although UNHCR considers Palestinian refugees in Arab states outside of UNRWA's area of operations as a population of concern, UNHCR's ability to provide legal protection to these refugees is limited by a weak standing vis-à-vis the Arab states, most of which have not acceded to the 1951 Refugee Convention or the Statelessness Conventions,⁷⁷ and – in light of international political pressure for the forced resettlement/integration of Palestinian refugees back in their territory – are reluctant to provide protection benefits. UNHCR continues, however, to promote the accession of Arab states to the 1951 Refugee Convention and to provide training in refugee-related issues.

Lebanon

Palestinian refugees in Lebanon live under extremely adverse conditions and continue to be systematically discriminated against. Most Palestinian refugees have never obtained citizenship and their legal status in Lebanon is that of a special category of foreigners. A few Palestinians were given citizenship in the 1950s to maintain the balance between the Christian and Muslim population in the country.⁷⁸ Only those Palestinian refugees who took direct refuge in Lebanon in 1948 are eligible for residency.⁷⁹ Palestinian refugees who arrived later – including refugees displaced in 1967 – are not eligible for residency and considered to be residing illegally in Lebanon.⁸⁰

Most refugees in Lebanon receive a single-year travel document; unregistered refugees, however, are only eligible for a document valid for three months. Refugees registered with UNRWA receive a travel document that can be renewed three times. Refugees registered with the League of Red Crescent Societies (LRCS) in 1948, but not with UNRWA in 1950, are also eligible for a travel document that can be renewed three times. The document is distinguished from the one given to UNRWA-registered refugees by a stamp indicating “Valid for Return”. Refugees eligible only for a three-month travel document include those not registered with UNRWA or the League of Red Crescent Societies.⁸¹

Palestinian refugees in Lebanon do not have access to public health care and other social services and most cannot afford private health care. Most are unable to attend Lebanese schools and universities for financial reasons.⁸² Foreigners are allowed to constitute up to ten per cent of state school classes in Lebanon. UNRWA thus operates five secondary schools in Lebanon for Palestinian refugees. The Faculty of Arts in the Lebanese University Education section, which prepares teachers for Lebanese secondary schools, does not accept Palestinian students.

Palestinian refugees do not have the right to own property,⁸³ and building in and around Palestinian refugee camps is restricted. They are denied the right to work in skilled and semi-skilled professions, including pharmacy, journalism, medicine, law, education and engineering; and are only allowed to work in a limited number of professions. They cannot seek employment without a work permit, which is difficult to obtain.⁸⁴ In 1999 (the most recent year for which statistics are available), the Lebanese Ministry of Labour issued some 18,000 work permits to Egyptian workers and only 350 work permits to Palestinians.⁸⁵ Lebanon reserves the right to restrict access to employment under the Casablanca Protocol. Lebanon only grants refugees the right to employment based on “the right of keeping their Palestinian nationality, in accordance with prevailing social and economic conditions in the Republic of Lebanon.”⁸⁶ In June 2005 the Lebanese government announced that Palestinian refugees would be

permitted to work in manual and clerical jobs, however, it is too early to assess the implementation of this new policy.

Jordan

Palestinians generally have the same citizenship and residency status as Jordanian nationals and are entitled to Jordanian passports.⁸⁷ Palestinian refugees displaced to Jordan in 1948 hold Jordanian citizenship and do not require travel documents. Jordanian law, however, does not provide automatic citizenship to Palestinians who took up residency in Jordan after 1954. The possession of a Jordanian passport does not necessarily imply citizenship rights in Jordan when the holder of the passport has never lived in Jordan and has no other ties to the country.⁸⁸ Palestinians who took up residency in Jordan after 16 February 1954, including 100,000 Palestinians from the Gaza Strip who fled to Jordan during and immediately after the 1967 war and their descendants, are not considered Jordanian citizens and are required to regularly renew a temporary residency permit.⁸⁹

On 1 June 1983, the Jordanian government created a dual card system to facilitate distinction between Palestinian citizens living in Jordan and Palestinians living in the West Bank. Palestinians who were living in and citizens of Jordan on that date were provided with a yellow card, which represents full residency and citizenship status. Green cards were provided to Palestinians who live in the West Bank and to those who left the West Bank after 1 June 1983. Green card holders have no right to reside in Jordan. They are, however, entitled to visit Jordan for short periods.

Palestinian refugees from the occupied Gaza Strip who entered Jordan during and after the 1967 war do not have Jordanian citizenship; many use Egyptian-issued travel documents when travelling abroad. Between 1960 and 1967, Egypt also issued travel documents to Palestinians in the Gaza Strip, which was then under Egyptian administration.⁹⁰

Palestinian refugees have the right to employment on a par with host state nationals, although they may experience informal discrimination. This includes Palestinian refugees who entered Jordan as a result of the 1948 and 1967 wars, except for those refugees from the Gaza Strip who entered Jordan during and after the 1967 war. Refugees from the occupied Gaza Strip who entered Jordan during or immediately after the 1967 war do not have full access to employment and must obtain approval from state security officials for employment.⁹¹ Most Palestinian refugees have access to all levels of education on par with host state nationals. Those who entered Jordan from the Gaza Strip after 1967, however, must also compete for a limited number of spaces available to Arab students for post-secondary education; fees must be paid in foreign currency and candidates must have a clean security record.⁹²

Syria

Palestinians generally are not eligible for Syrian citizenship.⁹³ Palestinian refugees in Syria may acquire Syrian citizenship if they are women married to Syrian men, had Syrian citizenship before 1948, or by special dispensation from the Ministry of the Interior. However, they enjoy most of the residency, social and civil rights of Syrian nationals. Palestinians are issued identity cards and travel documents similar to Syrian passports. Syria issues six-year travel documents to Palestinian refugees. Those who wish to travel abroad must obtain the same authorization as Syrian nationals.⁹⁴

Most Palestinian refugees have access to all levels of education on par with Syrian nationals. A small number of unregistered refugees, including those who subsequently entered Syria from other Arab states, and refugees from the occupied Gaza Strip who entered Jordan during or immediately after the 1967 war, do not have full access to employment.⁹⁵ Refugees may not own arable land; however, they may acquire a single home provided they are registered with the General Authority for Palestine Refugees (GAPAR).

Egypt

Palestinian refugees in Egypt enjoyed most fundamental rights until 1978, when Egyptian writer Yousef Al-Sibai, a close friend of then-President Anwar Sadat, was assassinated by a Palestinian. The government rescinded all rights previously granted. Few Palestinian refugees now residing in Egypt have acquired Egyptian citizenship. Palestinian refugees are eligible for three types of residency: special (valid for ten years), ordinary and temporary.⁹⁶ Most Palestinians residing in Egypt hold temporary residency permits, which are valid for one to three years. Egypt is the only Arab host state that requires all Palestinian refugees to regularly renew their residency status.

Palestinians holding Egyptian travel documents are not automatically entitled to re-enter Egypt. Re-entry to Egypt is permitted only to holders of a valid re-entry visa, which must usually be obtained prior to departure. Since the Gulf crisis in the early 1990s and the involuntary migration of Palestinians from Kuwait (many of whom held Egyptian travel documents), renewal of residency permits in Egypt has become more difficult. Refugees in Egypt are eligible for a five-year travel document. Travel documents are issued to those refugees who took refuge in the country in 1948. A substantial number of holders of Egyptian travel documents no longer have legal residency in Egypt.

Like other foreign aliens, Palestinian refugees in Egypt have the right to employment, but find it difficult to obtain work permits.⁹⁷ Refugees wishing to practice a profession must hold Egyptian residence and obtain a permit issued by the Ministry of Labor and Training.⁹⁸ Employment in the civil service is based on reciprocal rights for Egyptian

nationals in the foreigner's state of citizenship.⁹⁹ Due to the fact that most Palestinian refugees in Egypt are stateless, there is no possibility of reciprocal agreements and no possibility of public sector employment. However, holders of Egyptian travel documents endorsed with a visa other than for a tourist visit are formally exempt from the requirement that native workers be given priority for employment.¹⁰⁰

Palestinian refugees in Egypt are treated as other foreigners with regard to education.¹⁰¹ Palestinian refugees in Egypt are required to pay university fees in foreign currency. Children of government employees (including retirees), children of Egyptian widows and divorcees, children of mothers who passed their Egyptian high school exams, continuous residents of Egypt and students in need of financial assistance, however, are exempt from ninety per cent of school and university fees. Since 2000, Palestinian students at Egyptian schools have been exempted from paying fees due to the economic difficulties facing Palestinians as a result of the second *intifada*.¹⁰² Palestinian refugees have the same right to own immovable property as foreign aliens.¹⁰³ Property ownership in Egypt is limited to a single private residence; a business may be acquired in partnership with an Egyptian national. Foreigners are not permitted to own agricultural land or desert land in Egypt.¹⁰⁴

Kuwait

The number of Palestinians residing in the Gulf States in general has fluctuated greatly, mainly as a result of political and military crisis, in particular the 1991 Gulf War.¹⁰⁵ Palestinians are considered migrant workers and their residency status is closely related to employment status; any foreigner has to leave the country upon termination of his or her employment. Return to the first country of refuge is often impossible for Palestinians who, in their absence, are likely to have lost their residency status there.

After the first Gulf War, the official deadline for the renewal of residency permits in Kuwait was terminated in the summer of 1992. Some 5,000 Palestinians with Egyptian travel documents who had not managed to renew their residence permits were still in the country, including some Palestinians who had arrived from the Gaza Strip before the 1967 Israeli-Arab war. They found themselves in a legal limbo because they had lost both their residency rights in the Gaza Strip (due to their absence during Israel's 1967 census) and in Egypt (because their temporary residency in Egypt had expired).¹⁰⁶ Since 2002, Arab citizens/residents from non-Gulf Cooperation Council (GCC) states, including Palestinian refugees, have not been allowed to stay in Kuwait for more than three months.¹⁰⁷

Kuwait reserves the right to restrict access to employment under the Casablanca Protocol and to exclude Palestinian refugees from employment in private business on par with

Kuwaiti citizens.¹⁰⁸ Palestinian refugees were treated on par with Kuwaiti nationals with regard to education until the 1960s, when the government introduced a quota system to address overcrowding resulting from increased migration and budgetary problems. There are quotas for the admission of foreigners to public schools and universities.¹⁰⁹ Palestinian refugees in Kuwait are not permitted to own immovable property.¹¹⁰

Libya

Palestinians residing in Libya have largely enjoyed the same residency rights as Libyan nationals, although many Palestinians have had to live in specially designated areas. However, Libyan foreign policy interests have had a direct impact on their residency status. Thus in 1995, for example, Libya cancelled the residency rights of Palestinians in the country, causing a mass exodus of Palestinian refugees and stateless persons towards Egypt and a protracted emergency situation on the border between the two countries. These refugees were assisted by UNHCR and UNRWA. The crisis was resolved only several years later, when Libya retracted its 1995 policy, following intervention by states and international agencies.

Iraq

Until the US-led war and occupation of Iraq in 2003, Palestinians largely enjoyed the same residency rights as Iraqi nationals without being granted citizenship. They were granted preferential treatment in respect of naturalization.¹¹¹ Refugees were eligible for a five-year travel document. Until 2003, Palestinian refugees in Iraq were allowed to leave the country twice per year, once for pilgrimage and once for a visit. Refugees were required to obtain an exit visa.¹¹²

Most Palestinian refugees had the right to employment on par with host state nationals, although they may have experienced informal discrimination.¹¹³ Palestinian refugees had access to all levels of education on par with host state nationals. They were also permitted to own property on par with host state nationals.¹¹⁴

Their situation deteriorated in the context of the war, mainly due to threats to their personal safety and forced eviction from government-subsidized pre-war homes. As a result, some 2,000 Palestinians sought shelter in UNHCR refugee camps, mainly in Baghdad and on the Iraqi-Jordanian border. International intervention secured admission into Jordan of those families of which the mother was a Jordanian national, while most others have remained in Iraq due to lack of access to protection in a third country. By March 2004, UNHCR had registered a total of 22,706 Palestinians in Iraq. The number includes some 1,000 Palestinian refugees who were deported from Kuwait in the aftermath of the 1991 Gulf war.¹¹⁵

5. 2 Legal Status in the 1967 Occupied Palestinian Territories

Palestinian refugees in the occupied West Bank (including eastern Jerusalem) and the Gaza Strip have the same residency status as non-refugee Palestinians there. They are considered resident aliens or foreigners under Israeli civil and military law.¹¹⁶ As a result of the unilateral annexation of occupied eastern Jerusalem by Israel, the legal status of Palestinian residents of the city is regulated under Israeli civil law by Israel's Interior Ministry. The residency status of Palestinians in the rest of the 1967-OPT is regulated by Israeli military orders. Under the 1993 Oslo Accords between Israel and the Palestine Liberation Organization (PLO), administration of residency issues (except in eastern Jerusalem) was coordinated between the Israeli military government/Civil Administration and the Palestinian Authority's Ministry for Civil Affairs.¹¹⁷ This coordination broke down at the beginning of the second *intifada* in September 2000. Israel retains overall control of Palestinian residency in and entry into the 1967-OPT. Israel's recent withdrawal from the Gaza Strip is unlikely to result in a transfer of powers to the Palestinian Authority (PA) over the population registry and entry of persons there.

Identification Cards (ID-Cards)

Only those Palestinians registered in the 1967 Israeli census and their descendants are considered to be legal residents of the 1967-OPT by Israel. Palestinians in the occupied West Bank (except eastern Jerusalem) and Gaza Strip currently hold green ID cards, issued by the Palestinian Authority following approval by Israel. Palestinians residing in occupied eastern Jerusalem hold blue Israeli ID-cards. These cards, the validity of which is not limited in time, serve as the major permanent personal documents of Palestinians living in the 1967-OPT, thus allowing them to reside legally within the territory and obtain travel documents.

In the past, i.e. prior to the 1993 Oslo Accords, Palestinian residents of the 1967 OPT held orange-coloured ID-cards issued by the Israeli military authorities. Still earlier, between 1948 and 1967, the West Bank was controlled by Jordan while Egypt was in control of the Gaza Strip. Palestinian residents of these areas then held documents issued by the respective authorities. Egyptian documents issued to Palestinian residents of the Gaza Strip became invalid following the establishment of Israel's military occupation regime in 1967. In the West Bank, Palestinians – including 1948 refugees – held the same status as Jordanian citizens vis-à-vis Jordan. This situation began to change gradually in 1983, with the introduction of the dual (yellow/green) card system in Jordan and was drastically revised in 1988, when King Hussein renounced his claim of sovereignty over the West Bank and severed Jordan's legal ties therewith.¹¹⁸ In this context, West Bank Palestinians lost their status as Jordanian citizens and, thereby, their right to reside in Jordan.

Travel Documents

Since 1994, Palestinian residents of the occupied West Bank (except eastern Jerusalem) and the Gaza Strip may obtain a “Palestinian Passport” issued under the terms of the Oslo Accords between Israel and the PLO. This “passport” functions as a travel document.¹¹⁹ It does not convey citizenship of a state (in the absence of a Palestinian state). However, it entitles its holder to leave and re-enter the West Bank/Gaza Strip without the need for additional travel and re-entry permits (unless Israeli authorities raise “security reasons”). The Palestinian passport/travel document is issued by the Palestinian Authority (PA) after clearance by Israel. Only Palestinians residents in the 1967-OPT and their descendants who hold a valid ID-card are entitled to this passport/travel document. The document is valid for three years and renewable via the PA Interior Ministry or Palestinian representations abroad. Still, Palestinians may face difficulties renewing their Palestinian passport/travel document while abroad due to a lack of efficient procedures. Holders of such a Palestinian passport/travel document who also hold a passport of a second state must exit and enter Israel and the 1967-OPT on their Palestinian passport/travel document. Since January 2002, holders of a Palestinian passports/travel document, including Palestinians holding the citizenship and passport of another state, have not been permitted to leave and return via Israel’s international airport in Tel Aviv.

Palestinian residents of occupied eastern Jerusalem cannot obtain a Palestinian passport/travel document under the Oslo Accords. Travel abroad via Israel’s international airport requires an Israeli travel document (*laissez-passer*). These travel documents do not guarantee the right to re-enter the country, unless accompanied by a valid Israeli-issued re-entry permit. Such re-entry permits must be renewed annually. Palestinian Jerusalemites without a valid re-entry permit are denied return to Israel and the 1967-OPT and subsequently cancelled from the population registry.

All Palestinian residents of the occupied West Bank (including residents of eastern Jerusalem) may also travel abroad on valid Jordanian passports which serve as travel documents. Jordanian passports/travel documents are valid for two or five years, Palestinian residents of the West Bank who held Jordanian passports before July 1988¹²⁰ are entitled to a five-year renewable Jordanian passport. These Jordanian passports/travel documents do not automatically entitle their holders to re-enter and reside in Jordan and may be used for travel via land crossings between the West Bank and Jordan only. Palestinian Jerusalemites traveling abroad must, moreover, obtain an Israeli-issued re-entry permit (valid for three years) in order to travel and return on a Jordanian passport/travel document.

Palestinians seeking to leave and return via land crossings with Jordan and Egypt face frequent restrictions and delays upon exit and entry. They also face restrictions of movement within the 1967-OPT. Passage between the West Bank and Gaza Strip is closed for ordinary Palestinians. Palestinians are frequently refused passage at checkpoints due to military curfews and internal closures imposed on towns, villages and refugee camps; at some checkpoints, the Israeli authorities require special permits from those wishing to cross.

Social, Economic and Cultural Rights

Palestinian refugees in the 1967-OPT have the same right to employment, education and property ownership as non-refugee Palestinians. These rights, however, are frequently restricted by Israel's military occupation and related regime, including military closures, the permit system, roadblocks, curfews and property destruction. Israel does not accept the *de jure* application of international humanitarian and human rights law in the 1967-OPT. The construction of a separation Wall in the occupied West Bank, beginning in 2002, has imposed further restrictions. In 2003, the Israeli authorities also created a new permit regime in the West Bank area west of the new separation Wall, so that Palestinians are required to obtain permits to enter the area in which they live.¹²¹ Military orders have enabled Israel to acquire control of vast areas of Palestinian land and property.¹²² Property in the 1967-OPT held by the state of Israel and the Jewish National Fund (JNF) may not be transferred by sale or any other manner and, is therefore inaccessible to Palestinians.

Palestinian ID Card



Palestinian Passport / Travel Document



Jordanian Passport



Jordanian Green Card



Conclusion

More than five decades after the first mass displacement, the appropriate UN General Assembly-mandated durable solution for refugee protection has not yet been implemented.

The failure to effectively protect most Palestinian refugees in Arab host countries has been widely acknowledged by experts and relevant UN agencies, including UNRWA and UNHCR. Palestinian refugee populations identified as especially vulnerable to violations of basic human rights standards include:¹²³

- Palestinian refugees in Iraq and the no-man's land bordering Jordan;
- Palestinian refugees in the 1967-OPT;
- Palestinian refugees in Egypt;
- Palestinian refugees in Lebanon, especially those not registered with UNRWA (i.e., registered only with the Directorate General for Palestinian Affairs or not registered at all);
- Palestinian refugees in Jordan who previously lived in the Gaza Strip.

Protracted exile under dire circumstances and repeated conflict in the Middle East have caused Palestinian refugees to move on to countries still further away, including

Europe and North America, in order to seek protection in third-country signatories to the 1951 Refugee Convention and/or the two Statelessness Conventions. Thus, proper interpretation and application of these instruments, the need for harmonization and the elimination of existing gaps in the protection available for Palestinian refugees in Western countries, have become matters of increasing concern.

As Palestinians move away from their first countries of refuge in the Arab world, into areas where protection is guided by the standards of the 1951 Refugee Convention and a variety of domestic legislation, the following needs be taken into consideration:

Palestinian refugees and stateless persons are holders of many different types of “passport” issued by authorities of Arab states. In most cases, these are basic travel documents that do not confer citizenship rights (Jordan being an exception). Such travel documents do not necessarily reflect that the holder holds the right to legal residence or other protection rights in the country that has issued the document.

They may also be subject to visa requirements by the Arab country of former residence, and can be refused re-entry, even if they hold a valid travel document from this Arab country (for example, many Palestinians with Egyptian travel documents are not allowed re-entry into Egypt, except under exceptional conditions and only for a limited period of time).¹²⁴

Pending improvement of the protection regime available for Palestinian refugees and stateless persons, they remain vulnerable – not only in the Arab world, but also in the West, where they seek the protection of third states. Numerous reports of the protracted legal limbo and detention of (rejected) asylum-seekers suggest that Palestinians are a group of refugees who are especially likely to suffer extreme hardship in the process of seeking protection.

Protection Gaps: The Human Cost

Multiple forced displacement

Dr Iyad Al-Shurafa has been displaced five times in his life.¹²⁵ He was born in 1948 in Beersheba in the south of Palestine, which then became Israel. During the 1948 Israeli-Arab conflict, he and his family fled to the nearby Gaza Strip. The (Sinai) war of 1956 caused the nine-year-old Iyad and his brother to flee again, walking more than 120 miles across the Sinai Desert into Egypt. The rest of his family, who remained in Gaza, lost their house there in the 1967 Israeli-Arab war, and fled to Kuwait, where they were joined by Dr Al-Shurafa. In 1973, he returned to Egypt to study medicine. There he got married, his wife also being a Palestinian born in the Gaza Strip. Upon completion of his medical training, he left Egypt and returned to Kuwait with his family: his wife, a boy born in Egypt, a girl born in Kuwait and another boy born in New York. Dr Al-Shurafa held Jordanian travel documents issued in Kuwait, which did not entitle him to residence anywhere. Like other Palestinians living in Kuwait, Dr Al-Shurafa never became a Kuwaiti citizen, nor was he allowed to own property under the Kuwaiti government's highly restrictive immigration policies. As a result of the 1991 Gulf War, the family was threatened again. Based on the US citizenship of their second boy, Dr Al-Shurafa and his family were finally able to find shelter in the United States.

A family divided

A Palestinian refugee, born in Egypt and living in Saudi Arabia since the age of three months, applied for asylum in Sweden. He had lived there for four years and married a Russian woman. The couple had two children: a one-year-old son and a newborn baby girl. An earlier application by his wife for asylum in Finland had been rejected. The Swedish authorities (Migration Board and Appeals Board) decided to return her to Russia via Finland and to send the son to Finland, despite the parents' wish to keep him with his father in Sweden. The Palestinian father was requested to return to Saudi Arabia. It subsequently became possible to deport the mother and her son, but turned out impossible to return the father because he had been away from Saudi Arabia for more than six months. In September 2004, the Swedish Refugee Ombudsman submitted a complaint to the European Court of Human Rights (ECHR) in Strasbourg regarding their case. The family continues to live in Sweden without legal status, awaiting the outcome of the case before the ECHR.¹²⁶

Detained, deported, nowhere to go

Mazen Al-Najjar is a Palestinian who was born in the Gaza Strip in 1957. He and his family lived in Saudi Arabia for thirteen years. He studied in Egypt and then worked in the United Arab Emirates from 1979 until 1981 on a temporary work visa. He entered the United States for purposes of study in 1981, and subsequently took up work as an engineering instructor at the University of South Florida.¹²⁷

In 1985, the US Immigration and Naturalization Service initiated deportation proceedings against him for failing to maintain the conditions of his student visa.

In February 1996, a deportation hearing was held against him and his Palestinian wife from Saudi Arabia. Both argued that no Middle East country would accept them as permanent residents because they did not hold citizenship in any country in the world. In May 1997, an Immigration Judge denied all forms of relief, including asylum, suspension of deportation and withholding of removal. The United Arab Emirates were designated as the appropriate country of deportation for Mr Al-Najjar, and Saudi Arabia for his wife. This decision was appealed.

Shortly after the decision, Mr Al-Najjar was arrested and jailed based on classified evidence that allegedly linked him to the Islamic Jihad.¹²⁸ On the basis of secret evidence, he was held without bond on the grounds that he posed a threat to national security. In December 2000, he was released after a district court had ruled that his constitutional rights were violated by the government's refusal to divulge the evidence against him. He had been in jail for three and a half years without any formal criminal charges being lodged against him.

In July 2001, the Court of Appeals for the Eleventh Circuit issued a decision reaffirming the deportation order. The Court ruled that Mr Al-Najjar and his wife were ineligible for asylum on the basis of a fear of persecution, and could not provide sufficient evidence to justify withholding deportation. This decision was not based on classified information or on allegations that Mr Al-Najjar was connected to terrorist groups. In November, the Court confirmed its decision.

Mr Al-Najjar was arrested once again on 11 September 2001 and detained for deportation until August 2002. Initially, Bahrain had granted him a two-week visa, but en route to Bahrain, during a refuelling stop in Ireland, he received official information that he would be denied entry. He therefore changed his flight to Italy. There he spent 25 hours on the tarmac at Rome while the US State Department tried to find another country that would receive him. At that point, Lebanon issued a six-month visitor's visa and he arrived there on 31 August 2001. On the following day, however, Lebanon revoked his visa and deported him to an unknown country.¹²⁹

Another case involved Mr Altawil, a stateless Palestinian refugee who had been residing in Qatar and left temporarily in order to attend university in Afghanistan. Due to the war in Afghanistan, he was unable to return to Qatar in time to submit his biannual report. His residency status therefore expired, and he was denied re-entry. He went to Canada and claimed refugee status. The Canadian Immigration and Refugee Board (IRB) rejected his claim because denial of his re-entry was a matter of general application of the law and not the result of (a well-founded fear of) persecution. The IRB noted that:

It is unfortunate that the claimant, a stateless Palestinian, has nowhere to go and live a normal, productive life. He is in front of this, the panel, seeking protection as a Convention Refugee, but he does not need protection. We have found that he does not have a well-founded fear of persecution. He needs a place to live. He has no place to go legally, not even Qatar, his country of former habitual residence. He is a prime example of a decent, well-educated, stateless person, deserving of a country to live in, but this does not make him a Convention refugee.¹³⁰

Endnotes

- ²⁴ This section is largely based on Chapter One – Historical Overview of the BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*. Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, August 2005.
- ²⁵ BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Table 2.1, Palestinian Refugees, Internally Displaced Palestinians and Convention Refugees, p. 34. There is no single authoritative source for the global Palestinian refugee population. These estimates include Palestinians and their descendents whose country of origin is Palestine and who have been displaced outside the borders of Israel and the 1967 occupied Palestinian territories and do not have access to voluntary durable solutions. The actual number of these refugees in need of international protection is not known due to the peculiarities of the protection regime for Palestinian refugees discussed in this Handbook. For a more detailed discussion of these numbers, see, BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Appendix 1, Notes for Table 2.1, p. 53. The total refugee population of concern to UNHCR at the end of 2003 was 9.7 million. See UNHCR, *2003 Global Refugee Trends, Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum-seekers and Other Persons of Concern to UNHCR*. Geneva, 17 June 2005, Table 1, Asylum-seekers, refugees and others of concern to UNHCR, pp. 8-11.
- ²⁶ Out of 9,000 applications from Palestinians outside the country, for example, British officials only approved 100. Based on an average family of six persons, more than 50,000 Palestinians may have been affected. *Palestine Royal Commission Report*, Cmd. 5479. London: HMSO, 1937, p. 331. For a description of the problem facing Bethlehem families, see Adnan A. Musallam, *Folded Pages From Local Palestinian History in the 20th Century: Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948*. Bethlehem: WIAM – Palestinian Conflict Resolution Center, 2002.
- ²⁷ Rony Gabbay, *A Political Study of the Arab-Jewish Conflict: The Arab Refugee Problem (A Case Study)*. Geneva: Librairie E. Droz, and Paris, Librairie Minard, 1959, p. 66. Based on an average family of six persons, an estimated 30,000 Palestinians were affected.
- ²⁸ During 1936–39, the British administration demolished some 5,000 Palestinian homes. Yusef Rajab al-Ruday'i, *The 1936 Arab Revolt in Palestine: A Military Study* [Arabic], cited in Yezid Sayigh, *Armed Struggle and the Search for a State, The Palestinian National Movement 1949-1993*. Washington, DC: Institute for Palestine Studies and Oxford University Press, 1999, p. 2. On the eviction of tenant farmers, see Charles Kamen, *Little Common Ground: Arab Agriculture and Jewish Settlement in Palestine 1920-1948*. Pittsburgh: University of Pittsburgh Press, 1991, p. 191.
- ²⁹ There is no single authoritative source for the exact number of refugees displaced or expelled during the 1948 and 1967 Israeli-Arab conflicts, as well as subsequent Palestinian displacement. For a detailed analysis of available figures, see BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Table 1.1 and “Annex 1.1 – Notes for Table 1.1” at the end of Chapter One.
- ³⁰ See *ibid*, pp. 11-15.
- ³¹ Israel has deported more than 6,500 Palestinians from the 1967-OPT. Some 4,000 Palestinians alone were deported to Egypt in 1967. See Table 5, ‘Palestinian Estimate of Displaced Persons and Refugees during the 1967 War,’ Tayseer Amro, “Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee],” *Article 74*, No. 14. (December 1995). The figure roughly coincides with Israeli figures if Palestinians deported to Egypt during the 1967 war are not included. See *Deportation of Palestinians from the Occupied Territories and the Mass Deportation of December 1992*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories, June 1993.
- ³² Israel has revoked the residency status of more than 100,000 Palestinians from the 1967-OPT. John Quigley, “Family Reunion and the Right to Return to Occupied Territory,” *Georgetown*

- Immigration Law Journal*, Vol. 6, (1992). Between 1967 and 1999, Israel revoked the residency rights of 6,185 Palestinians living in Jerusalem, affecting some 25,000 people. *Eviction from Jerusalem, Restitution and the Protection of Palestinian Rights*. Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, April 1999, Table III, 'Confiscation of Jerusalem ID Cards, 1967-1998,' p. 19. The table is updated through till the end of 1999 with available statistics from the Israeli Interior Ministry. Also see Noga Kadman, *Families Torn Apart: Separation of Palestinian Families in the Occupied Territories*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories, July 1999, p. 17. For eastern Jerusalem, see Nathan Krystall, *Urgent Issues of Palestinian Residency in Jerusalem*, second edition. Bethlehem: Alternative Information Center, 1994; and *The Quiet Deportation: Revocation of Residency of East Jerusalem Palestinians*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories and Hamoked, Center for the Defence of the Individual, 1997.
- ³³ Israel has expropriated or acquired control of an additional 300km² of Palestinian-owned land inside Israel, and more than 3,000km² of Palestinian-owned land in the 1967-OPT. It is estimated that as of the beginning of 2001, Israel had acquired *de facto* control of 79% of the land in the 1967-OPT. *Passia Diary 2001*, Jerusalem: PASSIA, Palestinian Academic Society for the Study of International Affairs, 2001, p. 257. Also see *Land Grab: Israel's Settlement Policy in the West Bank*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories, May 2002. Inside Israel, it is estimated that Israel has confiscated nearly 80% of the land owned by Palestinian citizens. Salman Abu Sitta, *The End of the Palestinian-Israeli Conflict: From Refugees to Citizens at Home*. London: Palestine Land Society and Palestinian Return Centre, 2001, p. 13. Also see *Economic, Social and Cultural Rights, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, Mr Miloon Kothari, Addendum, report on visit to the occupied Palestinian territories, 5-10 January 2002, UN Doc. E/CN.4/2003/5/Add.1, 10 June 2002, paras. 10-15 stating: "Estimates place the proportion of Palestinian land confiscated by Israel at more than 70% of the West Bank ... 33% of Palestinian land in East Jerusalem has been confiscated, and all but 7-8% of the area has been closed to Palestinian construction."
- ³⁴ Israel has razed more than 31km² of agricultural land in the Gaza Strip since the start of the second *intifada* until early 2005. This represents approximately 13% of the total arable land base in the Gaza Strip. For more details on the destruction of agricultural land, see the website of the Palestinian Centre for Human Rights (PCHR). Available at: <http://www.pchrgaza.org/Library/alaqsaintifada.htm>.
- ³⁵ Israel demolished 3,584 Palestinian homes in the West Bank, including eastern Jerusalem since the start of the first *intifada* until early 2005. This includes homes demolished for alleged military purpose, houses built without a permit (which is difficult to obtain), and as collective punishment. For more details on demolition of houses, see B'tselem, The Israeli Information Center for Human Rights in the occupied territories. Available at: <http://www.btselem.org/English/Statistics/Index.asp>. Since the start of the second *intifada* until December 2004, the Israeli authorities had demolished or damaged beyond repair a total of 2,991 shelters, home to over 28,483 people in the Gaza Strip. See UNRWA, "New Shelters for Rafah Homeless," *Press Release*, 4 July 2005. Available at: <http://www.un.org/unrwa/news/releases/pr-2005/gaza05-05.pdf>. An estimated 10,000 refugee shelters destroyed in the 1970s and 1980s. Norma Masriyeh Hazboun, *Israeli Resettlement Schemes for Palestinian Refugees in the West Bank and Gaza Strip Since 1967*. Ramallah: SHAML, Palestinian Diaspora and Refugee Centre, 1996, p. 21.
- ³⁶ The new route of the Wall, published by the Israeli government in February 2005, has an estimated length of 670 km, of which 80% runs within the occupied West Bank. Thus, only 20% of the Wall follows the Green Line (1949 Armistice Line). For more detailed information, see Office for the Coordination of Humanitarian Affairs (OCHA), *Update 5- The West Bank Barrier Report*, March 2005. Available at: <http://www.humanitarianinfo.org/opt/docs/UN/OCHA/>

OCHABarRprt05_Full.pdf. It is estimated that more than 2,300 Palestinians were displaced in 2003 by the construction of the Wall. See *Survey of the Impact of the Wall on the Localities Where it Passed Through, 2003*. Ramallah: Palestinian Central Bureau of Statistics, August 2003, p. 5. For more reports on the Wall and its impact on Palestinian refugees, see UNRWA. Available at: <http://www.un.org/unrwa/emergency/barrier/index.html>.

³⁷ The figure is based on the estimated forced migration rate of Palestinians from the West Bank and the Gaza Strip upgraded to 2001. The figure does not account for Palestinians inside Israel or for the number of Palestinians in exile who were able to return to the 1967-OPT following the establishment of the Palestinian Authority in 1994. See George F. Kossai, *The Palestinian Refugees and the Right of Return*. Information Paper No. 7. Washington, DC: Center for Policy Analysis on Palestine (September 1996), Table 6, Estimated Forced Migration from the West Bank and Gaza Strip, 1967-1986 (in thousands), p. 8.

³⁸ See Laurie A. Brand, *Palestinians in the Arab World: Institution Building and the Search for a State*. New York: Columbia University Press, 1988, pp. 126-27: "In the mid-1950s, Palestinian workers supported by indigenous nationalist elements who opposed the continuation of Western economic domination led a series of strikes throughout the Gulf to protest conditions in the oil sector. Deportations of Palestinians from Saudi Arabia, Iraq, Libya, and Kuwait followed. The governments and oil companies involved then moved to ensure that a larger percentage of oil sector workers would be host country nationals. For example, a 1957 agreement between the Saudi government and American oil companies gave priority in job recruitment to citizens of Arab League countries, thereby excluding all Palestinians who remained stateless. In Kuwait a similar agreement was concluded between the government and the oil companies; however, in the case of Kuwait, the amir was empowered to choose whomever he wanted for employment, without regard to whether the Arabs were citizens of Arab League states. Therefore, in Kuwait the potential impact of the new agreements was lessened."

³⁹ The body formed in January 1964 in order to represent the Palestinian people and restate their rights in their historic homeland as set forth in the Palestine National Charter. The two most important institutions of the PLO are the 669-member parliament and the fifteen-member executive committee. Economic institutions of the PLO include the Palestinian National Fund and the Palestine Martyrs' Works Society. Major social institutions include the Palestinian Red Crescent Society, the Department of Education, the Institute for Social Affairs and multiple unions in which Palestinians have organized themselves. The PLO holds a permanent observer seat in the UN General Assembly.

⁴⁰ See Takkenberg, *The Status of Palestinian Refugees in International Law*, p. 17.

⁴¹ See *ibid.*, p. 18.

⁴² *Ibid.*

⁴³ See *ibid.*, p. 18.

⁴⁴ *Palestinians at the End of 2003*. Ramallah: Palestinian Central Bureau of Statistics, December 2003. Data, to the extent that this is available, on Palestinian refugees in non-Arab countries is included in Chapter Five of this Handbook. Not included in this figure are 500,000 Palestinian (forced) migrants to Central and South America. For example, community sources estimate the number of Palestinian in Chile at 350,000 (see Chapter Five, Country Profile Latin and Central America). The circumstances and scope of this massive out-migration since the early 20th century, mainly from the Bethlehem district, have remained under-researched. For a rare reference, see Musallam, *Folded Pages From Local Palestinian History in the 20th Century: Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948*.

⁴⁵ *Al-Awda News*, 27 January 2004, written by Kamal, a Palestinian refugee in Lebanon.

⁴⁶ For a detailed discussion of frameworks and efforts for durable solutions for Palestinian refugees, see *BADIL 2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Chapter Six, pp. 148-177.

⁴⁷ See *ibid.* United Nations General Assembly Resolution 194(III) has been affirmed annually by

- the United Nations since 1948. For a reference to such UN resolutions, see Musa Mazzawi, *Palestine and the Law - Guidelines for the Resolution of the Arab-Israel Conflict*. Reading: Ithaca Press, 1997, Appendix VI.
- ⁴⁸ For a detailed analysis of the meaning of United Nations General Assembly Resolution 194(III), see UNCCP, *Analysis of paragraph 11 of the General Assembly's Resolution of 11 December 1948*. For further references to relevant United Nations documents, see BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Chapter Six, pp. 148–177.
- ⁴⁹ See Chapter Two for a more detailed presentation of history and mandates of UN agencies pertaining to Palestinian refugees.
- ⁵⁰ See Chapter Three for proper interpretation of Article 1D.
- ⁵¹ The Resolution was adopted unanimously at the 1361st meeting of the Security Council. A similar statement was adopted on 4 July 1967 by the General Assembly; see United Nations General Assembly Resolution 2252 (ES-V) of 4 July 1967, para. 1(d).
- ⁵² For further details, see BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Chapter Six, pp. 148–177.
- ⁵³ *Palestinians at the End of Year 2003*. Palestinian Central Bureau of Statistics, Table 1, Estimated Palestinian Population in the World by Country, p. 27.
- ⁵⁴ For detailed information, including sources and method of calculation of data, see BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Appendix 1, Table 2.1, p. 53.
- ⁵⁵ See *ibid*, Chapter Two, pp. 31–55, regarding registered and non-registered refugees.
- ⁵⁶ Palestinian IDPs include persons displaced in the territory that became the state of Israel in 1948 and in the West Bank or the Gaza Strip as a result of the Israeli-Arab conflict in 1967, and 1967-displaced persons at a later stage, including during the second *intifada*. Major causes of internal displacement are similar to the causes for external displacement listed at the beginning of this chapter. For information about Palestinian IDPs, see Terry Rempel, *Internally Displaced Palestinians, International Protection and Durable Solutions*, Information and Discussion Brief No. 9. Bethlehem: BADIL Resource Center on Palestinian Residency and Refugee Rights. See <http://www.badil.org>, and the BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Chapter One. See also the Global IDP Project of the Norwegian Refugee Council report on IDPs in Israel. Available at: Israel <http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Israel>. The report on IDPs in the 1967-OPTs is available at: <http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wCountries/Palestinian+Territories>.
- ⁵⁷ *UNRWA in Figures*. Available at: <http://www.un.org/unrwa/publications/index.html>. Figures as of 31 December 2004. Those not registered with UNRWA are registered only with the Directorate General for Palestinian Affairs, or not at all.
- ⁵⁸ *Ibid*. Those not registered with UNRWA are registered only with the Department for Palestinian Affairs
- ⁵⁹ *Ibid*. Those not registered with UNRWA are registered only with the General Authority for Palestine Refugee Affairs.
- ⁶⁰ *Palestinians at the End of Year 2003*. Palestinian Central Bureau of Statistics, Table 1, Estimated Palestinian Population in the World by Country, End Year 2003, p. 27.
- ⁶¹ *UNRWA in Figures*. Available at: <http://www.un.org/unrwa/publications/index.html>.
- ⁶² *Ibid*.
- ⁶³ BADIL *2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Chapter Two, p. 40.
- ⁶⁴ Detailed information on each of the 59 refugee camps is available at: <http://www.un.org/unrwa/refugees/camp-profiles.html>.
- ⁶⁵ A number of so-called unofficial refugee camps have also been established over time by the host governments to provide accommodation for refugees. In all respects, refugees in official and unofficial camps have equal access to UNRWA services, except that UNRWA does not provide for solid waste collection in the unofficial camps.

⁶⁶ UNRWA in *Figures*, Figures as of 31 December 2003.

⁶⁷ UNRWA. Available at: <http://www.un.org/unrwa/refugees/gaza/jabalia.html>.

⁶⁸ This section is based on *BADIL 2003 Survey of Palestinian Refugees and Internally Displaced Persons*, Chapter Five. See also the *BADIL 2003 Survey* for social and living conditions of the refugees, Chapter Three.

⁶⁹ The Casablanca Protocol was adopted by the Council of Foreign Ministers of the Member States of the Arab League. The League of Arab States (LAS) was established in 1945 with the "purpose of ... draw[ing] closer the relations between member States and co-ordinat[ing] their activities with the aim of realizing a close collaboration between them..." Pact of the League of Arab States, effective 10 May 1945, 22 March 1945, 70 United Nations Treaty Series, 237. The 21 members of the League of Arab States are Algeria, Bahrain, Djibouti, Egypt, Jordan, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen. The League consists of three main bodies: the Council of Ministers, the General Secretariat and the Permanent Committees for each field of co-operation between members. The supreme body of the League, the Council of Ministers, which is composed of the representatives of the member states, meets in ordinary sessions twice a year. See Takkenberg, *The Status of Palestinian Refugees in International Law*, pp. 136ff.

⁷⁰ Kuwait, Lebanon and Libya endorsed the Protocol, but with reservations. Saudi Arabia, Morocco and Tunisia are not signatories.

⁷¹ See Takkenberg, *The Status of Palestinian Refugees in International Law*, p. 144: "Throughout the following decades, the commitment of the member states of the Arab League towards the Palestinian refugees, encapsulated in the Casablanca Protocol, began to wane. Most of the Arab states, in particular Lebanon and the Gulf States, never fully implemented the Protocol, whilst others, such as Egypt and Libya, have done so inconsistently." Also see Abbas Shibliak, "Residency Status and Civil Rights of Palestinian Refugees in Arab Countries," *Journal of Palestine Studies*, Vol. XXV, No. 3 (Spring 1996), p. 42: "For some time, the Arab states on an individual basis had been annulling by administrative decree the rights accorded the Palestinians under the Casablanca Protocol; after the Gulf War, this trend culminated in the adoption by the host countries of Arab League Resolution 5093 officially revoking the protocol, which has been superseded by the internal laws of each host state."

⁷² Palestinians' rights have been revoked following political changes; for example, in 1978 in Egypt, after a Palestinian faction associated with Abu Nidal assassinated Egyptian writer Yousef al-Sibai, a close friend of then-President Anwar Sadat; in Lebanon in 1994 when a new law was adopted requiring Palestinian refugees living in Lebanon to obtain exit and re-entry permits. Five years later, the government lifted this requirement (see Lisa Raffonelli, "With Palestine, against the Palestinians: The Warehousing of Palestinian Refugees in Lebanon," *World Refugee Survey 2004*. Washington, DC: US Committee for Refugees and Immigrants, 2004, pp. 66-73. Available at: <http://www.refugees.org/article.aspx?id=1156>); in Libya in 1995 when 30,000 Palestinian workers were expelled in retaliation for the PLO's acceptance of a peace accord with Israel two years earlier; in Iraq in 2003, "[t]he previous regime had been generous to the Palestinian, Iranian Arab and Syrian refugees who had settled in the south and centre of the country ... When the Government collapsed in May 2003, so did the entire support network for refugees in central and southern Iraq. Many found that once-friendly host communities turned hostile and some refugees were forced to leave their homes". UNHCR, *Global Report 2003*, Geneva, pp. 306-307.

⁷³ See further Shibliak, "Residency Status and Civil Rights of Palestinian Refugees in Arab Countries," p. 42.

⁷⁴ See *ibid*, pp. 39ff. The Arab states' determination to keep United Nations General Assembly Resolution 194(III) on the international agenda might have influenced their policy towards Palestinian refugees. See Oroub al-Abed cited in Raffonelli, "With Palestine, against the Palestinians: The Warehousing of Palestinian Refugees in Lebanon," p. 73: "Arab countries

- deal with Palestinian refugees as a political issue. Any humanitarian solutions, in their point of view, will lead to marginalizing the Palestinian cause.”
- ⁷⁵ For example, following the outbreak of the conflict in Iraq, some mixed-marriage Palestinian families (i.e., in which the wife held a Jordanian passport and the husband did not – approximately 400 persons) who had fled Iraq in spring 2003 were permitted to enter Jordan. The husbands did not enjoy any residence rights in Jordan; initially, the Jordanian authorities were reluctant to allow these families to enter Jordan, regardless of the mother’s citizenship status. Finally, the authorities allowed the families to enter Jordan temporarily on a special humanitarian basis (UNRWA Field Office, Jordan). See also Takkenberg, *The Status of Palestinian Refugees in International Law*, p. 161, footnote 142.
- ⁷⁶ In Lebanon, however, UNRWA registration may facilitate access to identity cards and travel documents issued by the Lebanese authorities, i.e., a UNRWA registration card can be used to establish a person’s identity.
- ⁷⁷ The following Arab countries are parties to the 1951 Refugee Convention: Algeria, Egypt, Morocco, Tunisia and Yemen. As of 1 October 2004, Algeria, Libya and Tunisia are the only Arab countries that have acceded to the 1954 Stateless Convention.
- ⁷⁸ See Takkenberg, *The Status of Palestinian Refugees in International Law*, p. 164.
- ⁷⁹ Decree No. 319 (1962). Between 1969 and 1987, residency status was regulated by the Cairo Agreement between the PLO and the Lebanese government; the agreement was unilaterally abrogated by the Lebanese parliament in 1987. After the expulsion of the PLO from Lebanon in 1982, the right of Palestinian refugees to reside in Lebanon was severely curtailed. It is estimated that 12,000 refugees who were assumed to have acquired residency or citizenship abroad were removed from the population registry.
- ⁸⁰ Decree No. 136 (1969).
- ⁸¹ See Takkenberg, *The Status of Palestinian Refugees in International Law*, p. 163.
- ⁸² Suheil Natour, “The Legal Status of Palestinians in Lebanon,” *Journal of Refugee Studies*, Vol. 10, No. 3 (1997), p. 45.
- ⁸³ Decree No. 296 (2001). Also see Raffonelli, “With Palestine, against the Palestinians: The Warehousing of Palestinian Refugees in Lebanon,” p. 68: “An April 2001 law does not allow ‘anyone who is not a national of a recognized State, or anyone whose access to property is contrary to the Constitution’s provisions ... to acquire real rights of any nature’. This law also prohibits Palestinian refugees from inheriting property already in their family’s possession. Previously, family members transferred the property of a deceased relative to heirs by presenting a certificate from a religious court to the government. Under the new law, ownership automatically reverts to the state.”
- ⁸⁴ Law Regarding Entry to, Residency in and Exit from Lebanon (1962). The law prohibits non-Lebanese persons from engaging in work in Lebanon without a license from the Ministry of Labour and Social Affairs. Also see Law No. 17561 (1964) as amended by Decision No. 289/2 (1982) and Decision No. 621/1 (1995). Under the 1969 Cairo Agreement between the PLO and the Lebanese government, Palestinian refugees were accorded the right to work; this agreement was unilaterally abrogated by the Lebanese parliament in 1987.
- ⁸⁵ Raffonelli, “With Palestine, against the Palestinians: The Warehousing of Palestinian Refugees in Lebanon,” p. 68.
- ⁸⁶ Abbas Shiblak, *The League Of Arab States and Palestinian Refugees’ Residency Rights*. Monograph 11. Ramallah: Shami Palestinian Diaspora and Refugee Center, 1998, p. 36.
- ⁸⁷ Nationality Law (No. 6) (1954).
- ⁸⁸ See the decision by the US Board of Immigration Appeals in *Rumman*, Decision No. A24 087 105, 7 December 1990 regarding a Palestinian from the West Bank: “The respondent entered the United States using a Jordanian passport. The possession of the passport creates a presumption that he is a national of Jordan [...] Under the facts of this case, however, we find that this presumption has been overcome by the respondent’s evidence [...] In this regard, we consider the evidence that: The respondent was born on the West Bank at a time it had been

annexed by Jordan. Jordan's annexation of the West Bank had been without prejudice to the final settlement of the Palestinian issue and, to date, the question of sovereignty over the West Bank has not been finally resolved. The respondent's parents had always resided in the West Bank. The respondent's father obtained a Jordanian passport for him while he was a minor so that he could leave the West Bank after it was occupied by Israel. The respondent could only travel by obtaining a passport from the Jordanian government. The fact that the passport was issued did not in itself permit him to reside in Jordan [...] The respondent never resided in Jordan, nor does he have any family members who reside in that country. The respondent had no contact whatsoever with Jordan other than being issued the passport in 1979. [...] Considering these facts in the totality, we find that the respondent has adequately established that he is not a national of Jordan."

- ⁸⁹ Passport Law (No. 2) (1969). In 1968, Jordan issued ex-Gazans a one-year temporary passport which serves as a residency card. At the beginning of the 1980s, the government issued a three-year passport to ex-Gazans. This regulation was revoked after the failure of the 1985 Amman Agreement. In 1990, the government issued 80,000 two-year passports. More restrictive measures were introduced after the signing of a peace agreement between the PLO and Israel. See Oroub al-Abed, *Stateless Gazans: Temporary Passports in Jordan*, unpublished manuscript on file at BADIL. It is estimated that 3% (approximately 150,000 persons) of the total refugee population in Jordan originates from the Gaza Strip. See Marie Arneberg, *Living Conditions Among Palestinian Refugees and Displaced in Jordan*. Oslo: FAFO, Institute for Applied Social Science, 1997, p. 16.
- ⁹⁰ Decision No. 28 (1960).
- ⁹¹ See al-Abed, *Stateless Gazans: Temporary Passports in Jordan*.
- ⁹² See *ibid*.
- ⁹³ Nationality Law (No. 98) (1951).
- ⁹⁴ Takkenberg, *The Status of Palestinian Refugees in International Law*, p. 168: "Thus, both by law and practice, Palestinian refugees have been treated equally with Syrians in almost all areas. Exceptions are the right to vote, the right to buy arable land, the right to own more than one house." See also *World Refugee Survey 2004, Regional Summaries, Middle East, Country Updates: Syria*. Washington, DC: US Committee for Refugees and Immigrants, 2004. Available at: <http://www.refugees.org/article.aspx?id=1156>.
- ⁹⁵ There are an estimated 40,000 unregistered Palestinian refugees in Syria. In addition, there are an estimated 15,000 Palestinian refugees who entered Syria, primarily from Jordan and Lebanon in the 1970s and from Kuwait in the early 1990s. *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Volume I: Socio-economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Laurie Blome Jacobsen (ed.). Oslo: FAFO, Institute for Applied Social Science, 2003, p. 198.
- ⁹⁶ Law No. 89 (1960) as amended by Law No. 49 (1968), Law No. 124 (1980) and Law No. 100 (1983).
- ⁹⁷ During early years of exile in Egypt, and because of Egypt's serious unemployment situation, Palestinian refugees were forbidden to work for or without wages, on the assumption that they would soon return to their homes of origin. Egyptian President Gamal Abdel Nasser introduced more favorable employment laws in the 1950s. For further discussion and relevant legislation, see Brand, *Palestinians in the Arab World, Institution Building and the Search for State*, pp. 52-53.
- ⁹⁸ Law No. 48 (1978). The present restrictions on employment in professions were put in place after the death of Egyptian President Gamal Abdel Nasser. Oroub al-Abed, *The Palestinians in Egypt: An Investigation of Livelihoods and Coping Strategies*. Cairo: Forced Migration Studies Program, American University of Cairo, 2003, p. 8.
- ⁹⁹ Law No. 137 (1981). Palestinian refugees had the same right to state employment as Egyptian nationals under the Abdel Nasser regime.
- ¹⁰⁰ Decree No. 657 (1954). Also see Law No. 137 (1981) and Decree No. 25 (1982).

- ¹⁰¹ Palestinians were treated on par with Egyptian nationals until 1978, when the Egyptian government required all Palestinian students to transfer from public to private schools. Children of members of the Palestine Liberation Army and the Administrative Office of the Governor of Gaza were exempt. Between 1978 and 1995, Palestinian students were prohibited from studying medicine, pharmacology, economics, political science and mass communication. Many students were expelled and the General Union of Palestine Students was closed after student demonstrations against Sadat's decision to visit Jerusalem in 1977. Scholarships and subsidies for universities were terminated and entry restricted. See al-Abed, *The Palestinians in Egypt: An Investigation of Livelihoods and Coping Strategies*, p. 9.
- ¹⁰² See *ibid*, p. 10.
- ¹⁰³ Law No. 81 (1976) as amended in 1981. Palestinian refugees were originally exempt from legislation barring foreigners from owning agricultural land (Law No. 15 (1963)). See *ibid*, p. 11.
- ¹⁰⁴ At least 51% of a business investment must be Egyptian-owned with government approval. The total area of the business is limited to 3,000m² (Law No. 56 (1988)). Guarantees and Investment Incentives Law No. 8 (1997). On agricultural and desert land, see Law No. 104 (1985).
- ¹⁰⁵ Prior to the 1991 Gulf War, an estimated 700,000 Palestinians lived in the Gulf States, including 400,000 in Kuwait. See also Muhammad Hallaj, *The Palestinians and the War in the Gulf*. Washington, DC: The Center for Policy Analysis on Palestine, February 1991, p. 17.
- ¹⁰⁶ See Middle East Watch, "The Palestinians in Kuwait," *The Palestinian Yearbook of International Law*, Vol. VI (1990/91), pp. 87-112. See also Takkenberg, *The Status of Palestinian Refugees in International Law*, pp. 161-162.
- ¹⁰⁷ Nationality Law (1959) as amended by Decree No. 40 (1987), Statute No. 1 (1982), Decree No. 100 (1980) and Statute No. 30 (1970). Palestinian refugees are eligible for residency, which can only be obtained at the request of a Kuwaiti national through the Ministry of the Interior or the Ministry of Social Affairs and Labour. Brand, *Palestinians in the Arab World: Institution Building and the Search for a State*, p. 113. "Kuwait Restricts Stay of Non-GCC Arabs," *Middle East New Line*, Vol. 4, No. 472, 12 December 2002. Under the new regulations, Jordanians, Palestinians, Sudanese and Yemenis are given one-month visas for family visits in Kuwait. After that month, the visa could be extended for up to two more months. At that point, the nationals would be asked to leave the country. Those nationals arriving on business trips would be issued one-month, non-renewable visas.
- ¹⁰⁸ Shiblak, *The League Of Arab States and Palestinian Refugees' Residency Rights*, p. 36.
- ¹⁰⁹ In Kuwait, the government limited the number of non-Kuwaitis in government schools in 1965 to 25%; however, it allowed the Palestinian Liberation Organization (PLO) to open its own schools. Some members of the Palestinian communities established several private schools. The PLO was later given permission to operate its own schools with teachers, buildings and furnishings supplied by the Ministry of Education. The programme, which included 22 schools, lasted until 1976, when these schools were closed for financial and political reasons and the students incorporated into government schools. In the 1980s, due to overcrowding, the government decided that only children of expatriates who had been in Kuwait as of 1 January 1963 would be permitted to register in government schools. Other children had to enroll in private schools; the government subsequently moved to subsidize tuition by 50% for children affected by the ruling. In Kuwait University, 10% of spaces are available for foreign students. See Brand, *Palestinians in the Arab World: Institution Building and the Search for a State*, pp. 119-121.
- ¹¹⁰ Law No. 74 (1979). Arab citizens from other Arab states may purchase only a single piece of real estate with government approval. The person must have residence in Kuwait for a minimum of ten years, sufficient income and a clean security record. The property must not exceed 1,000m². It is also based on reciprocal treatment. The land must not be under joint ownership with a Kuwaiti.
- ¹¹¹ Nationality Law No. 43 (1963).

- ¹¹² *Flight from Iraq: Attacks on Refugees and other Foreigners and Their Treatment in Jordan*. New York: Human Rights Watch, 2003, p. 17.
- ¹¹³ The Iraqi government upgraded the status of Palestinian refugees vis-à-vis public sector employment in 1965 except with regard to retirement benefits (Decision 15108 (1964)). Since 1969, Palestinian refugees employed in the public sector have received retirement benefits (Decree No. 336 (1969)). *Palestinian Refugees in Iraq*. Jerusalem: PLO Refugee Affairs Department, 1999, on file at BADIL.
- ¹¹⁴ Palestinian refugees who entered Iraq between 1948 and 1950 were excluded (Decision No. 133 (1997)) from legislation (Decision No. 23 (1994)) that annulled all laws allowing foreigners to possess real estate, or invest in companies inside Iraq. See Jamil Mus'ab, *Palestinian Diaspora in Iraq*, a study presented at the conference "Future of Expelled Palestinians," Amman, Jordan, 11-13 September 2000, p. 10, cited in Suheil Natour, *The Palestinians in Lebanon: New Restrictions on Property Ownership*, p. 19, on file at BADIL. 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 remained in force, prohibiting them from registering homes, cars or telephone lines in their own name. *Flight from Iraq: Attacks on Refugees and other Foreigners and Their Treatment in Jordan*, Human Rights Watch, p. 18.
- ¹¹⁵ See also UNHCR, *Global Report 2003*, pp. 305ff.
- ¹¹⁶ For eastern Jerusalem, see 1952 Entry to Israel Law (1952). For the occupied West Bank, see Order No. 234 Relating to Identity Cards and Population Registry (1968) and Order No. 297 Relating to Identity Cards and Population Registry (1969). Similar orders were issued in the Gaza Strip. Between 1967 and 1994, Israel revoked the residency status of some 100,000 Palestinian residents of the 1967-OPT. See Kadman, *Families Torn Apart, Separation of Palestinian Families in the Occupied Territories*, p. 18. In eastern Jerusalem, Israel revoked the residency status of some 6,000 Palestinians between 1967 and 1999, affecting more than 25,000 persons. *Eviction from Jerusalem, Restitution and the Protection of Palestinian Rights*, BADIL Resource Center for Palestinian Residency and Refugee Rights, Table III, Confiscation of Jerusalem ID Cards, 1967-1998, p. 19.
- ¹¹⁷ Agreements between Israel and the PLO eliminated extended residence abroad as a criterion for revocation of residency rights and provided for a joint Palestinian-Israeli committee to find solutions for those persons from the West Bank and Gaza Strip whose residency rights were revoked by Israel. This committee was never established and the issue remains unresolved. For more discussion, see Manal Jamal and Buthaina Darwish, *Exposed Realities, Palestinian Residency Rights in the 'Self Rule Areas' Three Years After Partial Israeli Redeployment*. Bethlehem: BADIL Alternative Information Center, 1997.
- ¹¹⁸ King Hussein's speech in Amman on 31 July 1988. See also Decree by the Council of Ministers of 28 July 1988: "[E]very person residing in the West Bank prior to 31 July 1988 is a Palestinian and not a Jordanian citizen" (Article 2). Article 6 of the same instructions states that passports issued before 31.7.1988 will remain valid until they expire, and thereafter their respective validity shall be limited to two years and temporary passports shall be issued instead without levying the due fees. The Jordanian High Court concluded in its decision of January 1991 (see *The Palestine Yearbook of International Law*, Vol. VI (1990/91), p. 68), regarding a female Palestinian who was a resident of Ramallah in the West Bank and who was deported from Jordan to the West Bank following a stay in Amman, that "[t]he fact that the petitioner is a holder of a Jordanian passport does not compel the government to grant Jordanian citizenship. Not every holder of a Jordanian passport is necessarily a citizen of Jordan, and each category [of passport holder] has its own laws and regulations ... In the light of the foregoing, the administration, by returning the petitioner to the West Bank and by denying her the extension of her stay [on the East Bank], was acting within its discretionary power in this regard and as such it did not violate the law neither did it abuse its power."
- ¹¹⁹ Article VI(1)(d), Agreement on the Gaza Strip and the Jericho Area, 4 May 1994. The front

- cover of the “passport” includes the phrase “travel document.” The “passport” is issued jointly by the Palestinian Authority and the Israeli military administration. Restrictions on freedom of movement in the 1967-OPT, however, may prevent Palestinians from reaching exit crossings from the West Bank and Gaza Strip. For further discussion of these changes, see Jamal and Darwish, *Exposed Realities, Palestinian Residency Rights in the ‘Self Rule Areas’ Three Years After Partial Israeli Redeployment*.
- ¹²⁰ Prior to 1995, Palestinians were issued two-year documents. Between 1948 and 1967, Palestinian residents of the West Bank were able to travel abroad on passports issued by the Jordanian government. After 1967, Israel required Palestinian residents of the occupied territories to obtain special permits to travel abroad. In July 1988, the King of Jordan announced that “legal and administrative links” between the East and West Bank would be severed. West Bank Palestinians who held Jordanian passports thus lost their right to citizenship and residence in Jordan. Palestinian residents of the Gaza Strip were able to travel abroad on special travel documents issued by the All Palestine Government until 1960, when they were replaced with Egyptian travel documents. After 1967, they also required special Israeli-issued permits.
- ¹²¹ For further details on curfews and internal closures within the 1967-OPT, see Office for the Coordination of Humanitarian Affairs (OCHA). See: <http://www.humanitarianinfo.org/opt/>.
- ¹²² Military Order No. 25 Concerning Transactions in Real Property (1967); Military Order No. 58 Concerning Abandoned Property (Private Property) (1967) (the Gaza version of the military order is identical, but numbered differently); Military Order No. 59 Concerning Government Properties (1967); Military Order No. 150 Concerning Abandoned Property of Private Individuals [in the West Bank] (Additional Provisions) (1967); Military Order No. 321 Regarding the Lands Law (Acquisition for Public Needs) (1969), (amending the 1953 Jordanian Land Law -Acquisition for Public Needs, Law No. 2 for 1953); Military Order No. 364 Concerning Government Properties (Amendment No. 4) (1969); Military Order No. 569 Concerning the Registration of Special Transactions in Land (1974); Military Order No. 949 Regarding the Lands Law (Acquisition for Public Needs) (1981); Military Order No. 1060 Concerning Law on Registration of Unregistered Immovable Property (Amendment No. 2) (1983). In addition, Israeli military commanders have issued orders for the requisition of privately owned Palestinian land for military needs.
- ¹²³ See, for example, *Summary of Proceedings from the BADIL Expert Seminar entitled “Closing the Gaps: From Protection to Durable Solutions,” hosted by the al-Ahram Center for Strategic and Political Studies, Cairo, 5-8 March 2004*. See: <http://www.badil.org>.
- ¹²⁴ Other examples include Palestinians who were expelled from Libya in 1995. They were holders of Lebanese travel documents, but were refused re-entry into Lebanon. See Raffonelli, “With Palestine, against the Palestinians: The Warehousing of Palestinian Refugees in Lebanon,” p. 69.
- ¹²⁵ See case study in Brian F. Chase, “The Problem of Statelessness: The Gulf War, Palestinian Evacuees and United States Immigration Policy,” *Georgetown Immigration Law Journal*, Vol. 6 (1992), p. 567ff. See also Chapter Five, Country Profile United States.
- ¹²⁶ For more information on the case, see the Ombudsman’s website: <http://www.mfo.nu>. See also Chapter Five, Country Profile Sweden.
- ¹²⁷ The facts of the case are outlined in decisions by courts, including the following two decisions by the Court of Appeals for the Eleventh Circuit: *Al-Najjar v. Ashcroft*, 257 F.3d 1262 (18 July 2001), *Al-Najjar v. Ashcroft*, 273 F.3d 1330 (28 November 2001). Other decisions are referred to in Akram and Rempel, “Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees,” footnote 255. See also Chapter Five, Country Profile United States.
- ¹²⁸ *Harakat al-Jihad al-Islami al-Filastini*. The Islamic Jihad movement started in the early 1980s as a splinter group of the Muslim Brotherhood Society in Palestine. Islamic Jihad was initially inspired by the Islamic revolution in Iran.
- ¹²⁹ Mitch Stacy, “Lebanon Kicks Out Deported Professor,” *AP Online*, 21 September 2002. Following Al-Najjar’s arrival in Lebanon, a Lebanese Parliament Speaker criticized the United

States: "Has Lebanon become an open land so that an official American plane, hired by the Immigration and Naturalization Service, lands at Beirut's airport and unloads its cargo then takes off as if nothing happened?" See also Keith Epstein and Michael Fechter, "Controversy Follows Al-Najjar to Lebanon," *Tampa Tribune*, 28 August 2002.

¹³⁰ A reference to the IRB decision can be found in the decision of the Federal Court (25 July 1996) in which the IRB decision was upheld. See also Chapter Five, Country Profile Canada.