

———— Survey of ————
Palestinian Refugees
and Internally
Displaced Persons
——— 2004 - 2005 ———



BADIL Resource Center
for Palestinian Residency & Refugee Rights

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

Preface

The *Survey of Palestinian Refugees and Internally Displaced Persons* is published annually by BADIL Resource Center. The *Survey* provides an overview of one of the largest and longest-standing unresolved refugee and displaced populations in the world today. It is estimated that two out of every five of today's refugees are Palestinian.

The *Survey* has several objectives:

- (1) It aims to provide basic information about Palestinian displacement – i.e., the circumstances of displacement, the size and characteristics of the refugee and displaced population, as well as the living conditions of Palestinian refugees and internally displaced persons;
- (2) It aims to clarify the framework governing protection and assistance for this displaced population; and
- (3) It sets out the basic principles for crafting durable solutions for Palestinian refugees and internally displaced persons, consistent with international law, relevant United Nations Resolutions and best practice.

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

The *Survey* examines the status of Palestinian refugees and internally displaced persons on a thematic basis. Chapter One provides a short historical background to the *root causes* of Palestinian mass displacement. Chapter Two examines the *demographic characteristics* of the Palestinian refugee and displaced population. Chapter Three provides a basic overview of the *living conditions* of Palestinian refugees and displaced persons. Chapters Four and Five examine *international assistance and protection*. Chapter Six provides an overview of the *framework for durable solutions*. Each chapter includes basic background information and highlights from the previous year. The *Survey* also provides a list of recommendations concerning implementation of the rights of Palestinian refugees and internally displaced persons in the context of a just and comprehensive solution to the conflict in the Middle East.

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

BADIL Resource Center
May 2006

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Note on Sources

The information in the *Survey* is compiled from a variety of sources, including published reports, books, statistical summaries, United Nations documents, press reports and unpublished materials. The information presented in the *Survey* represents the most recent information available to BADIL Resource Center at the time of publication.

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

Executive Summary

Palestinian refugees and internally displaced Palestinians represent one of the largest and longest-standing cases of displacement in the world today. Two out of every five refugees in the world today are Palestinian. At the end of 2005, there were approximately 6.8 million Palestinian refugees and 400,000 internally displaced Palestinians, representing 70% of the entire Palestinian population worldwide (9.7 million).

This includes 6 million 1948 refugees (of whom 4.3 million are registered with UNRWA); 834,000 1967 refugees; 400,000 Palestinians displaced after 1967 and who likely qualify as refugees; 345,000 1948 internally displaced Palestinians in Israel; and, another 57,000 internally displaced in the 1967-occupied Palestinian territories. (Note that all figures, except for registered refugees, are estimates).

During 2004-2005, there was a significant increase in internal displacement in the occupied Palestinian territories, largely as a result of the destruction of refugee housing in the occupied Gaza Strip and the construction of Israel's Wall in the occupied West Bank. According to UNRWA, since the beginning of the *intifada* in September 2000, Israeli forces have demolished 2,521 refugee shelters in the occupied Gaza Strip, rendering 24,151 refugees homeless. Another 15,000 persons have been forcibly displaced as a result of the construction of the Wall and its associated regime.

Similar patterns of displacement are under way in the Jordan Valley, while urban development plans for the exclusive benefit of Jewish communities in Galilee and the Naqab (Negev) continue to forcibly displace Palestinians in Israel. In Iraq, thousands of Palestinian refugees have been forced to relocate or leave the country since the beginning of the US-led war and occupation.

Ongoing conflict, especially in the 1967-occupied Palestinian territories, shortfalls in donor contributions for refugee assistance (regular and emergency programs), and unresolved gaps in national and international protection have all contributed to declining living conditions in refugee populations.

Many Palestinians living in camps are poor, with the proportion of people earning less than US \$2 a day ranging from some 25% in Syria to 35% in Lebanon. Although Syria is the poorest country in the UNRWA area of operation, refugees in Syria enjoy relatively higher incomes than those in other host Arab countries. In the occupied Palestinian territories, the Gaza Strip is the poorest region, while in the West Bank poverty is more prevalent in camps and villages in Hebron, Bethlehem, Jenin and Tubas than in urban areas. Across its area of operations, UNRWA noted a clear feminization of poverty among registered refugees. While only 13.8% of all refugee households were headed by women in 2005, female-headed households accounted for 46% of the special hardship families.

Throughout 2004-2005, protection through assistance and emergency relief remained the major components of national and international protection afforded to Palestinian refugees. UNRWA has, in co-operation with other agencies and international organizations, launched an effort to enhance protection activities by means of a rights-based approach to assistance and emergency operations. However, no international agency is actively searching for a durable solution to the forced exile of Palestinian refugees.

Lack of funding for UNRWA's regular budget, projects' budget, and emergency appeals has had a negative effect on UNRWA's operations. UNRWA is lagging behind with the implementation of certain educational reforms and medical resources are stretched to the limit. The special hardship food programme had to be reduced in Syria, Lebanon and Jordan, excluding many vulnerable persons in need of assistance. The political and humanitarian crisis in the 1967-occupied Palestinian territories, brought about by Israeli military siege and assaults on civilian areas, including refugee camps, has placed further strain on the capacity of UNRWA to provide adequate assistance to Palestinian refugees. For instance, a total of 158 UNRWA students have been killed and 1,556 injured since the beginning of the *intifada* in September 2000.

Outside UNRWA's area of operations, UNHCR is the international agency responsible for providing both assistance and protection to Palestinian refugees, but the interpretation and application of the 1951 *Refugee Convention Relating to the Status of Refugees* to Palestinian refugees varies widely. National protection of Palestinian refugees in particular has been ineffective as a result of non-application or misinterpretation of Article 1D of the 1951 *Refugee Convention* by national authorities and courts. This has given rise to a "protection gap" in violation of the rights of Palestinian refugees.

Protection for internally displaced Palestinians in Israel and the occupied Palestinian territories is still non-existent, despite UNHCR enhanced responsibility to provide protection to IDPs within the framework of the Collaborative Response.

During 2004-2005, the political process focused on Israel's unilateral disengagement plan, the International Court of Justice advisory opinion, and the implementation of the Road Map. There was no change in the fundamental positions of the parties regarding the parameters for durable solutions for Palestinian refugees and internally displaced Palestinians in 2004-2005.

The performance-based *Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict* is still the official plan on the international agenda, although Israel is implementing its unilateral "disengagement plan" in violation of both the Road Map and international law. It is doing so in order to maintain control over the occupied West Bank, including the main colonies ("settlements") there, and to further cement the system of ethnic-national separation that allows Israel to maintain its Jewish demographic majority.

The General Assembly reaffirmed the right of Palestinian refugees "to their property and to income derived there from." The United States and Israel, together with the Marshall Islands, Micronesia and Palau, continued to vote against resolutions that reaffirmed principles of international law applicable to a resolution of the Palestinian refugee question.

Israel continued to hold the view that Palestinian refugees should be resettled in Arab states or third countries outside the region. Israeli official and public debate concerning Palestinian refugees focused on demography (i.e., how to maintain a Jewish majority), maximum separation from the Palestinian population with minimum separation from the land, and renewed discussion regarding forms of population transfer.

The International Court of Justice (ICJ) ruled in its advisory opinion on 9 July 2004 that the Wall under construction by Israel in the occupied West Bank is illegal and violates the fundamental rights of the Palestinian people. The Court ruled that Israel is obliged to cease building the Wall, dismantle the sections already built and make reparations for the damage caused, including restitution and compensation. Israel officially rejected the ICJ ruling and has so far failed to comply. ^{The} international community has so far failed to take action based on the ICJ ruling and its responsibility as states party to the Fourth Geneva Convention.

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

During 2004-2005, human rights organizations continued to remind state parties of their obligations. Human Rights Watch wrote to President George W. Bush affirming that the settlement/colonial policy of Israel violates fundamental principles of international humanitarian law, and urged the United States "to take immediate action to end U.S. support of Israel's unlawful policies." Amnesty International called for the international community to guarantee that "human rights are central to all negotiations, interim accords and any final agreement."

Campaigns for boycott, divestment and sanctions against Israel have been increasingly applied to pressure state actors

to enforce international law, in particular after the 2004 ruling of the ICJ. On 9 July 2005, on the first anniversary of the ICJ ruling on Israel's Wall, over 170 Palestinian networks and organizations in the 1967-occupied territories, Israel and the Palestinian exile issued the Palestinian Civil Society Call for Boycott-Divestment-Sanctions (BDS) until such time as Israel abides by international law.

The number of civil society initiatives, supporting or working towards a rights-based solution for Palestinian refugees and internally displaced persons has continued to grow in 2004-2005. This includes a small number of Israeli-Jewish initiatives to educate and raise awareness inside Israel about Palestinian refugees and the role of international law in finding durable solutions.

Recommendations

General Recommendations

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

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

International Community

1. Support rights-based durable solutions: the Quartet (US, Russia, EU and UN) and other members of the international community should support and facilitate solutions for Palestinian refugees and IDPs consistent with international law, relevant UN resolutions and best practice (*see Chapter Six*). States should enhance the capacity of the UN system, including mandates and resources of relevant UN agencies and mechanisms, to effectively promote rights-based durable solutions.

2. Adopt and apply proper interpretation of Article 1D (Refugee Convention): states signatories to the *1951 Convention Relating to the Status of Refugees* should adopt and apply Article 1D in line with its plain language, drafting history and applicable canons of treaty construction (*see Chapter Five*). States should not return-deport Palestinian refugees unless asylum authorities are able to establish that effective protection is guaranteed in the country s/he is to be removed to.

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

4. Strengthen regional instruments and mechanisms for refugee protection and durable solutions: states members of the League of Arab States should develop the *1965 Protocol on the Treatment of Palestinians* and the *1992 Cairo Declaration* towards a regional refugee instrument which will increase the scope of protection and affirm durable solutions for Palestinian refugees in accordance with international law and UNGAR 194 (III). Member states and host countries of major Palestinian refugee populations should bring national legislation in compliance with international and regional protection standards and strengthen monitoring and enforcement mechanisms.

5. Increase donor assistance to UNRWA: states should increase contributions for refugee assistance in line with the average annual growth rate of the refugee population and annual weighted average rate of inflation in UNRWA's areas of operation and in parallel to the systematic search for durable solutions consistent with international law, relevant UN resolutions, and best practice. Arab states should bring contributions in line with the commitment set forth in LAS Resolution 4645 (1987) (i.e. 7.8 percent of UNRWA's total regular budget).

6. Not to recognize the illegal situation resulting from the construction of the wall: states should not recognize the *fait accompli* resulting from the construction of the Wall and not render assistance in maintaining the situation created by Israel. States Party to the Fourth Geneva Convention should ensure compliance by Israel with international human rights and humanitarian law.

United Nations

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

2. Identify agency responsibility to protect Palestinian refugees and IDPs in UNRWA areas of operation: effective remedy of the protection gap for Palestinian refugees in UNRWA areas of operation and IDPs requires clarification of mandates (i.e. division of protection and assistance roles) and increased inter-agency coordination of research, policies and operations. UNHCR and UNRWA, having been accorded a lead role in the provision of protection and assistance for Palestinian refugees/IDPs, should take the lead in this process.

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

4. Establish a register of damages as a result of the construction of the Wall and its Associated Regime: the United Nations should implement the register of damage as requested by the International Court of Justice Advisory Opinion (9 July, 2004) and the General Assembly Resolution A/RES/ES-10/15 (2 August, 2004) in order to register all damages caused to natural and legal persons, including forced displacement, as a result of the construction of the Wall and its Associated Regime.

Government of Israel

1. Comply with international law standards for durable solutions: the government of Israel should repeal or revise nationality and property legislation to bring relevant laws into compliance with international human rights obligations, as recommended by various United Nations human rights treaty bodies, so that Palestinian refugees and IDPs may re-establish domicile in their places of origin and repossess their homes and properties. The government of Israel should provide access to all archives containing 1948-related documentation and other records related to the displacement and dispossession of Palestinians since 1948.

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

3. Implement the ruling of the International Court of Justice regarding the legality of the construction of the Wall in the occupied West Bank: the government of Israel should implement the ruling of 9 July, 2004 from the International Court of Justice and the UN General Assembly Resolution (A/RES/ES-10/15, 2 August 2004).

The government of Israel should stop the construction of the Wall and dismantle the associated administrative regime, which is causing a new wave of forced displacement and dispossession. It should also make reparation for the damages incurred.

4. End discrimination via para-statal institutions: the government of Israel should review its relationship with the World Zionist Organization/Jewish Agency and its subsidiaries including the Jewish National Fund, as recommended by UN human rights treaty bodies, because the public status and role of these institutions, which exclusively benefit the Jewish people, violates standards of non-discrimination.

Palestine Liberation Organization

3. Rebuild the representative structures of the PLO: The PLO should rebuild its representative structures inside so that Palestinians, including refugees and IDPs, can effectively participate in the search for a just solution to the Palestinian refugee question and the conflict with Israel and exercise their rights to participation and self-determination.

2. Develop the framework and mechanisms for durable solutions: the PLO should further develop its framework for durable solutions for Palestinian refugees and IDPs in consultation with refugee and IDP communities and consistent with international law, relevant UN resolutions and best practice. The PLO should also develop its model for mechanisms to implement durable solutions, including return and housing and property restitution.

3. Improve assistance and protection: the PLO should strengthen the capacity of the Department of Refugee Affairs to provide services to Palestinian refugees. The PLO should strengthen/establish PLO offices where Palestinian refugees can seek the assistance and protection of their representatives.

Civil Society

1. Raise awareness about refugee rights: civil society organizations should raise awareness of the need to resolve the Palestinian refugee question in line with international law, UN resolutions and best practise applied to refugees and displaced persons in the world.

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

Glossary

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

Durable solutions	Means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives. The three durable solutions are voluntary repatriation (i.e., return), host country integration and third country resettlement. Voluntary repatriation in safety and dignity, based on the refugee's free and informed decision, is the preferred option and an independent right enshrined in human rights law. Housing and property restitution is an integral component of repatriation.
Ex-Gazan	A term used by UNRWA (<i>see below</i>) to refer to a Palestinian who left the Gaza Strip and went to Jordan as a result of the 1967 Arab-Israeli conflict. This includes Palestine refugees (<i>see below</i>) who came to the Gaza Strip in 1948 and persons whose home of origin is the Gaza Strip, and their descendants.
International assistance	Aid provided to address physical and material needs. This may include food items, medical supplies, clothing and shelter, as well as the provision of infrastructure, such as schools and health care centres. In UNHCR practice, assistance supports and complements the achievement of protection objectives
Internally Displaced Persons	<p>Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular <i>as a result of or in order to avoid</i> the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border. The term includes:</p> <p>(1) Palestinians displaced during the first Israeli-Arab conflict in 1947-48 from their homes in that part of Palestine which became Israel on 15 May 1948, and who are unable to return to their homes.</p> <p>(2) Palestinians who were (and continue to be) displaced from their homes inside Israel after 1948, and who are unable to return to their homes.</p> <p>(3) Palestinians originating from the West Bank or the Gaza Strip, who were internally displaced for the first time during the 1967 Israeli-Arab conflict, and who are unable to return to their homes.</p> <p>(4) Palestinians originating from the West Bank or the Gaza Strip who were (and continue to be) internally displaced for the first time as a result of human rights violations by the Israeli occupation regime occurring after the 1967 Israeli-Arab conflict (e.g., home demolition, land confiscation, "separation wall").</p>
International protection	<p>Interventions by UNHCR or international organizations on behalf of asylum-seekers and refugees to ensure that their rights, security and welfare are recognized and safeguarded in accordance with international standards. Such interventions include: ensuring respect for the right of non-<i>refoulement</i>; admission to safety; access to fair procedures for the determination of refugee status; human standards of treatment; and the implementation of durable solutions. Some important rights are mentioned in the 1951 Refugee Convention, including non-discrimination (Article 3); the right to work (Article 17); the right to housing (article 21); the right to education (Article 22); and the right to be protected against forcible return (Article 33). In addition to these rights, refugees enjoy basic human rights as enshrined in the Universal Declaration of Human Rights (1948) and subsequent human rights treaties.</p> <p>In situations of armed conflict or military occupation, refugees who are civilians are also protected under the instruments of international humanitarian law.</p>

Intifada	Popular Palestinian uprisings against the Israeli occupation of the West Bank and the Gaza Strip. The first <i>intifada</i> began in 1987 and ended in 1991 (Madrid Conference). The second <i>intifada</i> began in September 2000 following the collapse of the Oslo peace process.
Green Line	See “Armistice Line” above.
Integration	One of three durable solutions afforded to refugees and displaced persons. Unlike repatriation (<i>see below</i>), refugees do not have a fundamental right to voluntarily integrate into the host state.
Jewish National Fund	(Keren Kayemeth LeIsrael) A quasi-public Jewish institution established in 1901 to purchase land in Palestine and Syria for Jewish colonization and the creation of a Jewish state. The JNF was incorporated legally in the state of Israel in 1953. It owns and develops land exclusively for the benefit of the Jewish people. In the 1950s, the state of Israel sold more than 2 million dunums of absentee Palestinian refugee property to the JNF. The JNF holds nine of nineteen seats in the governing body of the Israel Lands Administration, the public body responsible for land policy, development, planning and land acquisition for public purposes.
Jewish State	A term used by Israel to define the character of the state. Israel’s High Court (Ben-Shalom <i>vs.</i> Central Election Committee) states that the Jewish character of the state is defined by three inter-related components: (1) that Jews form the majority in the state; (2) that Jews are entitled to preferential treatment including the Law of Return; and (3) that a reciprocal relationship exists between the state and Jews outside of Israel.
Mandate for Palestine	A type of international trusteeship entrusted by the League of Nations in 1920 to Great Britain. The purpose of the Mandate system was to facilitate the independence of non-self-governing territories. The Mandate for Palestine, however, aimed to facilitate the colonization of the country through Jewish immigration and settlement in order to secure the establishment of a Jewish national home.
Nakba	An Arabic term meaning “catastrophe”, referring to the destruction of Palestinian society, mass displacement and dispossession of Palestinians as a result of the war and the establishment of Israel in 1948.
Naksa	An Arabic term meaning “setback” or “relapse”, referring to the second mass displacement and dispossession of Arab Palestinians as a result of the 1967 Arab-Israeli war.
National	A person recognized as having the status of a legal bond with a state as provided for in law. Some states use the word “nationality” to refer to this legal bond, while others use the word “citizenship”.
Nationality	The status of being a citizen of a particular nation or country.

Non- <i>refoulement</i>	A core principle of refugee law that prohibits states from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle of non- <i>refoulement</i> is a part of customary international law and is therefore binding on all states, whether or not they are parties to the 1951 Refugee Convention.
Occupied Palestinian Territories	That part of former Palestine (22%) occupied by Israeli military forces in 1967.
Palestine Liberation Organization	The body formed in January 1964 to represent the Palestinian people and reconstitute their rights in their historic homeland as set forth in the Palestine National Charter. The two most important institutions of the PLO are the 669-member parliament and the 15-member executive committee. Economic institutions of the PLO include the Palestinian National Fund and the Palestine Martyrs' Works Society. Major social institutions include the Palestinian Red Crescent Society, the Department of Education, the Institute for Social Affairs and the multiple unions into which Palestinians have organized themselves. The PLO holds a permanent observer seat in the UN General Assembly.
Palestine Refugee	The term used by UNRWA (<i>see below</i>) in its registration system to refer to any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.
Palestinian Authority	The body established under the 1993 Declaration of Principles on Interim Self-Government Arrangements and the 1994 Agreement on the Gaza Strip and Jericho Area to administer those parts of the 1967-occupied Palestinian territories evacuated by Israel pending the negotiation of a final settlement. The Palestinian Authority is an organ of the PLO (<i>see above</i>).
Palestinian refugee	Common language used to designate all those Palestinians who have become (and continue to be) externally displaced (with regard to 1948 refugees, outside the area that became the state of Israel, and with regard to 1967 displaced persons, outside the OPT) in the context of the ongoing Israeli-Palestinian conflict, as well as their descendants. The term refers to the following three groups: (1) 1948 refugees under UNGA Resolution 194(III) ("Palestine Refugees" in UNRWA terminology, including both registered and non-registered refugees); (2) 1967 refugees under UNSC Resolution 237 ("Displaced Persons" in UN terminology and used by UNRWA with particular reference to UNGA Resolution 2252); (3) Other Palestinians originating from the West Bank and the Gaza Strip who have been forced to leave these areas owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and who are unable or, owing to such fear, unwilling to return to these areas.
Population transfer	The systematic, coercive and deliberate movement of a population into or out of an area with the effect or purpose of altering the demographic composition of a territory, particularly when that ideology or policy asserts the dominance of a certain group over another.

Present absentee	Palestinian who is regarded as an absentee under Israel's 1950 Absentees' Property Law, but who remained in that part of former Palestine that became the state of Israel in 1948. See also <i>Absentee</i> above
Quadripartite Committee	A committee established under the Oslo peace process between the PLO and Israel to discuss the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967. The committee is composed of Israel, the Palestinians, Jordan and Egypt. It has been inactive since the late 1990s.
Refugee camp	A plot of land placed at the disposal of the UN Relief and Works Agency for Palestine refugees (<i>see below</i>) by a host government in order to accommodate Palestine refugees (<i>see above</i>) and set up facilities to cater to their needs.
Refugee Office	A sub-office established in 1950 by the UN Conciliation Commission for Palestine (<i>see below</i>) to identify property ownership inside Israel and examine various interim measures by which refugees could derive income from their properties. The Refugee Office is not operational today.
Refugee Working Group	A body established in 1992 to improve the living conditions of Palestinian refugees and displaced persons without prejudicing the final status deliberations on the refugee issue, to ease and extend access to family reunification, and to support the process of achieving a viable and comprehensive solution of the refugee issue. The body is comprised of Egypt, Israel, Jordan, Lebanon, the Palestinians and Syria, although Lebanon and Syria have boycotted the Group. The Refugee Working Group is headed by Canada. It has been inactive since the late 1990s.
Registered refugee	See <i>Palestine refugee</i> above. The term does not indicate refugee status, but rather eligibility for assistance from the UN Relief and Works Agency for Palestine Refugees (<i>see below</i>)
Repatriation or right of return	<i>Repatriation</i> is one of three durable solutions afforded to refugees and displaced persons. Voluntary repatriation in safety and dignity, based on the fundamental right to return to one's home and country, is recognized as the most appropriate solution to refugee flows. It is the right of refugees to return to their country of origin. The <i>right of return</i> is independent from the acquisition of citizenship or any other legal status. It is a fundamental human right enshrined in human rights and humanitarian law. At any time, even if locally integrated or resettled in a third country, refugees may decide to return to their homes spontaneously or as part of a repatriation program. UNHCR stresses these fundamental points: (1) refugees are free and have the right to return to their country of origin at any time; (2) the decision by a refugee to return should be voluntary; (2) refugees must be provided with objective and up-to-date information about the situation in their country of origin in order to make an informed decision about repatriation; and (3) the level of assistance and protection provided in the country of refuge should not be the determining factor for refugees to decide whether or not to return.
Resettlement	One of three durable solutions afforded to refugees and displaced persons. Unlike repatriation (<i>see above</i>) refugees do not have a fundamental right to resettle in a third state.

Restitution	The legal remedy designed to correct the illegal taking of property from its rightful, original owner through the restoration of wrongfully taken property to the original owner. Restitution is an integral component of voluntary repatriation. Compensation may be used when restitution is not physically possible, or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution.
Road Map	An international framework adopted by the United States, Russia, the European Union and the United Nations in 2003 setting out a three-stage process based on UN Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) for a two-state solution to the Israeli-Palestinian conflict.
RRA	Refugee Rehabilitation Authority. Israeli agency that operated during the early 1950s primarily in official and semi-official “shelter villages”, in order to resettle internally displaced Palestinians. The number of IDPs handled by the RRA was small.
SHC	Special Hardship Case. UNRWA term denoting households in special need of assistance. SHCs are defined as households having no male adult medically fit to earn an income and no other identifiable means of financial support above a defined level.
Stateless person	A person who is not considered a national by any state under the operation of its law.
Statelessness	The condition of not being considered as a national by any state under the operation of its law.
Temporary Protection	An arrangement or device developed by states to offer protection of a temporary nature to persons arriving <i>en masse</i> from situations of conflict or generalized violence, without prior individual status determination.
Unofficial camp	Camps established to provide additional accommodation for Palestinian refugees. Official and unofficial camps have equal access to services provided by the UN Relief and Works Agency for Palestine Refugees (<i>see below</i>), except for solid waste collection.
UN Mediator	The special representative of the United Nations mandated to facilitate a solution to the Israeli-Palestinian conflict in 1948. The Mediator, Count Folke Bernadotte, was assassinated by Zionist militia in September 1948 shortly after releasing his recommendations. These became the basis for UN General Assembly Resolution 194(III) calling upon Israel to permit the return to their homes of refugees displaced during the war.
UNCCP	United Nations Conciliation Commission for Palestine. The international organ established by the United Nations in 1948 to protect and facilitate solutions for all persons displaced during the 1948 Arab-Israeli conflict and to facilitate a solution to all outstanding issues between the parties. The UNCCP has not been operational for the past 40 years.
UNHCR	United Nations High Commissioner for Refugees. The international organ established by the United Nations in 1949 to protect and seek solutions for refugees worldwide.

UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East. The international organ established by the United Nations in 1949 to provide assistance to persons displaced during the 1948 Arab-Israeli conflict. The United Nations later requested the Agency to provide assistance to persons displaced during the 1967 Arab-Israeli conflict.
Voluntariness	A key factor governing durable solutions. Voluntariness means not only the absence of measures that push or coerce the refugee to repatriate, but also that he or she should not be prevented from returning.
The Wall and its Associated Regime	The Wall in the occupied West Bank is either a concrete wall approximately 8-9 metres high with watchtowers and sniper positions, or an electric barrier approximately 3-5 meters high with a buffer zone, ditches, razor wire, electronic sensors and cameras. The Associated Regime is a set of administrative decisions composed of military orders (land, property confiscation), closed areas, a permit system and regulations at checkpoints (or terminals) and gates.
WBGS	The West Bank and Gaza Strip.
Zionism	A political movement established in the late 19 th century in response to the persecution of European Jewry. The movement's Basle Program (1897) states that the aim of Zionism is to create for the Jewish people a home in Palestine secured by public international law. Various definitions of Zionism have since been used, including definitions which claim the exclusive right of the Jewish people to the land in Palestine.

Abbreviations

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



Palestinian refugees in the early days of exile near al-Fawwar Camp, Hebron, West Bank. (UNRWA Archives)

Historical Overview

Preface

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

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

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

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

Today, approximately three-quarters of the Palestinian people are displaced. More than five decades after their initial displacement/expulsion from their homeland, Palestinian refugees and internally displaced persons still lack access to voluntary and durable solutions to their plight based on international law and relevant UN resolutions.

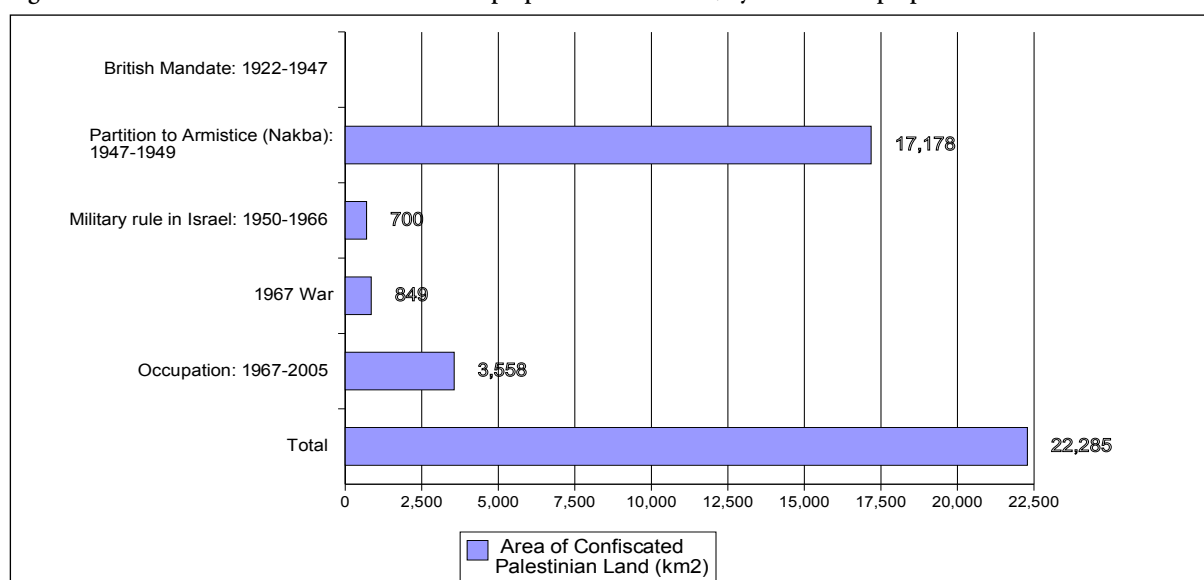
1.1 Background

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

Year	Number of Palestinians Displaced/Expelled
British Mandate: 1922-1947	100,000 – 150,000
Partition to Armistice (<i>Nakba</i>): 1947-1949	750,000 – 900,000
Military rule in Israel: 1950-1966	35,000 – 45,000
1967 War	400,000 – 450,000
Occupation: 1967-2005	300,000 – 400,000
Total	1,585,000 – 1,945,000

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

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



Note: There is no single authoritative source for the exact amount of land expropriated from Palestinians since 1948. The figures above are based on available data and estimates. Between 1925 and 1947 Zionist colonization associations purchased some 714 km² of Palestinian land. For a more detailed analysis of these figures and comprehensive references see Annex 1.2 at the end of this chapter.

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

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

Those Palestinians who remained in the areas of Palestine that became part of the state of Israel in 1948 continued to be displaced after the end of the war. A fourth wave of displacement occurred during the 1967 Arab-Israeli war, when Israel occupied the West Bank and the Gaza Strip, as well as the Egyptian Sinai and Syrian Golan Heights. Since then, Palestinians have continued to be displaced from the occupied Palestinian territories and from Israel itself.

Population Transfer and Political Zionism

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

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

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

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

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

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

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

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

For instance, in July 2001, a bill was proposed to encourage the emigration of Palestinian citizens of Israel in case “they do not identify with the Jewish character of the state” in order to strengthen “Israel as a Jewish state and a democracy.”⁷ In November 2004, the National Union party drafted a bill (*Person for Person Law 2004*) proposing to transfer one Palestinian from Israel to the occupied Palestinian territories for every Jewish settler removed from the occupied Palestinian territories to Israel. When this bill was not admitted, it was replaced by a new proposal (*Disengagement Law 2004*), which would “organize the evacuation of residents of southern Jerusalem”. According to the initiators, “the transfer of Arabs from densely populated Jewish areas will reduce the friction with the local residents, and may improve the fabric of Jewish life, the Jewish economy, and Jewish security.”⁸



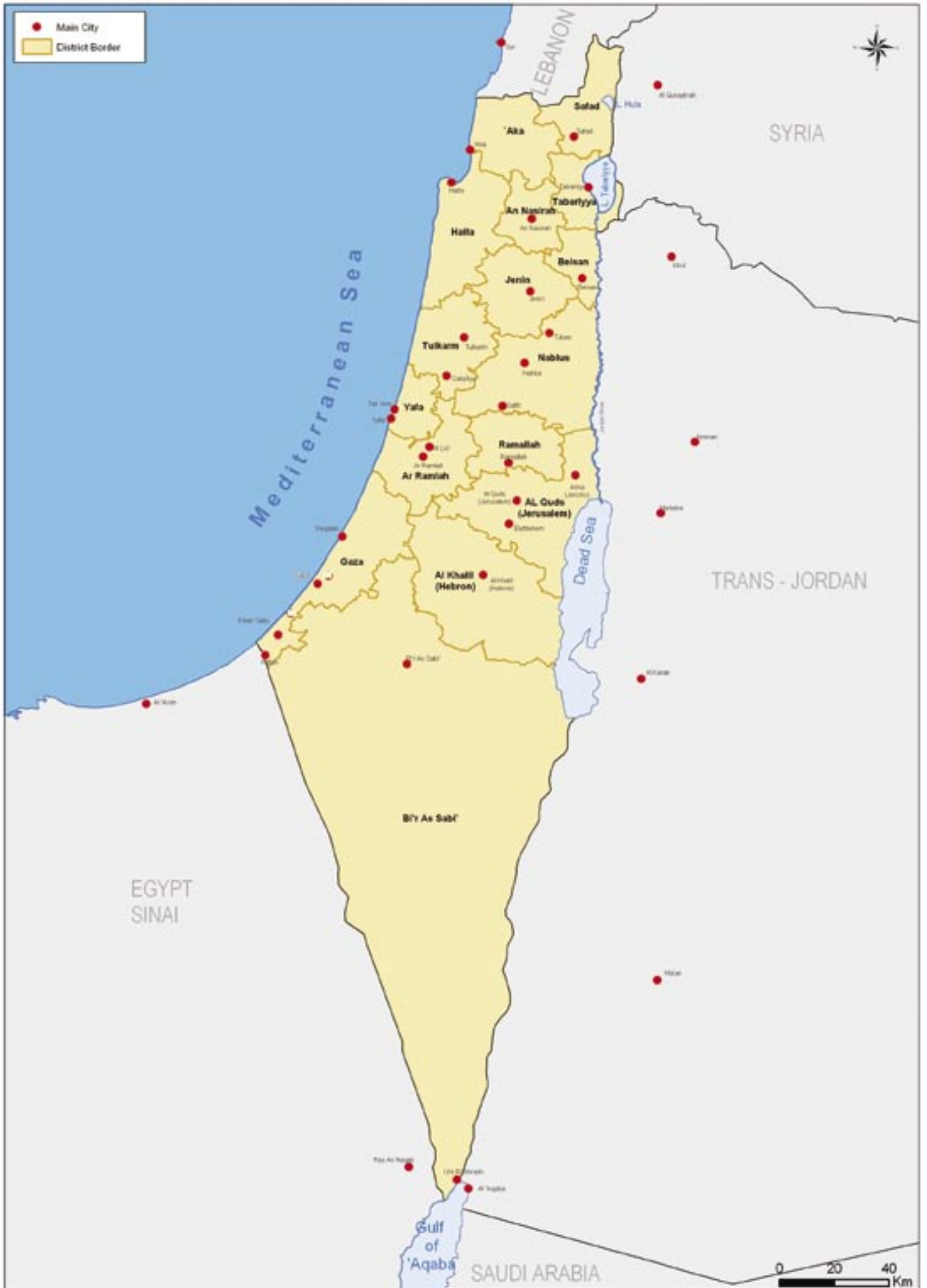
British military ceremony marking the conquest of Jerusalem; Old City of Jerusalem, 15 December 1917. (Israeli Government Press Office)

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

1.2 From Mandate to Partition

From the beginning of the British Mandate in Palestine in 1922, through the end of 1947, when the United Nations recommended that the country be partitioned

Palestinian Sub-districts According to British Mandate Administration (1917 - 1948)





into two states, nearly one-tenth of the Palestinian Arab population was forced to leave, expelled, or denationalized to become refugees. Several tens of thousands of Palestinian Arabs were also displaced internally during this period due to Zionist colonization, the eviction of tenant farmers, and punitive house demolition by the British administration.

Palestinian crowd in front of the British Mandate "Government House" in Jaffa, 27 October 1933. (Israeli Government Press Office - Kluger Zoltan)

During WWI, Allied forces under British command occupied Palestine, which was then one of several Arab territories that were part of the Ottoman Empire. In November 1917 the British cabinet issued the Balfour Declaration.⁹ The one-page letter from Arthur Balfour, the British Secretary of Foreign Affairs to Lord Rothschild, head of the British Zionist Federation, granted explicit recognition of and support for the idea of establishing a Jewish "national home" in Palestine through immigration and colonization.

At the time Jews constituted only 8% of the population of Palestine.¹⁰ They owned less than 3% of the total land in the country.¹¹ Most of the indigenous Palestinian Jewish community of Palestine did not support the Zionist idea of creating a separate and exclusive Jewish state in the country.¹² Despite widespread Palestinian Arab opposition to the Balfour Declaration, Great Britain viewed Zionist colonization as a way to advance British interests in the region.¹³

In 1919, Allied Powers met in Paris to determine the status of those non-self-governing territories that had been part of the former Ottoman Empire. Member states of the League of Nations decided to establish a "Mandate System" to facilitate the independence of these territories.¹⁴ The August 1920 Treaty of Sèvres between the Allied Powers and Turkey affirmed that Palestine "be provisionally recognised as an independent State subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone."¹⁵

In 1920, the League of Nations entrusted the temporary administration (“Mandate”) of Palestine to Great Britain, a “Class A” Mandate or closest to independence.¹⁶ The Mandate for Palestine, however, aimed to facilitate the colonization of the country through Jewish immigration, settlement, and colonization in order, “to secure the establishment of the Jewish national home,” in line with the political commitment set out in the Balfour Declaration. The Mandate accorded the Jewish minority in the country and non-resident Jews residing elsewhere full political rights; it granted the Palestinian Arab majority only civil and religious rights.

“[I]n the case of the ‘independent nation’ of Palestine,” observed the British Secretary of Foreign Affairs, “we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country” (as was required by the League of Nations). “Zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land.”¹⁷

The British administration in Palestine promulgated new laws, including the *1925 Citizenship Order* and the *1928 Land (Settlement of Tithe) Order*, which enabled Jews from

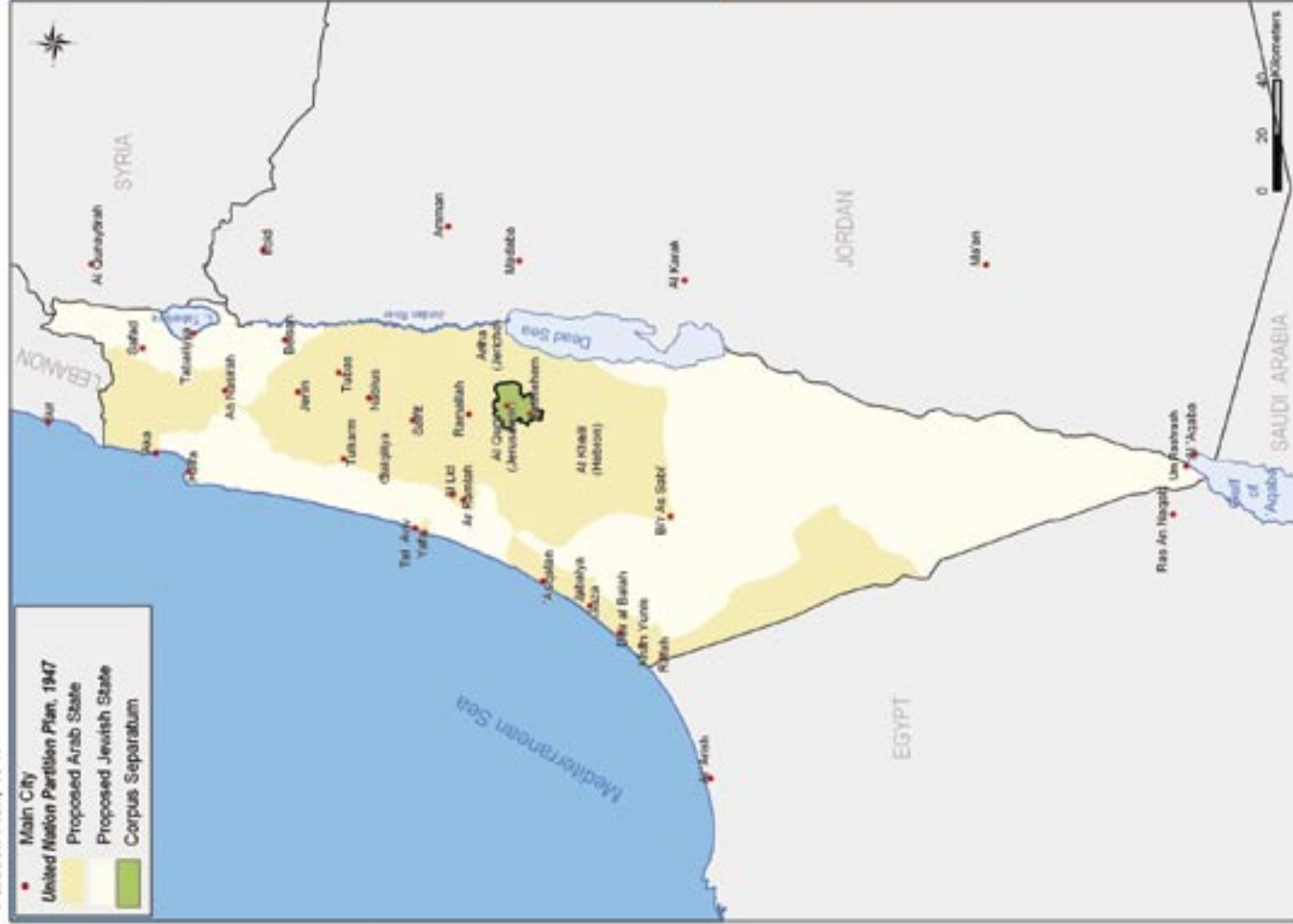
Draft Resolution Referring Certain Legal Questions to the International Court of Justice (excerpts)

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

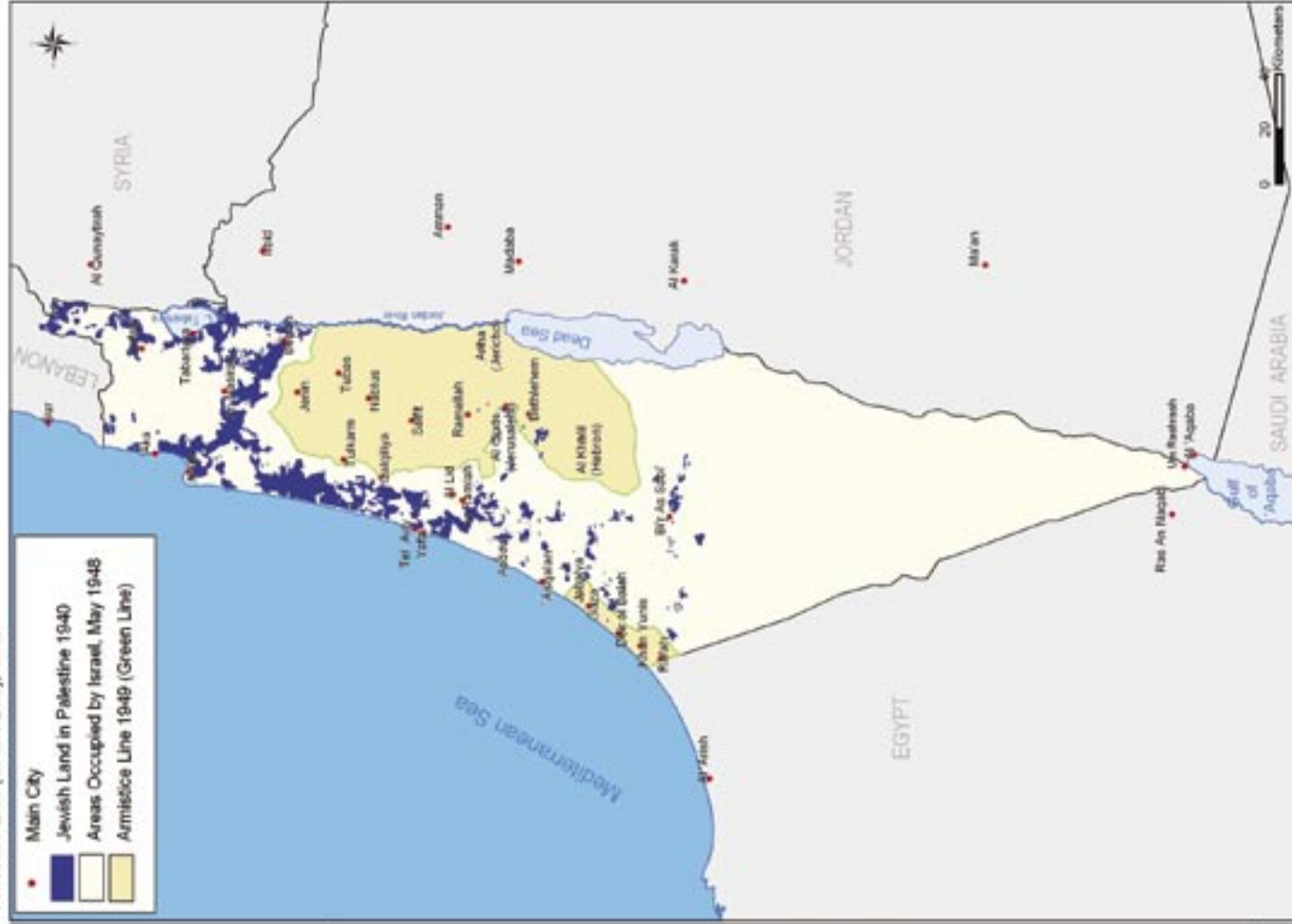
- (i) Whether the indigenous population of Palestine has not an inherent right to Palestine and to determine its future constitution and government;
- (ii) Whether the pledges and assurances given by Great Britain to the Arabs during the first World War (including the Anglo-French Declaration of 1918)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

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

Partition Plan, 1947



Armistice Line (Green Line), 1949



around the world to acquire citizenship and land in Palestine. Thousands of Palestinian Arabs who were abroad at the time were unable to acquire citizenship under the 1925 law.¹⁸ By the early 1940s, the average rural Palestinian Arab family had less than half of the agricultural land required for their subsistence.¹⁹

This led to a series of Palestinian uprisings, including the “Great Revolt”, which lasted from 1936 to 1939. The British responded with a combination of military force and administrative measures that severely curtailed basic civil and political rights.²⁰ Palestinian Arab leaders were arrested, jailed and deported. Thousands of Palestinian Arab homes were demolished.²¹ Some 40,000 Palestinian Arabs fled the country during the mid-1930s alone.²²

Following each uprising the British government dispatched an official commission of inquiry to Palestine. These commissions invariably identified the fear among the indigenous population of the political and economic consequences of Zionism as the leading cause of the conflict. In a blunt assessment, the Shaw Commission pointed out that in the 80 years prior to the Balfour Declaration and British Mandate, “there [was] no recorded instance of any similar incidents.”²³

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

The UN General Assembly, however, decided to appoint a special committee to formulate recommendations concerning the future status of Palestine. The Assembly also rejected requests to obtain an advisory opinion from the International Court of Justice concerning the appropriate legal outcome of the British decision to terminate the Mandate in Palestine, as well as the legal authority of the UN to issue and enforce recommendations on the future status of the country.²⁴

In September 1947, the UN Special Committee on Palestine issued its recommendations on the future status of the country.²⁵ The majority of the Committee members supported the creation of two states, one Arab and the other Jewish, “to afford a workable basis for meeting in part the claims and national aspirations of both parties.” Others favoured a federal state to “ensure equal rights for both Arabs and Jews in their common state.”

UN General Assembly Resolution 181(II), of 29 November 1947, recommended the partition of Palestine.²⁶ Resolution 181(II) proposes two States, one Arab and one Jewish where all persons are guaranteed equal rights.²⁷ The proposed Jewish state was allotted 56% of the land even though the Jewish community comprised less than one-third of the population of Palestine at the time and owned not more than seven per cent of the land.²⁸ Due to the dispersion of the Arab and Jewish population in the country, nearly half the population of the proposed Jewish state was comprised of Palestinian Arabs who owned nearly 90% of the land.²⁹



By the time the British had decided to turn the question of Palestine over to the United Nations in 1947, an estimated 100-150,000 Palestinian Arabs had been displaced within or from their homeland.³⁰ This included some 30,000 Palestinians who fled Palestine in the immediate months after the passage of UN Resolution 181 in November 1947.³¹ By this time, Zionist colonization associations had acquired more than 700 km² of land, mostly from larger landowners not residing in Palestine.³²

The war of 1948, Israeli forces explode Palestinian houses in the village of Beit Natif, Jerusalem district, 1 October 1948. (Israeli Government Press Office)

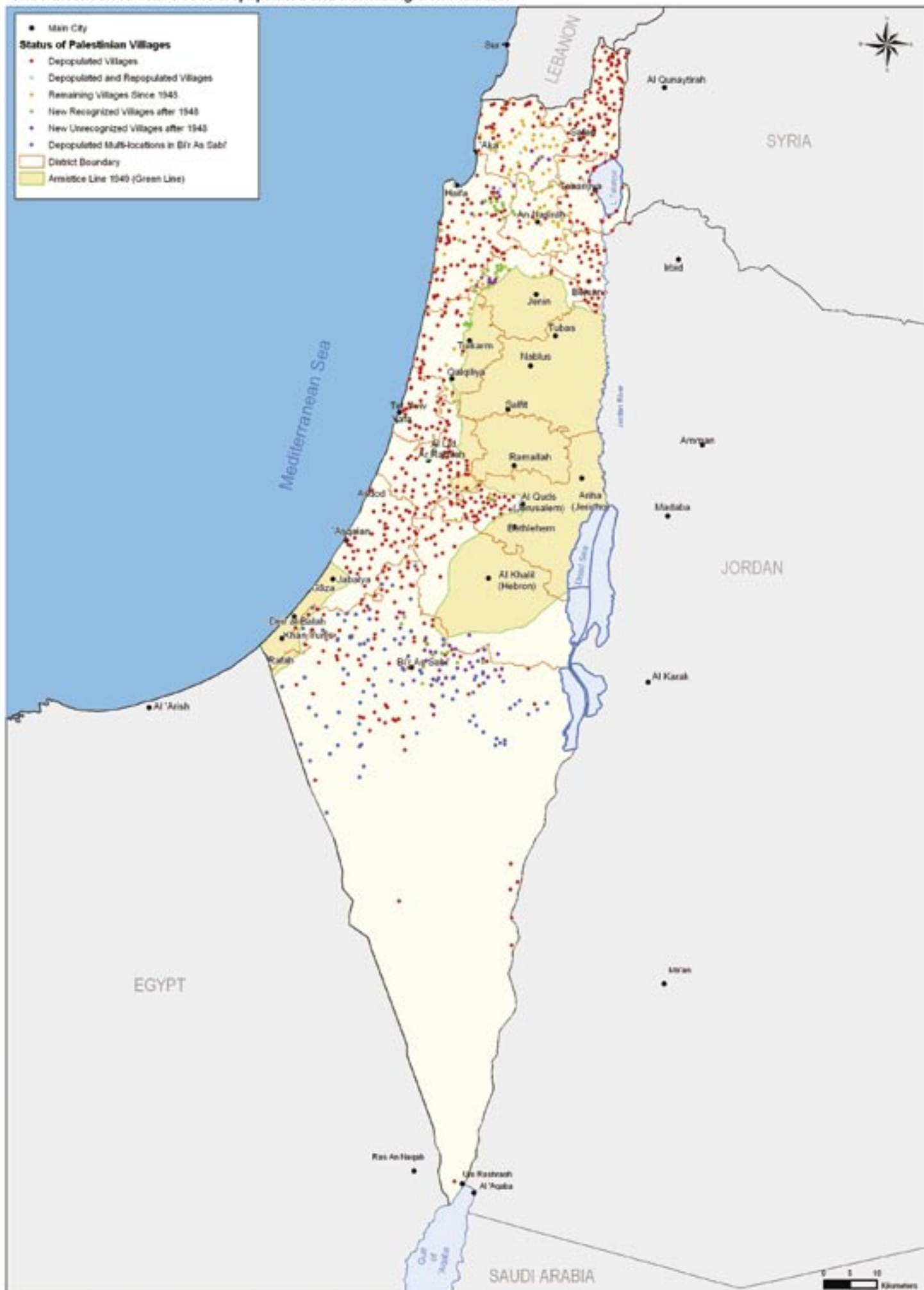
1.3 The *Nakba*

The UN recommendation to partition Palestine set off a series of events that led to a mass displacement of Palestinians from their homeland. Approximately half of the Palestinian population (estimated at 1.3 million)³³ of the country was displaced between the end of 1947 and early 1949. Half of these refugees were displaced before 15 May 1948 when the first Arab-Israeli war began. Israel took control of refugee homes, properties and lands. Palestinians refer to this period as the *Nakba*, or catastrophe.

The greatest outflow of refugees before the war took place in April and early May 1948 under a Zionist military operation known as “Plan Dalet”, which was designed “to achieve the military *fait accompli* upon which the state of Israel was to be based.”³⁴ The massacre of more than 100 men, women and children in the Palestinian village of Deir Yassin in April 1948 is widely acknowledged to have contributed to the fear and panic that led to mass displacement.³⁵

The unilateral declaration of the establishment of the state of Israel by the Zionist movement, in Tel Aviv on 14 May 1948, coincided with the withdrawal of British forces from Palestine and led to the complete collapse of the UN plan to divide

The Palestinian NAKBA: 1948 Depopulated and Remaining Communities.



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



Displacement of Palestinians in 1948. (UNRWA Archives)

Palestine into two states. The subsequent entry of Arab forces into Palestine set off the first Israeli-Arab war. Palestinians fled their homes due to attacks on civilians by Israeli forces, massacres and other atrocities, and looting and destruction of property. Others were forcibly expelled.

Palestinian villages and towns were shelled by Israeli forces to encourage flight, especially in those areas where there was local resistance, or in parts of Palestine deemed to be of strategic importance to the new state. Palestinian men, women and children, fleeing their villages in search of temporary refuge, were fired on to ensure departure. Incidents occurred in all major cities throughout the country, including Haifa, Jaffa, Akka, Ramle, Lydda and Jerusalem, as well as in Palestinian villages.³⁶

Others sought temporary refuge elsewhere after hearing news of atrocities against the civilian population.³⁷ This included a spate of nine reported massacres in October 1948, in which Palestinian Arab villagers were raped, bound, executed and dumped in mass graves.³⁸ In the village of Dawayima, for example, Israeli forces killed 80-100 men, women and children. The children were killed by breaking their heads with sticks. Several elderly women were put in a house, which was then blown up.³⁹

Palestinians were physically expelled from their villages and towns.⁴⁰ In early July 1948, for example, then Lt. Colonel Yitzhak Rabin issued orders to expel the inhabitants of Ramle and Lydda.⁴¹ In late October 1948, an official cable was issued to all Israeli division and district commanders in the north: "Do all you can to immediately and quickly purge the conquered territories of all hostile elements in accordance with the orders issued. The residents should be helped to leave the areas that have been conquered."⁴²

Israeli military forces systematically destroyed hundreds of Palestinian villages during

Zionist Colonization of Palestine

The displacement of Palestinians from their homeland since the beginning of the 20th century has been accompanied by a simultaneous process of Zionist colonization. Between 1922 and 1948, the Jewish population in Palestine increased by more than six times, primarily due to immigration. At the same time, the international community was facilitating the resettlement of displaced European Jews in Palestine in violation of international commitments not to resettle displaced persons in non-self-governing territories without the consent of the indigenous population of that territory. During this period the borders of many Western countries, including the United States, remained largely closed to Jewish refugees, many of whom did not consider Palestine as their country of first choice for asylum. In the United States, for example, opinion polls revealed that the majority of Americans were unwilling to permit more Jewish immigration to the country, despite their knowledge of Nazi persecution and atrocities.⁵⁰



Zionist forces studying maps of Palestinian villages, 1938. (Israeli Government Press Office)

Within the first decade of Israel's existence, Jewish immigration accounted for over 70% of the growth in the Jewish population.⁵¹ Over more than five decades, immigration has remained the primary source of growth in the Jewish population inside Israel. Since 1948, close to three million Jews have immigrated to Israel.⁵² As of 2005, immigration accounted for 57% of the growth of the Jewish population inside Israel. The greatest demographic shift occurred in the areas that became the state of Israel, where the number of Jews increased by more than five times between 1949 and 2005.⁵³ This is approximately the same increase seen in the Jewish population in historic Mandate Palestine due to mass immigration between 1922 and 1948. An equally massive demographic shift occurred in occupied eastern Jerusalem after 1967, where the Jewish population increased from nil in 1967 to more than 50% of the population today, primarily due to colonization. In 2005, the number of Jewish settlers in colonies in the occupied West Bank, including eastern Jerusalem, was expected to increase by 7% (30,000 persons) over the already 430,000 settlers.⁵⁴



Israeli soldiers take position in the neighborhood of Yemin Moshe, Jerusalem, 14 June 1948 (Israeli Government Press Office)

The primary means of land acquisition during the period of the British Mandate was through purchase by several Zionist associations, including the Jewish National Fund,⁵⁵ established to buy up land for the settlement of new Jewish immigrants in Palestine. The JNF purchased the majority of the land acquired during this period. Total Jewish land ownership increased by a relatively small amount during the period of the British Mandate as a percentage of the total land in Palestine. In 1922, Jews owned approximately 2.5% of the total lands in Palestine. By 1945, total Jewish ownership had increased to approximately 6%.⁵⁶ Average annual acquisitions, facilitated through the promulgation of new laws by the British administration in Palestine, however, increased nearly 20-fold during the Mandate.

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

The amount of land under Jewish "ownership" or control increased more than 10 times between 1948 and the early 1950s. The dramatic increase in land under Jewish control can be attributed solely to the expropriation of Palestinian property. As of the mid-1950s Jewish "ownership" and control of land in historic Mandate Palestine increased from approximately 7% to over 70%. Inside the borders of the new state of Israel, Jewish "ownership" and control of land had increased from approximately 11% to over 90%. The immediate confiscation of refugee property and so-called state land in the occupied Palestinian territories in 1967 increased total Jewish "ownership" and control in Palestine to over 75% and to nearly 15% of the 1967-occupied territories. By 2005, it is estimated that Jewish "ownership" and confiscation of land comprised 88% of the total area of historic Mandate Palestine.⁵⁹



the war, one of six measures included in a “Retroactive Transfer” Plan approved in June 1948 by the Israeli Finance Minister and Prime Minister to prevent the return of Palestinian Arab refugees.⁴³ Destruction of homes and entire villages was accompanied by large-scale looting.⁴⁴ In the city of Jaffa, for example, it was estimated that the Israeli military removed 30,000 pounds worth of Palestinian moveable property daily.⁴⁵

By the time the first Arab-Israeli war ended in early 1949, 85% of the indigenous Palestinian population living in the territory that became the state of Israel was displaced.⁴⁶ Most refugees found refuge in those parts of Palestine (22% of the total area) not under the control of Israeli military forces following the cessation of hostilities. In total, 750-900,000 Palestinians were displaced from the end of 1947 to early 1949.⁴⁷

In several of the sub-districts of former Palestine that were wholly incorporated into Israel – Jaffa, Ramla, and Beersheba – not one Palestinian village was left standing. In total, more than 500 Palestinian villages, with a land base of more than 17,000 km², were depopulated and destroyed.⁴⁸ An estimated two-thirds of Palestinian refugee homes inside the new state of Israel were destroyed; the remaining third was expropriated and occupied by Jews.⁴⁹

1.4 Displacement after the 1948 War

Between 1949 and 1967, Israel continued to displace Palestinians from areas under its control through internal transfer and expulsion, primarily from the northern border

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



*Palestinian families evacuate
al-Falouja village, Gaza district,
in the early 1950s, leaving behind
homes, olive trees, ploughed
tracts of land and planted fields.
(UNRWA Archives)*

villages, the Naqab (Negev), the “Little Triangle” (an area ceded to Israel under the armistice agreement with Jordan) and from villages partially emptied during the war. Tens of thousands of Palestinians lost their homes and lands. The majority were displaced during the 1950s.

The War ended in 1949 and Armistice Agreements were signed with Egypt in February, Lebanon in March, Jordan in April, and Syria in July. Within days of the signing the Egyptian-Israeli General Armistice Agreement, some 2,000-3,000 Palestinians from the villages of Faluja and Iraq al-Manshiya, were beaten, robbed and forced to leave their homes by Israeli forces.⁶⁰ In March 1949, Israeli forces expelled the inhabitants of Umm Rashrash and founded the city of Eilat. According to UN observers, some 7,000 Palestinians residing west of the southern armistice lines near the Palestinian town of Dura were expelled from Israeli-held territory in March 1949.⁶¹

Annexation of the Little Triangle led to the expulsion of 8,500 Palestinians.⁶² In 1950 Israeli forces expelled the remaining 2,500 Palestinian residents of the city of Majdal (today’s Ashqelon) into the Egyptian-controlled Gaza Strip.⁶³ More than 20,000 Bedouin were expelled from their traditional tribal areas of the country between 1949 and 1956.⁶⁴ The majority of those who were expelled were from the Naqab (Negev) in the south; some 5,000 Bedouin in the north were expelled into Syria.

During and after the war, Israel took prisoners of war and put them in labour camps where living conditions were difficult. In November 1948, the Red Cross visited

four camps and concluded that the prisoners were utilized “to obtain from them work extremely useful to the economy of the State”.⁶⁵ According to the testimony of a prisoner held in Ljlil labour camp, prisoners were utilized to demolish Arab houses, remove debris from already demolished houses and carry salvaged items to Jewish homes.⁶⁶ The prisoners remained in camps for two to five years and most were released by 1955.

Israeli police carried out raids on Palestinian villages to search for refugees who had

Secondary Displacement in Host Countries

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



Palestinian refugees stranded in “no-man’s-land” between Iraq and Syria, 2005 (Christian Peacemaker Teams)

The 1982 Israeli invasion of Lebanon led to the massacre of several thousand Palestinian refugees in the Beirut refugee camps of Sabra and Shatila by Israeli-allied Christian Phalangists in September 1982. Close to 200,000 Palestinian refugees were displaced and some 30,000 killed between 1982 and the late 1980s, as a result of Israel’s invasion, the departure of the PLO forces (14,000) to Tunisia, Libya,

Sudan, Yemen and Syria, and subsequent civil war.⁸⁴ Palestinian refugees fled the country, mainly to Scandinavia and North America.

During the 1991 Gulf War, most of the Palestinian population (350-400,000) in Kuwait was forced to leave the country because of PLO support for Iraq. Most Palestinians in Kuwait were United Nations Relief and Works Agency-registered (UNRWA) 1948 refugees with Jordanian passports or Egyptian travel documents. Palestinians were mainly displaced to Jordan (250,000-280,000) and Iraq (2,000); those with residency status in the occupied Palestinian territories (30,000-40,000) were able to return there. The PLO estimated that only some 27,000 Palestinians remained in Kuwait.⁸⁵

In 1994, Libya announced its intention to expel Palestinians (35,000) as an expression of dissatisfaction with the Oslo peace process. Measures taken by the Libyan government included non-renewal of Palestinian residency permits and cancellation of valid ones. In September 1995, President Gaddafi reiterated his intentions to expel all Palestinians. Soon after, thousands of Palestinians were put on ships and trucks and expelled from Libyan territory. Some were allowed entry into Jordan, the occupied Palestinian Territories, Syria and Lebanon, but many who had no valid travel documents were left stranded in extremely harsh conditions in the Saloum refugee camp on the border between Egypt and Libya. In January 1997, the Libyan parliament called upon Palestinians who had been stranded for 16 months at the Egyptian border to return to Libya.⁸⁶

More recently, since the US-led war in Iraq in 2003, Palestinians have been targeted by armed groups and hundreds have fled Iraq. Palestinian refugees in Iraq are leaving due to attacks, death threats and arbitrary arrests. In 2003, most sought refuge in Jordan and Syria, but were often left stranded on the border in dangerous and inhospitable camps. In late 2003, however, most of the refugees “voluntarily” returned to the center of Iraq, as the UNHCR had been unable to find a second country of asylum for them. A small number remained in the Ruweished refugee camp located 60km inside Jordan.

Displacement, however, continued in 2004-2005. In October 2005, for example, a group of 19 Palestinians left Iraq for Syria; they were stranded on the border until December, when they were finally admitted into Syria. (See also Chapters Three and Five.)

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

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

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

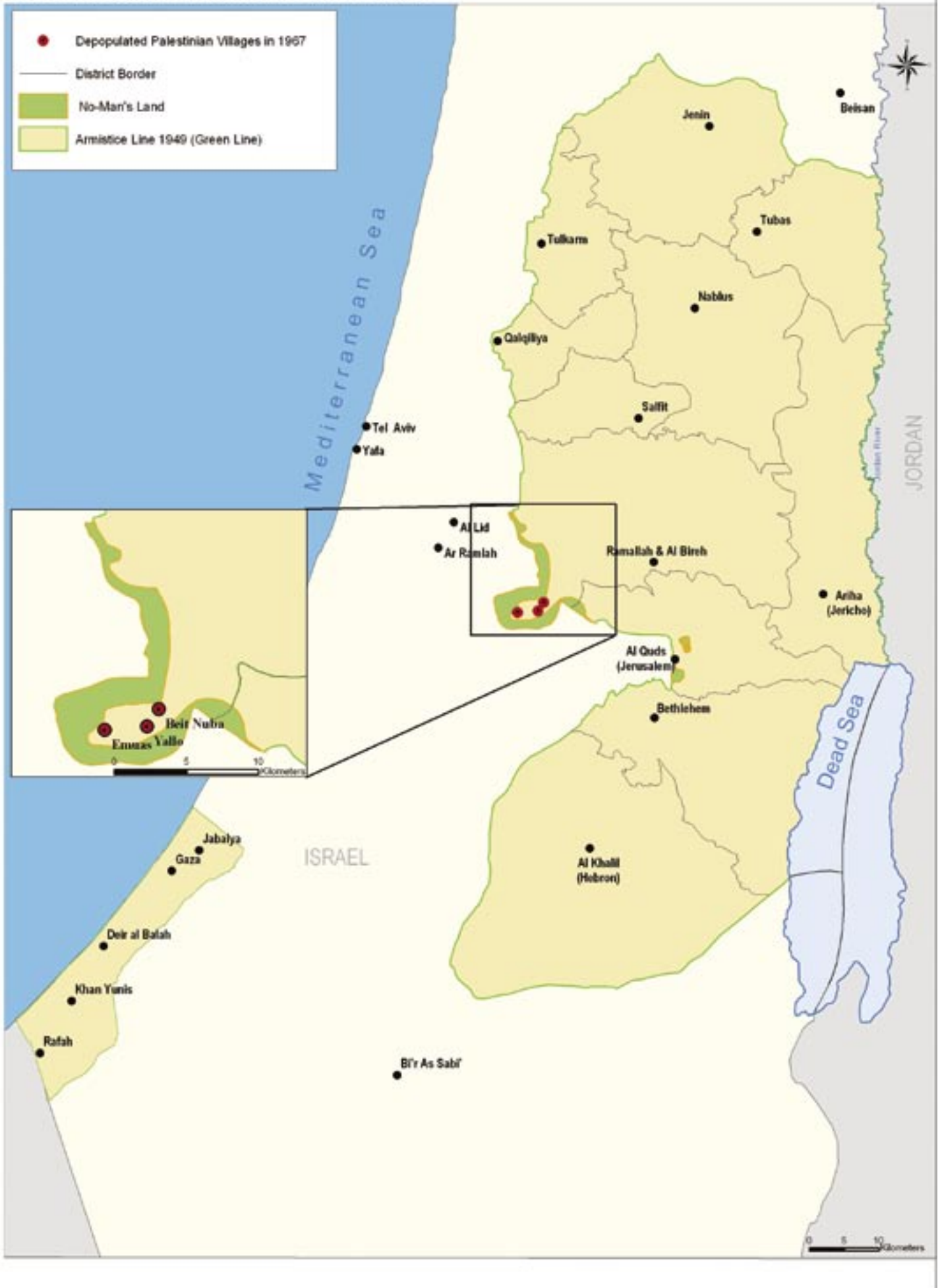
Several Palestinian villages whose residents were displaced inside Israel were destroyed as part of a government campaign to render border areas clean [Hebrew: *naki*] and empty [Hebrew: *reik*].⁷⁴ By the middle of the 1960s, Israel had nearly completed what was referred to as “cleaning up the national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

Following the war, Israel established a military government to maintain control over the Palestinian population remaining inside Israel, mainly in the Galilee, the Little Triangle, and the Naqab (Negev), and to prevent the return of Palestinian refugees.⁷⁷ Freedom of expression was severely restricted and Palestinians were confined to closed areas; written permission from the military commander was required for leaving Palestinian towns and villages.⁷⁸ A special network of military courts was set up to ensure compliance with emergency regulations; military court rulings could not be appealed and could instruct the “detention, expulsion, or banishment [from Israel], seizure and control of property and land, or the imposition of fines”.⁷⁹ The military government remained in place until 1966. Jewish affairs in the country, however, were governed by the civilian government.

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

A web of new land laws was adopted to expropriate refugee property and transfer the property to the state and the Jewish National Fund (JNF). These included emergency

The 1967 Occupied Palestinian Territories and Depopulated Villages in 1967





The Jordan Bridge, symbol of the 1967 war. About 400,000 Palestinians fled across the Jordan River to escape the second Arab-Israeli war. patrol roads. (UNRWA Archives)

regulations and laws relating to so-called abandoned Palestinian property.⁸¹ Under the 1960 Israel Lands Law, land expropriated under this legal regime is held by the state of Israel and the JNF as the inalienable property of the Jewish people. The land cannot be sold to non-Jews.

By the mid-1950s, the number of Palestinians expelled by Israeli authorities comprised some 15% of the total Palestinian population inside Israel (approximately 195,000).⁸² During this period, Israel expropriated some 700 km² of land from Palestinians who remained within the territory that became the state of Israel.⁸³

1.5 The 1967 War

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

As in the 1948 war, Israeli military forces attacked numerous civilian areas that had no military significance.⁸⁷ Refugee camps in Jericho, for example, were bombed by the Israeli air force, leading to an exodus of tens of thousands of refugees. Both *The Guardian* and *The London Times* reported that “Israeli aircraft frequently strafed the refugees on the road from Jerusalem to Jericho, destroying and burning.”⁸⁸

Palestinians were also driven from their homes by Israeli military forces.⁸⁹ Others were transferred out of the West Bank on buses and trucks provided by the military.⁹⁰ In some cases young Palestinian men were forced to sign documents that they were



leaving voluntarily. “When someone refused to give me his hand [for finger-printing] they came and beat him badly,” said one Israeli officer. “Then I was forcibly taking his thumb, and immersing it in ink and finger-printing him. [...] I have no doubt that tens of thousands of men were removed against their will.”⁹¹

Israel completely destroyed several Palestinian villages, including Imwas, Yalu and Beit Nuba in the Latrun salient northwest of Jerusalem.⁹² The entire Moroccan quarter in the Old City of Jerusalem, adjacent to the Western Wall, was razed to make way for a large plaza for Jewish religious and national events. In the West Bank town of Qalqilya, Israeli military forces destroyed half of the town’s 2,000 homes. The Palestinian villages of Beit Marsam, Beit Awa, Jiftlik and al-Burj were also razed.

By the time the 1967 war came to an end, 430,000 Palestinians were displaced, among them some 193,500 refugees displaced for a second time, and 240,000 residents displaced from the West Bank and Gaza Strip for the first time.⁹³ Up to 95% of the displaced persons went to Jordan. The areas of the occupied West Bank most affected included the Jordan Rift, Hebron, and the frontier areas of the Ramallah district. Israel expropriated more than 400 km² of land owned by Palestinians who had been displaced from the West Bank and Gaza Strip during the war.⁹⁴

1.6 Military Occupation after 1967

Throughout the post-1967 period, Palestinians remaining inside Israel, but especially in the occupied West Bank and Gaza Strip, have experienced continued forced displacement and dispossession through a process of “low-intensity” transfer⁹⁵ that includes deportation, revocation of residency rights, and demolition of homes. Tens of thousands of Palestinians and their dependents have been affected.

Bulldozed. Some 16,000 Palestine refugees in the Gaza Strip were again made homeless in the summer of 1971 when the Israeli army destroyed their shelters to make place for military patrol roads. (UNRWA Archives)

Israel established a military government in the occupied West Bank (excluding eastern Jerusalem) and the Gaza Strip in 1967. Israel illegally annexed occupied eastern Jerusalem by means of a series of administrative orders and laws passed between 1967 and 1980.⁹⁶ In the occupied West Bank and Gaza Strip, the military government has issued over 1,200 military orders since 1967, introducing extensive changes in the administrative structures and substantive laws. Under the Oslo agreements in the 1990s, the Israeli military government was withdrawn but not abolished.

Israel has deported more than 6,500 Palestinians from the occupied Palestinian territories since 1967. Some 4,000 Palestinians alone were deported to Egypt in 1967.⁹⁷ Deportees included Palestinians who had fought against the Israeli occupation and had served time in Israeli prisons, political activists, school principals and supervisors who protested censorship of textbooks, teachers and students who initiated school strikes, and attorneys who organized lawyers' strikes.

Israel has also revoked the residency status of more than 100,000 Palestinians from the occupied Palestinian territories.⁹⁸ Only those Palestinians (and their offspring) registered in Israel's September 1967 census are considered legal residents.⁹⁹ The status of resident alien did not provide a guarantee of residence between 1967 and 1995. Under the Oslo agreements (1993-2001), Palestinian inhabitants of the occupied Palestinian territories were granted protected residence status. Israel retained the authority to make the final determination on requests for permanent residency by Palestinians not registered in the 1967 Israeli census. All Jewish settlers in the occupied Palestinian Territories are entitled to residency and citizenship under Israeli law.¹⁰⁰

More than 12,000 Palestinian homes in the occupied West Bank, including eastern Jerusalem, and Gaza Strip have been demolished since 1967.¹⁰¹ In the past, the majority of homes were demolished on so-called administrative grounds, i.e. the homes were built without permits, which generally are not granted to Palestinians. This does not include an estimated 10,000 refugee shelters destroyed in the 1970s and 1980s¹⁰². Since 2000, the number of homes demolished for military purposes has increased; according to official Palestinian estimates, over 7,300 houses were completely demolished and around 65,000 partially demolished between April 2000 and April 2005.¹⁰³ In eastern Jerusalem alone, over 820 houses were destroyed between 1999 and 2005.¹⁰⁴ According to UNRWA, the Israeli army has completely demolished 2,521 refugee shelters in the occupied Gaza Strip since the beginning of the *intifada* in September 2000, rendering 24,151 refugees homeless.¹⁰⁵ In 2005, close to 200 houses were completely demolished.¹⁰⁶

Israel has continued to expropriate Palestinian land as "abandoned" land, "state property" and for military use and public purpose.¹⁰⁷ Expropriated property held by Israel in the occupied Palestinian territories (OPTs) is not considered inalienable, but the use of land acquired under these military orders for Jewish colonization (also termed "settlement") suggests *de facto* permanent confiscation. Property confiscated by the JNF in the 1967-occupied Palestinian territories is considered as the inalienable property of the Jewish people. Israel has retained overall control of immovable property under the Oslo process.

Since 1967 it is estimated that some 400,000 Palestinians have been displaced from the occupied Palestinian territories.¹⁰⁸ Israel continues to occupy the entire surface of

the West Bank (some 5,800 km²) and has confiscated or *de facto* annexed more than 3,350 km² for the exclusive benefit of its Jewish population.¹⁰⁹

Until 1948, most Palestinian Arabs lived in Palestine. As of 2005, half of the Palestinian people, comprising more than 4.8 million Palestinians, were living in areas outside the borders of former Palestine. This transformation in demography has occurred largely through displacement/expulsion during periods of armed conflict and subsequent denationalization of Palestinian refugees.

Until 1948, Palestinian Arabs owned most of the land in Palestine. As of 2005, Palestinian Arabs own or control only 12% of the land in former Palestine. The transformation in the control and “ownership” of land occurred largely through mass expropriation of Palestinian-owned property, which is now held by Israel as the inalienable property of the Jewish people.

Less than 1% of the Palestinian refugee population has been permitted to return. Even fewer have had access to housing and property restitution. Today, Palestinian refugees make up one of the largest and longest-standing refugee populations in the world.

1.7 Developments in 2004-2005

1.7.1 Israel’s Wall and Its Associated Regime in the Occupied West Bank

Announced by the Israeli government on 14 April 2002, and referred to as a “security fence”, “separation fence”, or “anti-terror fence”, the Wall being built by Israel in the occupied Palestinian territories is gravely infringing upon the fundamental rights of the Palestinian people. (*See Chapters Two and Five.*) It is therefore referred to as the “expansion and annexation wall” or “apartheid wall” by Palestinian sources.

In some regions, the Wall is a concrete wall of approximately 8-9 metres high (more than twice the height of the Berlin Wall) with watchtowers and sniper positions every 300 metres, while in other regions it is an electric fence approximately 3-5 metres high with a buffer zone, trenches, barbed wires, sensors and cameras. A military order issued in September 2004 widened the buffer zone to 150-200 metres on the occupied West Bank side of the Wall and prohibited construction there.¹¹⁰ The route of the Wall has been revised many times; the latest route was approved by the Israeli Cabinet in February 2005 and is 670 km long (more than twice the length of the 1949 armistice line, i.e. “Green Line”). While the Wall follows the Green Line on some 20% of the route, most of it is being built inside the 1967-occupied Palestinian West Bank, thereby isolating outside of the Wall (West of the Wall) some 10.1% of the Palestinian land which is likely to be annexed by Israel.¹¹¹ The total amount of land *de facto* annexed by the Wall, Jewish colonies (“settlements”), and infrastructure development is 46%.¹¹² For Palestinians, the Wall creates new enclaves or *bantustans*, and a “Seam Zone” (closed military area between the Wall and the Green Line) in which movement is tightly and arbitrarily restricted.

The government of Israel initially contended that the Wall was a “defensive measure [taken] with the sole intent of blocking the passage of terrorists, bombs and ammunition into the State of Israel.”¹¹³ It argued that the only purpose of the Wall





was to save lives, i.e. a “line of defense, not a border,” “a reversible and temporary measure,” and “a fence not a wall,”¹¹⁴ which takes into consideration humanitarian and security needs.¹¹⁵ In 2005, however, Israel’s real plans were exposed by Israeli officials themselves, among them the Minister of Justice, Tzipi Livni, who confirmed that “the wall is the future border of the state of Israel” and that “the High Court of Justice, in its ruling over the fence, is drawing the country’s border.”¹¹⁶

View of Israel's Wall from a Palestinian home in the 'Aida Camp, Bethlehem, 2005. (Anne Paq)

According to PLO sources, the goal of the Wall is twofold: first, “to confiscate Palestinian land in order to facilitate further colony expansion and unilaterally redraw geopolitical borders” and secondly, “to encourage an exodus of Palestinians by denying them the ability to earn a living from their land, by denying them adequate water resources, and by restricting freedom of movement to such extent as to make remaining in their town or village an unviable option.”¹¹⁷

In October 2003, the UN General Assembly demanded that “Israel stop and reverse the construction of the Wall in the occupied Palestinian territory, including in and around eastern Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law.”¹¹⁸ When Israel continued to build the Wall, the UN General Assembly passed resolution ES-10/14 requesting the International Court of Justice (ICJ) to issue an Advisory Opinion on the following: “What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory?”¹¹⁹

The ICJ issued its advisory opinion on 9 July 2004. It ruled that the Wall is illegal and violates the fundamental rights of the Palestinian people, in particular their right to self-determination, and that the route of the Wall is in violation of Article

49(6) of the Fourth Geneva Convention, because it was largely determined by the location of Jewish colonies and not by security concerns.¹²⁰ The ICJ also affirmed that the Wall is not a legitimate measure of defense but actually a means of war, as it acquires territory by force and violates the most fundamental rights of the Palestinian people. Israel “cannot rely on a right to self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the wall.”¹²¹ The Court further “considers that the construction of the wall and its associated regime create a ‘fait accompli’ on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation.”¹²²

The Court also found that, “[...] the route chosen for the wall gives expression *in loco* to the illegal measures taken by Israel with regard to Jerusalem and the settlements”¹²³, and that, “[...] since a significant number of Palestinians have already been compelled by the construction of the wall and its associated regime to depart from certain areas, a process that will continue as more of the wall is built, that construction, coupled with the establishment of the Israeli settlements [...] is tending to alter the demographic composition of the [occupied Palestinian territories].”¹²⁴

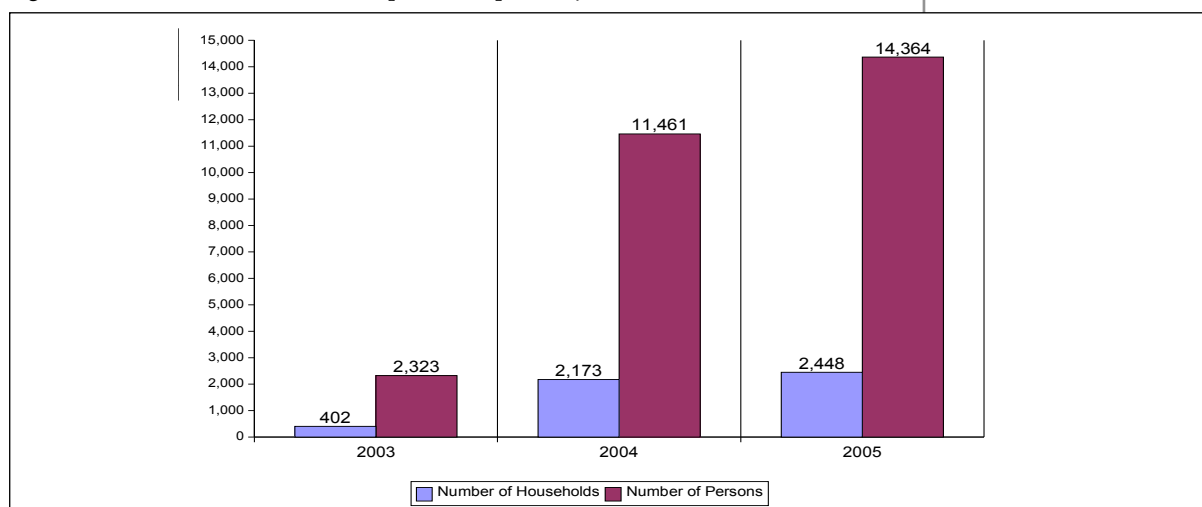
In summary, the ICJ thus ruled that the route of the Wall contravenes the right to self-determination of the Palestinians because it takes into consideration colonies (“settlements”), leads to further annexation of Palestinian land, and induces further forced displacement,¹²⁵ and that Israel is obligated to remedy the illegal situation.¹²⁶ The Court ruled that it was upon Israel to cease the construction of the Wall and dismantle the sections already built. It further requested Israel to make reparations for the damage caused by its unlawful act by re-instituting [restituting, surely?] property to the owners (land, orchards, olive groves and other immovable property) and providing them with compensation for property destroyed.¹²⁷ Israel officially rejected the ICJ ruling and has so far failed to comply.

The ICJ also tackled the question of the responsibility of the international community and requested states “[...] not to recognize the illegal situation resulting from the construction of the wall and not to render assistance in maintaining the situation created by such construction.” States Party to the Fourth Geneva Convention were further requested to “[...] ensure compliance by Israel with international humanitarian law”¹²⁸ The international community has so far failed to take action based on the ICJ ruling; some states have rather signalled that they may be inclined to recognize the “new reality” created by Israel’s Wall in the 1967-occupied Palestinian territories. (*See also Chapters Five and Six.*)

1.7.2 Forced Displacement in the 1967-occupied Palestinian Territories

During 2004-2005, there was a significant increase in internal displacement in the occupied Palestinian territories, primarily due to the destruction of refugee housing in the occupied Gaza Strip and Israel’s construction of the Wall in the occupied West Bank. Approximately 15,000 persons were forcibly displaced as a result of the Wall and its regime; 36% of those affected were refugees.¹²⁹

Figure 1.2: Palestinian households and persons displaced by the Wall, 2003-2005



Source: Compilation of data from the Survey on the Impact of the Annexation and Expansion Wall on the Socio-economic Conditions of Palestinian Localities which the Wall Passes Through, Ramallah: Palestinian Central Bureau of Statistics, 2003-2005.

Approximately 242,000 Palestinians are currently isolated by the Wall, and a total of 280,000 will become isolated upon its completion.¹³⁰ In occupied eastern Jerusalem, the Wall is being constructed to expand beyond the Israeli-defined city limit to include a Jewish settler population of more than 180,000 on the one hand, while excluding Palestinian communities from the municipal boundary on the other. Approximately 70,000-100,000 Palestinians, including 11,000 refugees from the Shu'fat camp, may thus lose their residency rights in Jerusalem. Many also, although not displaced physically, will be economically and socially cut off from the city.

The approximately 49,000 Palestinians living in the "Seam Zone" (closed military areas between the Wall and the Green Line) are especially threatened with forced displacement. Currently these people are cut off from the occupied West Bank and require special permits to live in their own houses.¹³¹ Palestinians wanting to access their farmland in the "Seam Zone" also require a permit.¹³² The permits are usually granted based on security considerations, but recently, proof of land ownership has been required and permits have been rejected on the grounds that applicants lack clear title to the land.¹³³ The number of persons required special permits to enter the "Seam Zone" is also rising.¹³⁴ Houses too close to the Wall and the buffer zone (150-200 metres on the occupied West Bank side of the Wall) are also being destroyed. Approximately 20% of the houses in the "Seam Zone" areas south of Qalqilya are under threat of demolition.¹³⁵ Since July 2004, 604 homes have been demolished or are under threat of demolition as a result of the construction of the Wall.¹³⁶

Table 1.2: Palestinian land confiscated and isolated by the Wall in the Occupied West Bank, by June 2005

District	Total (dunums)*	Area of land isolated by the Wall	Area of land confiscated to build the Wall
North West Bank	213,866	191,336	22,530
Middle West Bank	85,130	66,023	19,107
South West Bank	50,047	43,763	6,284
Total	349,043	310,122	47,921

* 4 dunums = 1,000 m² or 1000 dunums = 1 km²

Source: Data Compiled from the 2003, 2004 and 2005 Survey on the Impact of the Expansion and Annexation Wall on the Socio-Economic Conditions of Palestinian Localities which the Wall Passes Through. Ramallah: Palestinian Central Bureau of Statistics.

A similar displacement-inducing pattern is visible in the Jordan Valley, where new permits have been introduced to restrict access by Palestinians. Since May 2005, only Palestinians registered as residents of the northern Jordan Valley are allowed unrestricted access. All other Palestinians require a special access permit,¹³⁷ including non-resident landowners. Permits are issued for daytime stay only, while travel on parts of Road 90 (the main road in the Jordan Valley) is also prohibited for Palestinians. Bedouin communities in the Jordan Valley are particularly affected by a lack of access to water and grazing grounds as a result of Israeli-declared nature reserves and military zones. (*See also Chapter Five.*)

1.7.3 Forced Displacement in Israel

Urban development plans in Galilee and the (Negev) are causing the forcible displacement of Palestinian communities. In November 2004, Prime Minister Ariel Sharon decided to create an emergency plan to “save the outlying areas” in the Naqab (Negev) and Galilee. The plan is intended to increase land held by the Jewish population and ensure a Jewish majority in the Naqab (Negev) and Galilee. This emergency plan aims to achieve a Jewish population of 1.5 million in Galilee and 1 million in the Naqab (Negev) by 2010.¹³⁸ In his speech to the Galilee Conference 2005 - Developing Galilee as National Target, Sharon said, “the Disengagement Plan is not only about withdrawal from Gaza but also aims to increase Jewish settlement in the Galilee, the Negev, and Greater Jerusalem.”¹³⁹

In November 2005, Israel presented its “Tama 35” Plan, which aims to construct and preserve the open areas in Israel and to “reach the goal of a Jewish state that absorbs its new immigrants.” According to the Arab Association for Human Rights, the Plan means that Palestinian citizens of Galilee and the Naqab (Negev) will suffer, because large areas will be confiscated and their residents transferred to larger cities. Bedouin communities residing in the Naqab (Negev) have been subject to house and property demolition, land confiscation, and spraying of their crops with chemicals to induce their displacement. For instance, on 9 February 2005, the Israel Land Administration forcibly evicted approximately 100 Arab residents of Beer Hadaaj in the Naqab (Negev), and then destroyed the entire village with bulldozers.¹⁴⁰ Since 1976, the state of Israel has confiscated over 230,000 dunams in the Naqab (Negev), where Jewish settlements are built to prevent the Bedouins from using their lands.¹⁴¹ In 2004, some 150 houses were demolished in the Naqab (Negev).¹⁴² In 2005, a ministerial council approved the establishment of six new Jewish towns, five in the Naqab (Negev) and one in Galilee.¹⁴³

1.7.4 Walls Separating Palestinians and Jews in Mixed Cities in Israel

A recent study showed that since 2002, the Israeli government and municipal authorities have authorized the construction of earth embankments and walls in areas where both Jewish and Palestinians reside.¹⁴⁴ In Ramle, for instance, the primarily Jewish Gannei Dan neighbourhood was separated by a four-metre high wall from the Jawarish neighbourhood, where internally displaced Palestinians from the town of Majdal reside. Also, in the mixed city of Lid, where most Palestinians live in poor neighbourhoods that lack adequate urban planning and sanitation, the Palestinian neighbourhood of Pardes Snir was separated by a four-metre high wall from the predominantly Jewish neighbourhood of Moshav Nir Zvi.



The municipalities and the government have often described these physical separations as an “acoustic wall” aimed to prevent noise coming from Palestinian neighbourhoods, burglaries and the free passage of drug addicts. They were, however, more accurately described by the secretary of Moshav Nir Zvi as measures aimed to block both physical and eye contact between the two communities.¹⁴⁵ The walls delimit the spatial geography of neighbourhoods along ethnic, racial, social, and economic lines, sending a clear message to Palestinian citizens of Israel that they are not welcome to live among the Jewish majority. This message reinforces the feelings of isolation and exclusion experienced by the Palestinian minority and gravely violates the principles of equality and human dignity.¹⁴⁶

Palestinian homes in the Naqab (Negev) threatened by displacement; October 2005. (akbarna.org)

1.7.5 Decolonization and Redeployment in the Occupied Gaza Strip

In 2004, the Israeli government announced it would dismantle Jewish colonies (“settlements”) in Gaza and withdraw its armed forces. The dismantlement of the colonies (“settlements”) was effected in August and September 2005 and the army accordingly redeployed, mainly along the barrier surrounding the occupied Gaza Strip. Around 8,000 settlers were removed from the occupied Gaza Strip and 500 from the occupied West Bank, representing less than 2% of the entire settler population in the occupied Palestinian territories.

Despite this “disengagement” from the Strip, Israel still retains effective physical control over its air space, territorial water and land borders, as well the ability to exercise effective control within it, attested by frequent artillery shelling and constant aerial siege in the north. Israel is thus still the occupying power in the Gaza Strip and therefore responsible for the welfare of the civilian population under international humanitarian law. (*See Chapter Six.*)

Annex 1.1- Notes for Table 1.1

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

The British Mandate (1922-1947)

From among 9,000 applications of Palestinians outside the country, for example, British officials approved only 100. Based on an average family size of six persons, more than 50,000 Palestinians may have been affected. See *Palestine Royal Commission Report*, Cmd. 5479. London: HMSO, 1937, p. 331. For a description of the problem facing Bethlehem families, see Musallam, Adnan A., *Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948*. Bethlehem: WIAM – Palestinian Conflict Resolution Center, 2002.

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

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

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

The Partition Plan to Armistice Agreement (1947-1949)

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

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

The figure is calculated based on the population of 531 depopulated Palestinian localities in *Village Statistics 1944* prepared by the British Mandate and upgraded to 1948 based on an average annual population increase of 3.8% compared to the number of Palestinian Arabs remaining in Israel according to various Israeli and other sources. The population of the Bir Saba' District was estimated from Arif al-Arif, *Bedouin Law* [Arabic]. Jerusalem Press, 1933; and S.W. Dajani, “The Enumeration of the Beer Sheba Bedouins in May 1946,” *1 Population Studies* 3 (1947), and correlated with other sources. The total number of refugees is 804,767. However, if the extra villages according to UNRWA registration are included, the total number of refugees is 935,573. These extra villages include: villages whose land was taken over by Israel in 1948, while the village houses remained in the West Bank and Gaza Strip; Jewish villages or lands in which refugees used to live and work; Palestinian Arab villages which remained in Israel, while some of their inhabitants became refugees; and villages or sites which were satellites of or extensions to listed villages. See Abu Sitta, Salman, *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine*. London: The Palestinian Return Centre, 1998.

Approximately 700 Palestinians were expelled from Kufr Yassif to Jordan in early 1949. In February 1949 Israeli forces transferred Palestinian inhabitants from the villages of Faradiya and Kufr Ana to Eilabun and Majd al-Krum. Palestinians from Saffuriya were transferred to Raineih and al-Mashhad. In May and June 1949, Israeli forces expelled 4,000-4,500 Palestinians from Wadi Ara to the West Bank. In 1949, Israel also expelled some 8,500 Palestinians from the “Little Triangle” to the West Bank when the area was annexed to Israel under the 1949 Jordan-Israel Armistice Agreement. Between 1949 and March 1950, Palestinian inhabitants of some 20 small hamlets in Wadi Ara were displaced. In 1950, Israel expelled the remaining inhabitants of the Palestinian village of Zakariya to the West Bank. See Cohen, Hillel, *HaNifkadim HaNokhabim, HaPlitim HaFalestinim BeIsrael me'az 1948 [The Present Absentees: Palestinian Refugees in Israel Since 1948]* [Hebrew]. Jerusalem: Institute for Arab-Israeli Studies, 2000.

The British Foreign Office estimated the total number of refugees at 810,000 in February 1949 and then issued revised estimates in September 1949 of 600,000 (Foreign Office Research Department) and 760,000 (UNCCP Technical Office). The Foreign Office considered the Israeli estimate low due to the fact that it did not account for natural increase in the population since 31 December 1947; neither did it include displaced Bedouins who had become refugees. Moreover, the Foreign Office did not agree with Israel's assertion that Mandate population figures for Palestinian Arabs were exaggerated and should therefore be reduced by 6% (see below). See PRO FO371-75436 E10083/1821/31, Foreign Office to UK Delegation to the United Nations (New York), 2 September 1949. Israel estimated the total number of Palestinian refugees at 530,000 as of 1949. The estimate is based on the difference between the total number of non-Jewish inhabitants in the area of Palestine that became the state of Israel as of the end of 1947 (deducted by 6% based on the assumption that Mandate population statistics for Palestinian Arabs were exaggerated) and the number of Palestinians that remained inside Israel after the 1948 war. The estimate does not include the estimated 30-40,000 refugees who "infiltrated" the state (i.e. returned spontaneously) – even though they may have still been displaced internally – since November 1948. See ISA FM2444/19, Dr. H. Meyuzam, to Asher Goren, the Political Department of the Foreign Ministry, 2 June 1949. In a private letter, however, then Director General of the Israeli Foreign Ministry Walter Eytan noted that UNRWA registration numbers, which were substantially higher than the Israeli estimate, were "meticulous" and that the "real number was close to 800,000." See CZA A340/24, Eytan to Daniel Sirkis (*Hatzofé*), 10 November 1950. According to Israeli officials, "if people ... became accustomed to the large figure and we are actually obliged to accept the return of the refugees, we may find it difficult, when faced with hordes of claimants, to convince the world that not all of these formerly lived in Israeli territory.... It would, in any event, seem desirable to minimize the numbers ... than otherwise." See ISA FM 2564/22, Arthur Lourie to (Director General of the Israeli Foreign Ministry) Eytan; Morris, Benny. *The Birth of the Palestinian Refugee Problem 1947-1949*. Cambridge: Cambridge University Press, 1987.

These estimates were prepared on the basis of population estimates by villages and religion as of 31 December 1946. This includes 280,000 in Arab Palestine from UNRPR, 1 August 1949; 7,000 in Egypt; 190,000 in Gaza (AFSC Schedule of refugee population, 30 September 1949, and information obtained 26 October 1949); 4,000 in Iraq (UNRPR, as of 30 September 1949); 70,000 in Jordan (*Report of the Technical Committee on Refugees of the Conciliation Commission for Palestine*, 20 August 1949); 100,000 in Lebanon (conservative estimate based on UNRPR estimate of 1 August 1949); and 75,000 in Syria (UNRPR, 1 August 1949). See United Nations Economic Survey Mission for the Middle East, *Final Report of the United Nations Survey Mission for the Middle East (Part I)*. UN Doc. A/AC.25/6.

During late May and early June 1949 some 4,000 internally displaced Palestinians were expelled into the West Bank. A 1953 UN report stated that 7,000 Bedouin had been expelled from the Negev. In late May and early June 1949, 4,000 internal refugees were expelled by Israel's military government from the Little Triangle into the West Bank. In February 1951, residents of thirteen small Palestinian villages in Wadi 'Ara were expelled over the border into Jordan. See Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber Ltd, 1997.

Military rule in Israel (1950-1966)

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

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

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

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

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

On 30 October 1956, a day after the massacre of 43 Palestinian citizens of Kafr Qassim, General Yitzhak Rabin expelled 2,000-5,000 residents of the villages of Krad al-Ghannamah and Krad al-Baqqarah to the south of Lake Hulah in Syria. In June 1967, some 135 Palestinian

families were expelled from the Moroccan quarter of the Old City and their homes were demolished. See Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber Ltd, 1997.

The 1967 War

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

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

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

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

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

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

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

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

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

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

Between 1969 and 1972, some 6,000 – 20,000 Bedouin farmers were evicted from the Rafah salient southwest of the occupied Gaza Strip. During the same period, several hundred refugees were forcibly relocated from the occupied Gaza Strip to the north Sinai. In

the early days after the 1967 war, thousands of Palestinian men aged 20-70 were deported forcibly from the occupied West Bank and Gaza Strip across the Jordan River. Between 1968 and 1972, over 1,095 Palestinians were deported from the occupied West Bank and Gaza. Between August 1985 and January 1988, some 46 Palestinians were expelled. From the beginning of the first *intifada* in December 1987 until the end of 1989, 64 Palestinians were deported, with eight more deported in 1991. On 16 December 1992, 413 Palestinians were deported. Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber Ltd., 1997.

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

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

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

Annex 1.2 - Notes for figure 1.1

The estimate for land expropriated immediately after the 1948 war is based on total private and public land owned or used by Palestinians on the eve of the 1948 war. This includes land held in customary ownership by Palestinian Bedouin tribes in the Naqab (Negev) for grazing and rain-fed agriculture. A similar estimate may also be derived by examining total Jewish ownership and land classified as state land by the British Mandate Administration. The estimate for land expropriated between 1948 and 1967 is derived by subtracting estimated land losses during this period from the total area of land owned by Palestinians who remained in the territories that became the state of Israel in 1948. The estimate for land expropriated immediately after the 1967 war is derived from land expropriated as absentee and state property. The estimate for land expropriated between 1967 and 2005 includes land expropriated and land controlled by Israel by virtue of Israel's military occupation of the 1967-occupied Palestinian territories. The estimate also includes land expropriated by Israel from Palestinians inside Israel between 1967 and 2005.

British Mandate (1922-1947)

"As of 1963 Palestinians in villages inside Israel owned 385,993 dunums of private land and 472,798 dunums of public land." Calculated from Survey of Arab Agriculture and Development Plan A. Nazareth: Ministry of Agriculture, Unit for Survey and Planning for the Minority Villages, The Joint Development Centre, July 1963. In a survey of 38 villages, it is estimated that 632,000 dunums of land was expropriated between 1945 and 1972. See Abu Kishk, Bakir, "Arab Land and Israeli Policy," 11 *Journal of Palestine Studies* 1 (Autumn 1981).

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

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

Partition Plan to Armistice Agreement (1947-1949)

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

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

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

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

According to the global identification process completed by the UNCCP in 1951, 16,324,000 dunums of land was determined to be private property owned by Palestinians. An individual evaluation, which was criticized by several experts, identified some 7,069,091 dunums as Palestinian-owned land. The UNCCP archives include 453,000 records amounting to some 1,500,000 holdings. See

Progress Report of the United Nations Conciliation Commission for Palestine (UNCCP). UN Doc. A/1985, 20 November 1951.

Military rule in Israel (1950-1966)

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

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

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

1967 War

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

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

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

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

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

“A 1987 Israeli State Comptroller, *Annual Report 37*, lists a total of 430 km² of Palestinian land in the West Bank expropriated by Israel as absentee and state property immediately after the 1967 war.” *Land Grab, Israel’s Settlement Policy in the West Bank*. Jerusalem: B’tselem, The Israeli Information Center for Human Rights in the Occupied Territories, 2002.

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

The report estimates that 65% of the occupied West Bank and 42% of the occupied Gaza Strip have been seized by Israel. See Palestine Human Rights Information Center, *From the Field*, June 1991.

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

The Wall confiscated and *de facto* annexed 349km² of the occupied West Bank. Data compiled from the 2003, 2004 and 2004 *Survey on the Impact of the Expansion and Annexation Wall on the Socio-Economic Conditions of Palestinian Localities which the Wall Passes Through*. Ramallah: Palestinian Central Bureau of Statistics.

Endnotes

- ¹ Methods of population transfer may include financial subsidies, planning, public information, military action, recruitment of settlers, legislation or other judicial action, and the administration of justice. *The Human Rights Dimensions of Population Transfer, including the Implantation of Settlers*, Preliminary Report prepared by A.S. al-Khawasneh and R. Hatano. Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-fifth Session 2-27 August 1993, Item 8 of the provisional agenda, E/CN.4/Sub.2/1993/17, 6 July 1993, at paras. 15 and 17.
- ² *Rome Statute of the International Criminal Court*, entered into force on 1 July 2002, Article 7.2(d).
- ³ *Ibid.*, Article 8.2(b)(viii).
- ⁴ For more details on Zionist population transfer plans, see Masalha, Nur, *Expulsion of the Palestinians: The Concept of "Transfer" in Zionist Political Thought, 1882-1948*. Washington, DC: Institute for Palestine Studies, 1992. Also see Simons, Chaim, *International Proposals to Transfer Arabs from Palestine 1895-1947, A Historical Survey*. Hoboken, NJ: Ktav Publishing, Inc., 1988.
- ⁵ The Basle Program, 31 August 1897, excerpts reprinted in *Documents on Palestine, From the Pre-Ottoman/Ottoman Period to the Prelude to the Madrid Middle East Peace Conference*. Abdul Hadi, Madhi F. (ed.). Jerusalem: PASSIA, 1997, p. 14.
- ⁶ *The Complete Diaries of Theodor Herzl, Vol. I*. Patai, Raphael (ed.) New York: Herzl Press and T. Yoseloff, 1960, pp. 8-9.
- ⁷ Sultany, Nimer, *Citizens Without Citizenship*. Mada's First Annual Political Monitoring Report: Israel and the Palestinian Minority 2000-2002, Haifa: Mada, 2003, pp. 42-43.
- ⁸ *Israel and the Palestinian Minority 2004*, Sultany, Nimer (ed.), Mada's Third Annual Political Monitoring Report. Haifa: Mada, July 2005, p. 33.
- ⁹ The Balfour Declaration is reprinted in *Survey of Palestine, Vol. I*. Prepared in December 1945 and January 1946 for the Information of the Anglo-American Committee of Inquiry. Reprinted in full with permission from Her Majesty's Stationery Office. Washington, DC: Institute for Palestine Studies, 1991, p. 1. Prior to issuing the final Declaration the British obtained the assent of the United States. The US Congress subsequently adopted a resolution on 30 June 1922, "[f]avoring the establishment in Palestine of a national home for the Jewish people." McCarthy, Justin, *The Population of Palestine: Population Statistics of the Late Ottoman Period*. New York: Columbia University Press, 1990, p. 21.
- ¹⁰ Table 2.2, Population of Palestine in 1918, Projected Back from 1922 Census Figures, as corrected, McCarthy, Justin, *The Population of Palestine: Population Statistics of the Late Ottoman Period*. New York: Columbia University Press, 1990, p. 26.
- ¹¹ Table III, Jewish Land Ownership in Palestine, Lehn, Walter, *The Jewish National Fund*. London: Kegan Paul International, 1988, p. 74.
- ¹² Gibbons, Herbert Adams, "Zionism and the World Peace," *Century* 97 (1919), p. 371, reprinted in Stevens, Richard P, *Zionism and Palestine Before the Mandate: A Phase of Western Imperialism: An Essay with a Selection of Readings*. Beirut: Institute for Palestine Studies, 1972, pp. 56-57.
- ¹³ Quigley, John, *Palestine and Israel: A Challenge to Justice*. Durham: Duke University Press, 1990, p. 8.
- ¹⁴ Covenant of the League of Nations, 28 June 1919, reprinted in *Survey of Palestine, Vol. I*. *Supra* note 9, pp. 2-3.
- ¹⁵ The Treaty of Peace Between the Allied and Associated Powers and Turkey, signed at Sèvres, 10 August 1920, Part II, Section VII, Art. 94.
- ¹⁶ According to Article 22 of the Covenant of the League of Nations, "[c]ertain communities formerly belonging to the Turkish Empire [including Palestine] have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone." The Mandate did not come into force until 29 September 1923. The Mandate for Palestine, 24 July 1922, is reprinted in *Survey of Palestine, Vol. I*. *Supra* note 9, pp. 4-11.
- ¹⁷ Statement by British Secretary of State for Foreign Affairs Arthur Balfour, British Government, *Foreign Office No. 371/4183* (1919), quoted in *The Origins and Evolution of the Palestine Problem 1917-1988*. Part I. New York: United Nations, 1990.
- ¹⁸ Out of 9,000 applications from Palestinians outside the country, for example, British officials only approved 100. Based on an average family size of six persons, more than 50,000 Palestinians may have been affected. *Palestine Royal Commission Report*, Cmd. 5479. London: HMSO, 1937, p. 331. For a description of the problem facing Bethlehem families, see Musallam, Adnan A., *Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948*. Bethlehem: WIAM – Palestinian Conflict Resolution Center, 2002.
- ¹⁹ *Toward the De-Arabization of Palestine/Israel 1945-1977*. Nijim, Basheer K. (ed.). Dubuque, Iowa: Kendall/Hunt Publishing Company, 1984, p. 10. The impact of the loss of land was far greater than the amount of land lost to Zionist colonization during this period. Palestinian ownership of land declined approximately 4% due to the sale of land, primarily by large absentee landlords. Khalidi, Rashid, *Palestinian Identity: The Construction of Modern National Consciousness*, New York: Columbia University Press, 1997, pp. 113-114. A smaller number of Palestinian Arab farmers lost their lands due to financial insolvency.
- ²⁰ The emergency laws included: the 1936 Emergency Regulations, *The Palestine Gazette* 584, No. 2 (19 April 1936), p. 259; the 1937 Palestine (Defense) Order, *The Palestine Gazette* 675, No. 2 (24 March 1937), p. 267; the 1937 Defense (Military Courts)

- Regulations, *The Palestine Gazette* 737, No. 2 (11 November 1937), p. 1138; the 1939 Defense Regulations, *The Palestine Gazette* 914, No. 2 (26 August 1939), p. 659; and, the 1945 Defense (Emergency) Regulations, *The Palestine Gazette* 1442, No. 2 (27 September 1945), p. 1058. Sabri, Jiryis, *The Arabs in Israel*. London: Monthly Review Press, 1976, p. 10.
- ²¹ During 1936-39, the British administration demolished some 5,000 Palestinian homes. Rajab al-Ruday'i Yusef, *The 1936 Arab Revolt in Palestine: A Military Study* [Arabic], cited in Sayigh, Yezid, *Armed Struggle and the Search for State, The Palestinian National Movement 1949-1993*. Washington, DC: Institute for Palestine Studies and Oxford University Press, 1999, p. 2.
- ²² Based on an average family size of six persons, an estimated 30,000 Palestinians were affected. Gabbay, Rony, *A Political Study of the Arab-Jewish Conflict: The Arab Refugee Problem (A Case Study)*. Geneva: Librairie E. Droz, and Paris, Librairie Minard, 1959, p. 66.
- ²³ *Palestine Royal Commission Report, Supra*, note 18, p. 82.
- ²⁴ The president of the Assembly argued that addressing matters of principle was detrimental to a political solution to the conflict. For the proposed texts of the questions to be submitted to the ICJ, see Iraq (UN Doc. A/AC.14.21); Syria (UN Doc. A/AC.14/25); and Egypt (UN Doc. A/AC.14/14).
- ²⁵ Committee members unanimously approved eleven general recommendations, including a UN-supervised transition period, protection of religious and minority rights, and citizenship and property rights. They were unable to reach a consensus concerning the future status of the country. Report of the UN Special Committee on Palestine, *The Question of Palestine*. UN Doc. A/364, 31 August 1947.
- ²⁶ GA Resolution 181(II), 11 November 1947, UN GAOR, 1st Sess., UN Doc. A/64 (1947).
- ²⁷ *Ibid*, para. 10(d).
- ²⁸ For the population of Palestine, see Table 2.18, "The Population of Palestine by Religion, 1870 to 1946", McCarthy, Justin, *The Population of Palestine: Population Statistics of the Late Ottoman Period*. New York: Columbia University Press, 1990, p. 37. For Jewish landownership, see Lehn, Walter, *The Jewish National Fund*. London: Kegan Paul International, 1988, p. 74.
- ²⁹ The proposed Jewish state had a population of 498,000 Jews and 497,000 Palestinian Arabs, 90,000 of whom were Bedouins. The proposed Arab state had a population of 725,000 Palestinian Arabs and 10,000 Jews. The city of Jerusalem, which was to have international status, had a population of 105,000 Palestinian Arabs and 100,000 Jews. Report of the UN Special Committee on Palestine. Report of the UN Special Committee on Palestine, *The Question of Palestine*. UN Doc. A/364, 31 August 1947. State land comprised less than 3% of the proposed Jewish state.
- ³⁰ This includes some 40,000 Palestinians who fled during the "Great Revolt", an estimated 54,000 Palestinians who were denationalized under the 1925 *Palestine Citizenship Order*, thousands of tenant farmers who were evicted from their villages and became internally displaced, and an estimated 30,000 Palestinians internally displaced due to punitive house demolition. *Supra*, note 22; *supra*, note 18; Kamen, Charles, *Little Common Ground, Arab Agriculture and Jewish Settlement in Palestine 1920-1948*. Pittsburgh: University of Pittsburgh Press, 1991, p. 191; and Childers, Erskine B., "The Wordless Wish: From Citizens to Refugees," *The Transformation of Palestine*. Abu Lughod, Ibrahim (ed.). Evanston, IL: Northwestern University Press, 1971, p. 181. As many as 70 Palestinian rural villages disappeared. Kanaana, Sharif, *Still on Vacation*. Jerusalem International Center for Palestinian Studies, 1992, p. 96.
- ³¹ Childers, Erskine B., "The Wordless Wish: From Citizens to Refugees," *The Transformation of Palestine*, Ibrahim Abu Lughod (ed.). Evanston, IL: Northwestern University Press, p. 181.
- ³² Table III, Jewish Land Ownership in Palestine, *Supra*, note 11, p. 74.
- ³³ By 1946, the estimated population of Palestine by 1946 was 1,952,920, including 583,327 Jews. See Abu-Sitta, Salman, *Atlas of Palestine 1948*, London: Palestine Land Society, p. 11.
- ³⁴ Khalidi, Walid, "Plan Dalet: Master Plan for the Conquest of Palestine," 28 *Journal of Palestine Studies* 1 (Autumn 1988), p. 8.
- ³⁵ Leaders of Zionist militia organizations at the time reported that 245 people had been killed in the village. These reports were broadcast on Arab and foreign media. For a study of the massacre, see Khalidi, Walid, *Dayr Yassin: Friday, 9 April 1948*. [Arabic] Beirut: Institute for Palestine Studies, 1999.
- ³⁶ For a description of specific incidents during this period, see, e.g., Morris, Benny, *The Birth of the Palestinian Refugee Problem, 1947-1949*. Cambridge: Cambridge University Press, 1987, pp. 41, 102, 107, 117-118, 121, 200, 213-14, and 220.
- ³⁷ This included massacres in Mansurat al-Khayt (18 January 1948), Dayr Yassin (9 April 1948), Khirbat Nasir ad-Din (12 April 1948), Hawsha (15 April 1948), Khirbeh Wa'ra al-Sawda (18 April 1948), Husayniyya (21 April 1948), Balad ash-Sheikh (25 April 1948), Ayn az-Zaytun (2 May 1948), Burayr (12 May 1948), Khubbayza (12 May 1948), Abu Shusha (14 May 1948), Tantoura (21 May 1948), al-Khisas (25 May 1948), Lydda (10 July 1948), al-Tira (16 July 1948), Ijzim (24 July 1948), Beer Sheeba (21 October 1948), Safsaf (29 October 1948), al-Dawayima (29 October 1948), Khirbeh as-Samniyya (30 October 1948), Saliha (30 October 1948), Sa'sa (30 October 1948), Eilaboun (29 October 1948), Jish (29 October 1948), and Majd al-Kroum (29 October 1948). For a description of these massacres, *ibid*, pp. 72-3, 113-15, 120, 156, 206-7, 213-14, 222-23, 228-30 and 350.
- ³⁸ According to the government investigating committee, "[Prime Minister] Ben-Gurion and [Foreign Minister] Shertok appeared

- not to have been shocked by what had happened.” Kibbutz Meuhad Archives – Aharon Zisling Papers 9/9/1, “Decisions of the Provisional Government,” 7 November 1948; Hashomer Haztair Archives (Mapam, Kibbutz Artzi Papers), 66.90 (I), protocol of the meeting of the Political Committee of Mapam, 11 November 1948; and David Ben-Gurion’s *Yoman Hamilhama, 1948-49* (The War Diary), p. 809, entry for 10 November 1948, cited in Morris, *supra*, note 36, pp. 232-233.
- ³⁹ *Ibid*, pp. 222-23.
- ⁴⁰ For a description of expulsions, *ibid*, pp. 54-56, 64, 105, 107, 115, 118-19, 121, 127, 201, 209-210, 212, 215, 227, 239 and 242.
- ⁴¹ Kibbutz Meuhad Archives – Palmah Papers 141-143, Operation Dani headquarters to Yiftah Brigade headquarters, 8th Brigade headquarters, 13:30 hours, 12 July 1948. A coded (and undated) version of this order is in Kibbutz Meuhad Archives – Palmah Papers 142-18, cited *ibid*, p. 207.
- ⁴² Book review by Gideon Levy in *Ha’aretz*, 3 November 2000. Morris, Benny, *Correcting a Mistake – Jews and Arabs in Palestine/Israel, 1936-1956*. Am Oved Publishers, 2000.
- ⁴³ “Retroactive Transfer, A Scheme for the Solution of the Arab Question in the State of Israel,” three-page memorandum signed by Yosef Weitz, Ezra Danin and Elias Sasson, cited in Morris, *supra*, note 36, p. 136.
- ⁴⁴ For a description of incidents of looting and destruction of property, see, e.g., Morris, Benny, *ibid*, pp. 32, 50, 52, 54, 62-3, 88, 101-2, 106, 112-13, 116, 119, 125, 128, 215, 221 and 230.
- ⁴⁵ Segev, Tom, *1949: The First Israelis*. New York: The Free Press, 1986, p. 73.
- ⁴⁶ According to demographic projections by Abu Lughod, between 890,000 and 904,000 Palestinians would have been living in the territories that became the state of Israel if no displacement had taken place. Abu Lughod, Janet, “The Demographic Transformation of Palestine,” in Abu-Lughod, Ibrahim (ed.), *The Transformation of Palestine*. Evanston, IL: Northwestern University Press, 1971, p. 159. This was roughly equal to the size of the Jewish population at the end of 1948. Israel Central Bureau of Statistics, *Statistical Abstract of Israel*, No. 52 (2001), Table 2.1, “The Population by Religion and Population Group,” pp. 2-9.
- ⁴⁷ *Final Report of the United Nations Survey Mission for the Middle East (Part I)*. UN Doc. A/AC.25/6 citing a figure of 750,000 refugees. The total number of refugees reaches around 900,000 if the number of persons who lost their livelihood but not their homes is added. This includes approximately 100 “border” villages where the 1949 armistice lines separated villagers from their lands. For a register of villages depopulated during this period, see Abu Sitta, Salman, *The Palestinian Nakba 1948, Register, The Register of Depopulated Localities in Palestine*. London: Palestinian Return Centre, 2001.
- ⁴⁸ *Ibidem*. This included vast areas in the southern Naqab (Negev) region held under traditional or customary ownership by nomadic Bedouin.
- ⁴⁹ Rempel, Terry, “Housing and Property Restitution: The Palestinian Refugee Case,” *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons*. Leckie, Scott (ed.). New York: Transnational Publishers, 2003, p. 296.
- ⁵⁰ Christison, Kathleen, *Perceptions of Palestine: Their Influence on U.S. Middle East Policy*. Berkley: University of California Press, 1999, p. 47. According to Nichols, “[t]he US government spoke eloquently of the plight of European Jews, [but] its actions indicated a desire to distance itself from political unpopular efforts to liberalize immigration law or otherwise to expand the number of Jews reaching America.” Nichols, Bruce, “Religion, Refugees, and the US Government,” *Refugees in the Age of Total War*. Bramwell, Anna C. (ed.). London: Unwin Hyman, 1988, p. 91.
- ⁵¹ Anti-semitism, Nazi atrocities in Europe and Zionist information campaigns targeted at displaced European Jews resulted in a massive increase in the number of Jewish asylum-seekers in Palestine, particularly during the 1930s. Between 1933 and 1936, for example, 30-60,000 Jews immigrated to Palestine every year. The total number of Jewish immigrants in these years accounted for nearly 50% of the total number of official Jewish immigrants from the beginning of the British mandate to 1946 (the date of the last British estimate of the population in Palestine). See Table 1, Number of Immigrants Annually by Race. Total Number of Persons Registered as Immigrants, *Survey of Palestine, Vol. 1, supra*, note 5, p. 185. Jewish immigrants arrived in Palestine primarily from Poland, Russia and Germany.
- ⁵² “Latest aliyah Figures!”, Central Bureau of Statistics and Ministry of Immigrant Absorption, 25 December 2005.
- ⁵³ There were approximately 1,013,000 Jews in Israel in 1949 and 5,300,000 in 2005, of which 2,990,000 have arrived as immigrants since 1948. See “Population De Jure at End of Period: Jews” from the end of 1949 until 2005, The Israeli Bureau of Statistics.
- ⁵⁴ Over 30,000 new Jewish settlers are expected by the end of 2005. See Israel’s Wall, Ramallah: Department of Negotiations Affairs, Palestine Liberation Organization, 9 July 2005, p. 15.
- ⁵⁵ The Jewish National Fund (JNF) (Hebrew: *Karen Kayemet LYisrael*) was established by a decision of the Fifth Zionist Congress in December 1901 and incorporated in England in April 1907. For more details, see *supra*, note 11.
- ⁵⁶ *Ibid*.
- ⁵⁷ Reudy, John, “Dynamics of Land Alienation,” *The Transformation of Palestine: Essays on the Origin and Development of the Arab-Israeli Conflict*. Abu Lughod, Ibrahim (ed.), Evanston, IL: Northwestern University Press, 1971, p. 134.
- ⁵⁸ Nijim, *supra*, note 19.
- ⁵⁹ “Once complete, the indigenous Palestinian population will be restricted to ghettos constituting less than 12% of historic Palestine

- while Israeli settlers will be able to freely travel throughout the occupied Palestinian territory.” *Supra*, note 54, p. 6.
- ⁶⁰ *Supra*, note 36, p. 243.
- ⁶¹ “Investigation Report,” Simon and Vermeersch, UNA DAG-13/3.3.1-18, cited in Morris, Benny, *Israel’s Border Wars, 1949-56*. Oxford: Clarendon Press, 1993, p. 152.
- ⁶² Cohen, Hillel, *HaNifkadim HaNokhahim, HaPlitim HaFalestinim BeIsrael me’az 1948* [The Present Absentees: Palestinian Refugees in Israel Since 1948] [Hebrew]. Jerusalem: Institute for Arab-Israeli Studies, 2000, p. 58. Also see Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber Ltd, 1997, p. 12.
- ⁶³ Morris, Benny, *1948 and After: Israel and the Palestinians*. Oxford: Clarendon Press, 1990, pp. 257-69.
- ⁶⁴ Israeli Foreign Ministry reports indicate that some 17,000 Bedouin were expelled from the Naqab (Negev) between 1949 and 1953. *Supra*, note 61, p. 170.
- ⁶⁵ The original version was in French and stated: “d’obtenir d’eux un travail extrêmement utile à l’économie de l’Etat.” The international Red Cross visited the labour camps. ICRC report, 6 February 1949 (No. G59/1/GC) cited in Salman Abu Sitta, response to Eitan Bronstein’s question about the existence of labour camps in Palestine during and after the *Nakba*, 19 May, 2002. Available on Zochrot Website: <http://www.zochrot.org/>
- ⁶⁶ Salman Abu Sitta, response to Eitan Bronstein’s question about the existence of labour camps in Palestine during and after the *Nakba*, 19 May, 2002. Available on Zochrot Website: <http://www.zochrot.org/>
- ⁶⁷ Reviewing official Israeli government documents, Morris estimates that 30-90,000 Palestinian refugees attempted to return to their homes and villages between mid-1948 and 1953. Most were expelled. *Supra*, note 61, p. 152, p. 39.
- ⁶⁸ State Archives, Foreign Ministry, Arab Refugees 2444/19, cited in Segev, Tom, *1949: The First Israelis*. New York: The Free Press, 1986, p. 19.
- ⁶⁹ *Supra*, note 61, p. 147.
- ⁷⁰ *Supra*, note 36, p. 242.
- ⁷¹ This includes Qibya, Nahalin, Bethlehem, Beit Jala, Sharafat, Qalqilya, Khan Yunis, and Rafah. For a description of these, see Masalha, *supra*, note 62; Khalidi, Walid, “Plan Dalet: Master Plan for the Conquest of Palestine,” 28 *Journal of Palestine Studies* 1 (Autumn 1988); and Tubi, Tawfiq, *Kufr Qassem, the Massacre and the Lesson*. [Arabic] Haifa: Emile Touma Institute for Social and Political Studies, 2001.
- ⁷² For a detailed description, see *supra*, note 61, pp. 257-69.
- ⁷³ For a detailed description, see *ibid*, p. 433.
- ⁷⁴ This includes the villages of Iqrit, Bir’am, al-Faluja, Iraq al-Manshiya, Farraddiya, Inan, Saffurriya, al-Khisa, Qeitiya, Khirbet Muntar, Ghabsiyya and al-Hamma. The terms were used by Israel’s first Prime Minister David Ben Gurion during a Cabinet meeting on 26 September 1948. Morris, Benny, *1948 and After: Israel and the Palestinians*. Oxford: Clarendon Press, 1990, p. 218.
- ⁷⁵ *Ma’ariv*, 5 August 1965; *Ha’aretz*, 6 September 1966. See also the reply of the Prime Minister, Levi Eshkol, to a parliamentary question in *The Knesset Debates*, 6 February 1967, p. 1148. Jiryis, Sabri, “The Legal Structure for the Expropriation and Absorption of Arab Lands in Israel,” 2 *Journal of Palestine Studies* 4 (Summer 1973), p. 85; Jiryis, Sabri, *The Arabs in Israel*. London: Monthly Review Press, 1976. Also see Segev, Tom, “Where Are All the Villages? Where are They?” *Ha’aretz*, 6 September 2002. Translated and reprinted in *Between the Lines*, October 2002.
- ⁷⁶ For a more detailed discussion, see Benvenisti, Meron, *Sacred Landscape: The Buried History of the Holy Land*. Berkeley: The University of California Press, 2000.
- ⁷⁷ For a detailed description, see Jiryis, *supra*, note 75.
- ⁷⁸ *Ibid*, p.16.
- ⁷⁹ *Ibid*, p.10.
- ⁸⁰ For a legal analysis of the status of Palestinians under the law of nationality as applied upon state succession, see Boling, Gail J., *The 1948 Palestinian Refugees and the Individual Right of Return, An International Law Analysis*. Bethlehem: BADIL Resource Center, 2001. Also see Lawand, Kathleen, “The Right to Return of Palestinians in International Law,” 8 *International Journal of Refugee Law* 532 (1996).
- ⁸¹ For a detailed study of these laws, see, e.g., Boling, Gail J., “Absentees’ Property Laws to Israel’s Confiscation of Palestinian Property: A Violation of UN General Assembly Resolution 194 and International Law,” 11 *Palestine Yearbook of International Law* 73 (2000-2001). These regulations include the 1948 Abandoned Areas Ordinance; the 1948 Emergency Regulations Concerning Absentee Property; the 1945 Defense (Emergency) Regulations; the 1949 Emergency Regulations (Security Zones); the 1949 Emergency Regulations (Cultivation of Waste [Uncultivated] Lands); the Emergency Law Requisition (Regulations) Law; the 1950 Absentees’ Property Law; the 1950 Development Authority (Transfer of Property) Law; the 1953 Land Acquisition (Validation of Acts and Compensation) Law; the 1965 Absentees’ Property (Amendment No. 3) (Release and Use of Endowment Property) Law; the 1970 Legal and Administrative Matters (Regulation) Law (Consolidated Version); the 1976 Absentees’ Property (Compensation) (Amendment) Law; the 1943 land (Acquisition for Public Purposes) Ordinance; the 1951 State Property Law;

- the 1958 Prescription Law (No. 38); and the Negev Land Acquisition (Peace Treaty with Egypt) Law 1980.
- ⁸² At least 30,000 Palestinians were expelled from Israel between 1949 and 1956. By 1955, there were around 195,000 Palestinians living inside Israel. Israel Central Bureau of Statistics, *Statistical Abstract of Israel*, No. 52 (2001), Table 2.1, "The Population by Religion and Population Group".
- ⁸³ The figure is based on a survey of 79 selected Palestinian villages. Table 5, "Land Lost by Some Arab Villages in Israel, 1945-1962 (in dunums)" in Jiryis, *supra*, note 75, pp. 292-296. Also see Abu Kishk, B., "Arab Land and Israeli Policy," 11 *Journal of Palestine Studies* 1 (Autumn 1981); Cano, Jack, *The Question of Land in the National Conflict between Jews and Arabs 1917-1990*. [Hebrew] Poalim Library, 1992, p. 79; Peretz, D., *Israel and the Palestinian Arabs*. Washington, DC: The Middle East Institute, 1958, p. 142; and, Lustick, I., *Arabs in the Jewish State*. University of Texas Press, 1980, p. 179. Total Palestinian land ownership inside Israel after 1948 is estimated at 1.4 million km². Abu Sitta, Salman, *Palestinian Right to Return, Sacred, Legal and Possible*. Second Revised Edition. London: Palestinian Return Centre, 1999, p. 17.
- ⁸⁴ Suheil al-Natour, *Awda' al-Sha'ab al-Falastini fi Lubnan* (unofficial translation from Arabic title), Beirut: Dar al-Takadum al-Arabi, 1993. and *Al-Mohajjarun al-Falastinyoun fi Lubnan* (unofficial translation from Arabic title), Beirut: Ajial, 2003.
- ⁸⁵ UNRWA announced that between August 1990 and March 1991, approximately 250,000 persons holding Jordanian passports arrived in Jordan, of whom the majority were registered refugees or of Palestinian origin. See *Report of the Commissioner-General of the United Nations for Relief and Works Agency for Palestine Refugees in the Near East*, A/46/13, 20 June 1991. The Jordanian government estimates that 280,000 persons holding Jordanian passports had entered Jordan at the end of the Gulf War. Shaml estimates that perhaps 30-000 to 40-000 Palestinians were able to enter the occupied Palestinian territories. Research No. 6, Ramallah: Shaml.
- ⁸⁶ Shaml Newsletter No. 6, Ramallah: Shaml, February 1997. See also Shaml Newsletter No. 1, Ramallah: Shaml, December 1995.
- ⁸⁷ For a description of specific incidents, see, e.g., Masalha, Nur, "The 1967 Palestinian Exodus," *The Palestinian Exodus 1948-67*. Karmi, Ghada and Cotran, Eugene (eds.). London: Ithaca Press, 2000, p. 94; Neff, Donald, *Warriors for Jerusalem: Six Days that Changed the Middle East*. New York: Linden Press/Simon and Schuster, 1984, pp. 228-29; and, Dodd, Peter and Barakat, Halim, *River without Bridges: A Study of the Exodus of the 1967 Palestinian Arab Refugees*. Beirut: Institute for Palestine Studies, 1969, pp. 40-42.
- ⁸⁸ Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber Ltd., 1997.
- ⁸⁹ For a description of specific incidents, see, e.g., Masalha, *supra*, note 62, pp. 81, 85, 87 and 91-94.
- ⁹⁰ Dodd, Peter and Barakat, Halim, *supra*, note 69, p. 40; and, *ibid*, p. 92.
- ⁹¹ Masalha, Nur, *The Politics of Denial, Israel and the Palestinian Refugee Problem*. London: Pluto Books, 2003, p. 203.
- ⁹² For a description, see, e.g., Masalha, *supra*, note 62, pp. 81, 87, and 89-90.
- ⁹³ "The six-day war in 1967 brought another upheaval. In Syria more than 115,000 people were displaced when Israeli forces occupied the Golan Heights and the Quneitra area. Among them were some 16,000 Palestinian refugees who were uprooted for the second time. Many moved towards Damascus and some to Dera'a further south. About 162,500 refugees from the West Bank and some 15,000 refugees from the Gaza Strip fled to east Jordan, where they were joined by another 240,000 non-refugee former residents of the West Bank and the Gaza Strip, fleeing for the first time." Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press Oxford, 1998, p. 17. See also *Report of the Secretary General under General Assembly Resolution 2252 (ES-V) and Security Council Resolution 237 (1967)*. UN Doc. A/6797, 15 September 1967; and Abu Lughod, Ibrahim, (ed.), Evanston, IL: Northwestern University Press, 1971, p. 162.
- ⁹⁴ A 1987 Israeli State Comptroller, *Annual Report* 37, lists a total of 430 km² of Palestinian refugee land in the West Bank expropriated by Israel. *Land Grab: Israel's Settlement Policy in the West Bank*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories, 2002, p. 45. Also see *Financial Times*, 29 October 1979, cited in Lehn, *supra* note 28, p. 183. If state land registered in the name of the Jordanian government, which administered the West Bank between 1949 and 1967 is included, it is estimated that Israel immediately possessed 730 km² of Palestinian-owned land in the West Bank. It possessed an additional 119 km² of Palestinian-owned land in the Gaza Strip. Cohen, Ester, *Human Rights in the Israeli-Occupied Territories, 1967-1982*, pp. 152-153 (1985), cited in Bisharat, George E., "Land, Law and Legitimacy in Israel and the Occupied Territories," *The American Law Review* 43, 1992, p. 525, note 334.
- ⁹⁵ See *The Human Rights Dimensions of Population Transfer, including the Implantation of Settlers*, *supra* note 1, at para. 32. "The causes of population transfer can be dramatic, or subtle and insidious. Transfer can be carried out en masse, or as 'low-intensity transfers' affecting a population gradually or incrementally."
- ⁹⁶ For an overview, see Shehadeh, Raja, *Occupier's Law, Israel and the West Bank*. Washington, DC: Institute for Palestine Studies, 1985, pp. 63-75. "The illegal annexation of Jerusalem was first brought about by an amendment to the Law and Administrative Ordinance 1948, passed on 27 June 1967, which held, 'the law, jurisdiction and administration of the state shall extend to any area of Eretz [Land] Israel designated by the government by order.'" "East Jerusalem Remains Occupied Territory Under International Law," Press Release, Ramallah: Al-Haq, 30 June 2005. For the response by the United Nations, see Resolution 252

which “[c]onsiders that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status.” UNSC, Resolution 252, 21 May 1968. Read also Resolution 478 affirming that “the enactment of the ‘basic law’ by Israel constitutes a violation of international law and does not affect the continued application of the Fourth Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem” and “[d]etermines that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent ‘basic law’ on Jerusalem, are null and void and must be rescinded forthwith.” UNSC, Resolution 478, 20 August 1980. See also Security Council Resolutions 267 (1969); 298 (1971); 446 (1979); 465 (1980); 476 (1980); 605 (1987).

⁹⁷ Table 5, “Palestinian Estimate of Displaced Persons and Refugees During the 1967 War,” Amro, Tayseer, “Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee], 14 *Article 74* (December 1995). Jerusalem: BADIL/Alternative Information Center for Palestinian Residency and Refugee Rights. The figure roughly coincides with Israeli figures if Palestinians deported to Egypt during the 1967 war are not included. *Deportation of Palestinians from the Occupied Territories and the Mass Deportation of December 1992*. Jerusalem: B’tselem, The Israeli Information Center for Human Rights in the Occupied Territories, 1993.

⁹⁸ Quigley, John, “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. Table III, “Confiscation of Jerusalem ID Cards, 1967-1998,” *Eviction from Jerusalem, Restitution and the Protection of Palestinian Rights*. Bethlehem: BADIL Resource Center, 1999, p. 19. The table is updated through the end of 1999 with available statistics from the Israeli Interior Ministry.

⁹⁹ *Families Torn Apart, Separation of Palestinian Families in the Occupied Territories*. Jerusalem: B’tselem, Israeli Information Center for Human Rights in the Occupied Territories, 1999, p. 17. In eastern Jerusalem, see Krystall, Nathan, *Urgent Issues of Palestinian Residency in Jerusalem*. 2nd Revised Edition. Jerusalem: Alternative Information Center, 1994; and *The Quiet Deportation: Revocation of Residency of East Jerusalem Palestinians*. Jerusalem: B’tselem, The Israeli Information Center for Human Rights in the Occupied Territories; and Hamoked, Center for the Defence of the Individual, 1997.

¹⁰⁰ *Land Grab: Israel’s Settlement Policy in the West Bank*. Jerusalem: B’tselem, The Israeli Information Center for Human Rights in the Occupied Territories, 2002, p. 45, pp. 52-53.

¹⁰¹ *Campaign Against House Demolitions*, Jerusalem: Israeli Committee Against House Demolition.

¹⁰² The figures for the 1967-occupied Palestinian territories do not include the destruction of refugee shelters during Israeli military operations. In the 1970s and 1980s, for example, the Israeli military demolished over 10,000 refugee shelters in several large refugee camps in the Gaza Strip, affecting more than 62,000 refugees (UNRWA Accommodation Office).

¹⁰³ Intifada Statistics Number of Damaged Buildings in the Palestinian Territory from 28/9/2000 to 30/4/2005 by Governorate/District and Building Type, Ramallah: Ministry of Public Works and Housing, 2005.

¹⁰⁴ Statistics on Demolition of Houses Built Without a Permit, Jerusalem: B’tselem, The Israeli Information Center for Human Rights in the Occupied Territories.

¹⁰⁵ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004-30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005, para. 214, p.51.

¹⁰⁶ Data compiled from Monthly Summary of Israeli Violations, March 2005, June 2005, September 2005 and December 2005 Ramallah: Palestinian Monitoring Group, Negotiations Affairs of the Palestinian Liberation Organization.

¹⁰⁷ These laws and military orders include: the 1943 Land (Acquisition for Public Purposes) Law; 1967 Military Order No. 59 (Government Properties); 1969 Military Order No. 364 (Government Properties) Amendment No. 4; 1953 Jordanian Land Law (Acquisition for Public Needs) as amended by 1969 Military Order No. 321 (Concerning the Lands Law – Acquisition for Public Needs); 1981 Military Order No. 949 (Concerning the Lands Law – Acquisition for Public Needs); 1967 Military Order No. 25 (Transactions in Real Property); 1974 Military Order 569 (Registration of Special Transactions in Land); and 1983 Military Order 1060 (Law on Registration of Unregistered Immovable Property) Amendment No. 2.

¹⁰⁸ The figure is based on the estimated forced migration rate of Palestinians from the occupied West Bank and Gaza Strip upgraded to 2001. It includes those whose residency rights were revoked. 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-occupied Palestinian territories following the establishment of the Palestinian Authority in 1994. See Table 6, “Estimated Forced Migration from the West Bank and Gaza Strip, 1967-1986 (in thousands),” Kossai, George F., *The Palestinian Refugees and the Right of Return*. Information Paper No. 7. Washington, DC: Center for Policy Analysis on Palestine, 1996, p. 8.

¹⁰⁹ It is estimated that as of the beginning of 2001, Israel had acquired control of 79% of the land in the 1967-occupied Palestinian territories. *Passia Diary 2001*, Jerusalem: PASSIA, Palestinian Academic Society for the Study of International Affairs, 2001, p. 257. “Estimates place the proportion of Palestinian land confiscated by Israel at more than 70% of the West Bank and 33% of Palestinian land in East Jerusalem has been confiscated, and all but 7-8% of the area has been closed to Palestinian construction.”

- Economic, Social and Cultural Rights, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, Miloon Kothari, Addendum, Report of visit to the occupied Palestinian territories, 5-10 January 2002, UN Doc. E/CN.4/2003/5/Add.1, 10 June 2002, at paras. 10-15. This number also includes the 349km² confiscated as a result of the construction of the Wall. Data compiled from the 2003, 2004 and 2004 *Survey on the Impact of the Expansion and Annexation Wall on the Socio-Economic Conditions of Palestinian Localities which the Wall Passes Through*. Ramallah: Palestinian Central Bureau of Statistics. Also see *Land Grab: Israel's Settlement Policy in the West Bank*. Jerusalem: B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories, 2002.
- ¹¹⁰ Humanitarian and Emergency Policy Group (HEPG), "The Impact of Israel's Separation Barrier on Affected West Bank Communities", compiled by UN Office for the Co-ordination of Humanitarian Affairs (OCHA) and the UN Relief and Work Agency (UNRWA), Update No. 5, 2005, p. 5, para. 17.
- ¹¹¹ *Ibid*, p. 3, para. 1.
- ¹¹² *Supra*, note 54, p. 15.
- ¹¹³ Gal, Yossi, Letter of the Ministry of Foreign Affairs to Mr. Nigel Roberts of the World Bank, Jerusalem, 13 April 2003.
- ¹¹⁴ See Israeli Ministry of Foreign Affairs, "The anti-Terrorist Fence. Concepts and Guidelines, the Route". Available at: <http://securityfence.mfa.gov.il/>.
- ¹¹⁵ See Israeli Ministry of Defence, "Cabinet Approves the Route of the Security Fence," 8 October 2003. Available at: <http://www.securityfence.mod.gov.il/> and Israeli Ministry of Defence, "Israel's Security Fence, Questions and Answers," last updated 22 February 2004. Available at: <http://www.seamzone.mod.gov.il/>.
- ¹¹⁶ Yoaz, Yuval, "Justice Minister: West Bank fence is Israel's future border", Ha'aretz, 1 December 2005.
- ¹¹⁷ PLO, "Israel's Wall: Another Land Grab," Ramallah: Palestinian Negotiation Affairs, 2004. Available at: <http://www.nad-plo.org/images/maps/pdf/lgapril.pdf>.
- ¹¹⁸ *Illegal Israeli Actions in the Occupied East Jerusalem and the rest of the Occupied Palestinian Territory*, UNGA Res. ES-10/13, 21 October 2003.
- ¹¹⁹ *Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory*, UNGA Res. A/RES/ES-10/14, 12 December 2003.
- ¹²⁰ International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, paras. 119-120.
- ¹²¹ *Ibid*, para. 142.
- ¹²² *Ibid*, para. 121.
- ¹²³ *Ibid*, para. 122.
- ¹²⁴ *Ibid*, para. 133.
- ¹²⁵ *Ibid*, para. 134.
- ¹²⁶ *Ibid*, paras. 149-150.
- ¹²⁷ *Ibid*, paras. 151,153.
- ¹²⁸ [Emphasis added] *Ibid*, para 163 (3)(D).
- ¹²⁹ "Impact of the Expansion and Annexation wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Wall Passes Through" (July 2004), Ramallah: Palestinian Central Bureau of Statistics, October 2004, p.8.
- ¹³⁰ See *supra*, note 54, p.13.
- ¹³¹ The permits for the closed zone have a green colour (thereafter called the "green permits") which residents usually have to renew every six months. Green permits are also necessary for another 12 categories of visitors, including students, health workers, teachers, merchants and international workers. More specifically, each gate generally requires a specific permit, and some gates are open to Palestinians, while others are not. Travel is also subjected to the gate hours; gates usually open three times a day for approximately one hour each time and at the will of soldiers, who can refuse passage to people holding a permit. Some gates, however, open at arbitrary times and sometimes not at all.
- ¹³² Israel Defense Force, "Declaration Concerning Closing an Area no. S/2/03 (Seam Zone)," Order Regarding Security Regulations (Judea and Samaria), No. 378, 5730-1970, 2 October 2003.
- ¹³³ Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, on the Situation of Human Rights in the Palestinian Territories Occupied by Israel since 1967, Israeli Practice affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, E/CN.4/2005/29, Sixtieth session, 18 August 2005, p. 9, para. 17. "UNRWA monitoring indicates that permit eligibility has become increasingly dependent on proof of ownership of land as opposed to security considerations." See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004-30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 241, p.56.
- ¹³⁴ The percentage of persons for whom a special permit is requested to cross into the Seam Zone has augmented from 67.2% in July 2004 to 81% in August 2005. See "Impact of the Expansion and Annexation Wall on the Socio-economic Conditions of

- Palestinian Households in the Localities in which the Wall Passes Through in the West Bank” (August 2005), Press Conference on the Survey Results, Ramallah: Palestinian Central Bureau of Statistics, February 2006, p.6.
- ¹³⁵ *Supra*, note 54, p. 9.
- ¹³⁶ *Ibid*, p. 13.
- ¹³⁷ Humanitarian Update on the Jordan Valley from the Office for the Co-ordination of Humanitarian Affairs (OCHA), Special Focus: The Jordan Valley, Jerusalem: OCHA, October 2005, p.1.
- ¹³⁸ See Mada al-Carmel, The Arab Center for Applied Social Research, *Israel and the Palestinian Minority 2004*, Sultany, Nimer, (ed.), Mada’s Third Annual Political Monitoring Report, pp.41-42.
- ¹³⁹ Arab Association for Human Rights (HRA), Weekly Review of the Arabic Press in Israel, No.226, June 10-17, 2005, Nazareth: HRA.
- ¹⁴⁰ Ittijah -union of Arab Community Based, Newsletter [please check – this phrase looks very funny], Issue No.41, Haifa, 14 February 2005.
- ¹⁴¹ Land Day (Yom al-Ard) has been observed by the Arab community every year since six Arab citizens were killed in clashes with security forces following a government decision to expropriate land in Galilee in 1976. Arab Association for Human Rights (HRA), Weekly Review of the Arabic Press in Israel, No.215, March 25-April 1st, 2005, Nazareth: HRA.
- ¹⁴² *Al-Ittihad*, 28 January 2005 (Arabic) in Mada al-Carmel, The Arab Center for Applied Social Research, *Israel and the Palestinian Minority 2004*, Sultany, Nimer, (ed.), Mada’s Third Annual Political Monitoring Report, p. 53.
- ¹⁴³ “The council led by Minister Shimon Peres approved the establishment of Michal village in the Galilee and Be er Milka under the authority of the Regional Council of Ramat Negev and the town of Haroub under the authority of the Regional Council of Lachish. The towns of Mersham Aira and Halotzit 4 will be established on the lands of al-Khalsa, historically a Palestinian village. It should be noted that the establishment of these six new Jewish towns is part of a formal governmental plan to Judaize the Galilee and Naqab areas. In addition, the Israeli government intends to settle former Gaza settlers into these towns as part of the disengagement plan.” Arab Association for Human Rights (HRA), Weekly Review of the Arabic Press in Israel, No.232, July 22-29, 2005, Nazareth: HRA.
- ¹⁴⁴ See *Behind the Walls, Separation Walls between Arabs and Jews in Mixed Cities and neighborhoods in Israel*, Nazareth: Arab Association for Human Rights, December 2005.
- ¹⁴⁵ Comments by Yaron Levy, secretary of Moshav Nir Zvi, regarding the separation wall between the moshav and the neighborhood of Pardes Snir in the neighbouring city of Lid. From Larry Ben-David, “The Separation Wall within the Green Line,” Ma’ariv Online, 3 March 2003 (in Hebrew), cited in *Behind the Walls, Separation Walls between Arabs and Jews in Mixed Cities and neighborhoods in Israel*, Nazareth: Arab Association for Human Rights, December 2005, p. 18.
- ¹⁴⁶ See *Behind the Walls, Separation Walls between Arabs and Jews in Mixed Cities and neighbourhoods in Israel*, Nazareth: Arab Association for Human Rights, 2005, pp. 22-23.



Palestinian refugees, Amman; Jordan. (UNRWA Archives)

Population

Preface

Palestinian refugees and internally displaced persons are one of the largest displaced populations in the world today. Approximately two in five refugees worldwide are Palestinian.

There are three primary groups of Palestinian refugees. The largest group is comprised of those Palestinians displaced or expelled from their places of origin as a result of the 1948 war (the Nakba). The second major group of Palestinian refugees is comprised of those Palestinians displaced for the first time from their places of origin as a result of the 1967 war. The third category of refugees includes those Palestinian refugees who are neither 1948 nor 1967 refugees and are outside former Palestine and unable (due to revocation of residency, denial of family reunification, deportation, and so on) or unwilling to return there (owing to a well-founded fear of persecution).

There are two groups of internally displaced Palestinians (IDPs). The first includes those who remained in the area that became the state of Israel in 1948. The second group includes Palestinians internally displaced in the 1967-occupied Palestinian territories due to land confiscation, house demolition, the construction of the Wall and its associated regime, and revocation of residency rights in eastern Jerusalem.

The majority of the Palestinian refugee population is distributed throughout the Middle East, primarily in Arab states that border Israel and the occupied Palestinian territories. Over one-quarter of the total Palestinian refugee and displaced population resides in areas of former Palestine. Approximately 20% of Palestinian refugees reside in refugee camps.

The Palestinian refugee and IDP population is young; it has high but declining fertility, low mortality and it is growing fast. Differences in the demographic profiles of refugee and non-refugee Palestinians today are negligible.

2.1 Background

At the end of 2005, there were an estimated 7.2 million Palestinian refugees and internally displaced persons. This includes Palestinians and their descendants whose “country of origin”¹ is Palestine and who have been displaced within or outside the borders of former Palestine (which is now divided into Israel and the occupied Palestinian territories) and do not have access to voluntary durable solutions, including the right to return to their homes of origin and to repossess their properties.

Available data on the Palestinian refugee and displaced population is characterized by uneven quality and uncertainty, primarily due to the absence of a comprehensive registration system, frequent forced displacement, and the lack of a uniform definition of a Palestine refugee.² Population data may describe eligibility for assistance (e.g., UNRWA registration), eligibility for assistance and protection (e.g., UNHCR registration outside UNRWA’s area of operations) or the total number of Palestinians who have been displaced and who may or may not be eligible for assistance and/or protection.

The Palestinian refugee and IDP population described here is an estimation of the total number of Palestinians who have been displaced and denied the right to return to their homes of origin and repossess their properties. Unlike most refugees and displaced persons worldwide who seek protection against *refoulement*, the primary problem facing Palestinian refugees is the denial by Israel of their right to return to their homes of origin.

There are three primary groups of Palestinian refugees. The largest group is comprised of those Palestinians displaced/expelled from their places of origin as a result of armed conflict and war in 1948. This includes 4.3 million Palestinian refugees who are eligible for assistance from the UN Relief and Works Agency for Palestine Refugees (UNRWA) (often referred to as “registered refugees” or “Palestine refugees”), and 1.7 million refugees who were also displaced in 1948 but are not eligible or did not register for assistance with UNRWA.

The second major group of Palestinian refugees is comprised of those Palestinians displaced for the first time from their places of origin as a result of the 1967 war (834,000).

The third category includes Palestinians whose legal status is unclear (400,000), but who are likely to be refugees, and who are neither 1948 nor 1967 refugees and are outside former Palestine and unable (due to revocation of residency, denial of family reunification, deportation, and so on), or unwilling to return there (owing to a well-founded fear of persecution). The vast majority of these refugees are from the 1967-occupied Palestinian territories.

There are two groups of internally displaced Palestinians. The first includes those Palestinians who remained in the area that became the state of Israel in 1948 (345,000). This includes Palestinians internally displaced as a result of the 1948 war and those displaced internally after 1948 due to population transfer, land expropriation and house demolition. The second group includes Palestinians internally displaced in the 1967-occupied Palestinian territories during and after the 1967 war (57,000).

Internal displacement is difficult to conceptualize in the context of the Palestinian/ Arab-Israeli conflict, as ceasefire lines have changed frequently and there is no internationally recognized border between Israel proper and the 1967-occupied Palestinian territories.

In 2005, there were approximately 6.8 million Palestinian refugees and 400,000 internally displaced Palestinians, representing 70% of the entire Palestinian population worldwide (9.7 million).³ In other words, 7.2 million of all Palestinians are refugees and internally displaced persons; 2.1 million are non-refugees, while the legal status of some 400,000 Palestinians is unclear. The majority of the latter have likely been forcibly displaced from the occupied West Bank and Gaza Strip since 1967 and are now residing outside the occupied Palestinian territories as a result of measures taken by the occupying power, mainly revocation of residency, denial of family reunification and deportation; or they are unwilling to return to the occupied territories owing to a well-founded fear of persecution.⁴ Hence, most of the 400,000 displaced Palestinians whose legal status is unclear are likely to qualify as refugees.

Table 2.1 - Palestinian Refugees and Internally Displaced Palestinians (IDPs)

Year	UNRWA Registered 1948 Refugees	Estimated Non-registered 1948 Refugees	Estimated 1967 Refugees	Estimated 1948 Internally Displaced Persons (IDPs)	Estimated 1967 Internally Displaced Persons (IDPs)
1950	914,000	257,021	-	32,380	-
1955	905,986	305,260	-	40,254	-
1960	1,120,889	362,553	-	50,044	-
1965	1,280,823	430,599	-	62,215	-
1970	1,425,219	511,417	250,402	77,346	12,124
1975	1,632,707	607,403	297,400	96,157	14,205
1980	1,844,318	721,404	352,218	119,543	16,677
1985	2,093,545	856,802	419,512	148,616	19,612
1990	2,668,595	1,017,611	498,249	184,760	23,098
1995	3,172,641	1,208,603	591,763	229,694	27,239
2000	3,737,494	1,435,441	702,829	285,557	34,373
2003	4,082,300	1,591,500	779,237	325,400	38,266
2004	4,186,711	1,647,203	806,510	335,162	62,123
2005	4,283,892	1,704,855	834,737	345,217	57,669

Note: There is no single authoritative source for the global Palestinian refugee and IDP population. The figures above reflect estimates according to the best available sources and population growth projections. Figures are therefore indicative rather than conclusive. Estimates for 1967 "other" refugees and IDPs are revised from 2002. For more details about the estimates, see Annex 2.1 at the end of this chapter. Table 2.1 does not include the some 400,000 Palestinians whose legal status is unclear.

The UN Relief and Works Agency administers the main registration for Palestinian refugees.⁵ Until 1993, UNRWA registration included only those Palestinians displaced in 1948 (and their descendants) in need of assistance. (See Chapter Four.) UNRWA records cover about 55% of the total Palestinian refugee population. In 2005, approximately 42% (1,795,326) of UNRWA registered refugees were registered in Jordan; 23% (969,588) in the occupied Gaza Strip; 16% (690,988) in the occupied West Bank; 10% (426,919) in Syria; and, 9% (401,071) in Lebanon.⁶ UNRWA

registration data are not statistically valid, as reporting is voluntary.⁷ The UNRWA never carried out a comprehensive census of all Palestinian refugees under its mandate.⁸ The Office of the UN High Commissioner for Refugees (UNHCR) maintains statistics of Palestinian refugees who fall within the mandate of the Office, are outside UNRWA's area of operations, and are eligible for international protection and assistance. Registration with UNRWA and UNHCR are *not mutually exclusive* (see below).

Until 1993, refugees wishing to register with UNRWA had to meet requirements of *need* and initial flight in 1948 in a country within UNRWA's area of operations. Revision of UNRWA's eligibility and registration criteria in 1993 eliminated these two requirements and resulted in the registration of some previously unregistered Palestinian refugees.⁹ More recently, many Palestinian refugees have updated their registration records due to the political and humanitarian crisis in the occupied Palestinian territories, among them 796 refugee families who were entered into the UNRWA registration system between July 2004 and June 2005.¹⁰

In 1982, the UN General Assembly instructed the Secretary-General, in co-operation with the Commissioner General of the UNRWA, to issue identification cards to all 1948 Palestine refugees and their descendants, irrespective of whether they were recipients or not of rations and services from the Agency, as well as to all 1967 refugees (including those who had been prevented from returning to their homes as a result of the 1967 hostilities) and their descendants.¹¹ The initiative failed, however, due to lack of co-operation among host states concerning information on previously non-registered refugees. UNRWA registration files for those Palestinians displaced inside Israel became inactive in June 1952 when the Agency transferred assistance activities for the internally displaced to the government of Israel.¹²

Generally, UNRWA registration records do not include:

1. Refugees displaced in 1948
 - a. who failed to meet the "Palestine Refugee" definition;¹³
 - b. who were outside the areas of UNRWA operations (and have not filed for registration under UNRWA's 1993 revised eligibility criteria);
 - c. who were dropped from the records due to financial constraints limiting the number of relief recipients;
 - d. who are descendants of refugee mothers and non-refugee fathers;¹⁴
 - e. who had an independent income or property (and have not filed for registration under UNRWA's 1993 revised eligibility criteria);
 - f. whose status improved and moved out of eligibility criteria (prior to the 1993 revision of eligibility criteria);
 - g. who refused to register for reasons of pride.
2. First-time displaced refugees from 1967;
3. Palestinians who are not 1948 or 1967 refugees and are unable (due to revocation of residency, denial of family reunification, deportation, and so on), or unwilling to return to the occupied Palestinian territories (owing to a well-founded fear of persecution); and,
4. Internally displaced Palestinians in Israel and the occupied Palestinian territories.

In 2005, UNRWA's eligibility and registration system was again in the process of redesign, in order to allow, among others, for centralized updating of personal records from registration offices throughout UNRWA's area of operations.¹⁵ The project will also allow the scanning and preservation of 16 million refugee documents stored in the Agency's family files. (See also Chapter Four.)

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

At the end of 2004, approximately 350,600 Palestinian refugees were registered with UNHCR as a population of its concern. The majority resided in Saudi Arabia (240,007), Egypt (70,245), Iraq (22,711), and Libya (8,873).¹⁶

Table 2.2 - Number of Convention Refugees, People of Concern to UNHCR and Number of Internally Displaced Persons in the World, 2004-2005.

Year	Convention Refugees ¹	All Persons of Concern to UNHCR ²	Total Number of IDPs in the world ³
1950	-	-	-
1955	1,643,600	-	-
1960	1,516,000	-	-
1965	4,368,900	-	-
1970	2,480,200	-	-
1975	2,991,200	-	-
1980	8,894,000	-	-
1985	11,817,200	-	-
1990	17,228,500	-	21,000,000
1995	14,573,600	26,103,000	22,000,000
2000	12,062,000	22,257,000	21,000,000
2003	9,671,800	17,000,000	24,600,000
2004	9,236,500	19,200,000	25,000,000
2005	N/A	N/A	23,700,000

¹ Convention refugees include all persons considered as refugees under the 1951 Convention relating to the Status of Refugees. UNHCR, 2004 *Global Refugee Trends, Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers and Other Persons of Concern to UNHCR*. Geneva: Population Data Unit/PGDS, Division of Operational Support, UNHCR, 17 June 2005. Convention refugees include 350,600 Palestinian refugees in 2004, an unknown portion of whom is also included in Table 2.1 above due to possible overlap of registration with UNRWA and UNHCR.

² Persons of concern to the UNHCR include refugees, asylum-seekers, returned refugees, internally displaced persons, returned internally displaced persons, and various others.

³ Statistics on the total number of internally displaced persons for 2003, 2004 and 2005 were taken from the annual *Internal Displacement: A Global Overview of Trends and Developments*, Geneva: Internal Displacement Monitoring Centre, Norwegian Refugee Council. No comprehensive statistics are available from the period prior to 2000.



Data regarding Palestinian refugees of concern to UNHCR refer to the refugees' country of origin as the occupied Palestinian territories. This classification may not reflect the actual place of origin. It also means that it is not possible to identify how many Palestinian refugees of concern to UNHCR are 1948 refugees, 1967 refugees or Palestinians displaced from former Palestine after 1967.

Dheisha Camp, Bethlehem, West Bank, 2005. (Anne Paq)

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

2.2 Distribution

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

The impact of mass influx in that part of the former Gaza District that became known as the Gaza Strip was even more dramatic. The population nearly quadrupled to 270,000. The remaining 35% of the Palestinian refugee population found refuge in neighbouring states, including Jordan, Lebanon, Syria and Egypt. An unknown number of Palestinian Arab citizens were abroad at the time of the 1948 conflict in Palestine, and were unable to return to their places of origin inside Israel following the cessation of hostilities; they became refugees *sur place*.

The majority of internally displaced Palestinians in the north and the center of Israel were displaced in 1948 (85.5% in the north and 75.1% in the center), a lesser number were displaced between 1949-1967 (7.1% in the north and 18.1% in the center), while Palestinians in the south were mainly displaced after 1967 (77.2%).¹⁸ Internally displaced Palestinians found refuge in some 47 Palestinian Arab villages that remained inside the state of Israel after the 1948 war.¹⁹

Table 2.3 - Localities in Israel Hosting 100 or more Palestinian IDPs (1948-1950)

Locality	IDPs as percentage of 1951 Population
Nazareth	25
Tamra (Acre)	30
Majd al-Krum	34
Kafr Yasif	27
Maghar	16
Shafa'amr	10
Jish	30
Ramle	15
Judeide	52
Yafia	24
Daliyat al-Karmel	11
Kafr Kana	11
Reine	9
Isifiya	10
Fureidis	17
Deir al-Asad	12
Julis	14
Ar'abeh	5
Abu Sinan	9
Fassutac	11
Maker	12
Hurfeish	11
Deir Hana	8
Bi'ne	9

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

During the 1967 war, the majority of displaced Palestinians found refuge in neighboring states. Most (95%) were displaced to Jordan, with smaller numbers displaced to Syria, Egypt, and Lebanon.²⁰ Areas of the West Bank closest to Jordan suffered the highest population loss, while in the central highlands most Palestinians sought temporary refuge in nearby fields and villages and were subsequently able to return to their homes after



the war.²¹ In addition, it is estimated that some 60,000 Palestinians were abroad at the time of the war and unable to return to the occupied Palestinian territories.²²

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

In the 1970s and 1980s, more than 62,000 Palestinian refugees were displaced in the occupied Gaza Strip due to the demolition of their homes by Israeli military forces.²⁵ Some of these refugees were transferred to the occupied West Bank. More than 56,000 Palestinians were forced to change residence for reasons of security, access to employment, and education and health during the first year (2000) of the second *intifada*.²⁶ According to UNRWA, since the beginning of the *intifada* in September 2000, the Israeli army has completely demolished 2,521 refugee shelters in the occupied Gaza Strip, rendering 24,151 refugees homeless.²⁷ The construction of Israel's Wall in the occupied West Bank has also forcibly displaced 15,000 persons. (*See Chapter One.*)

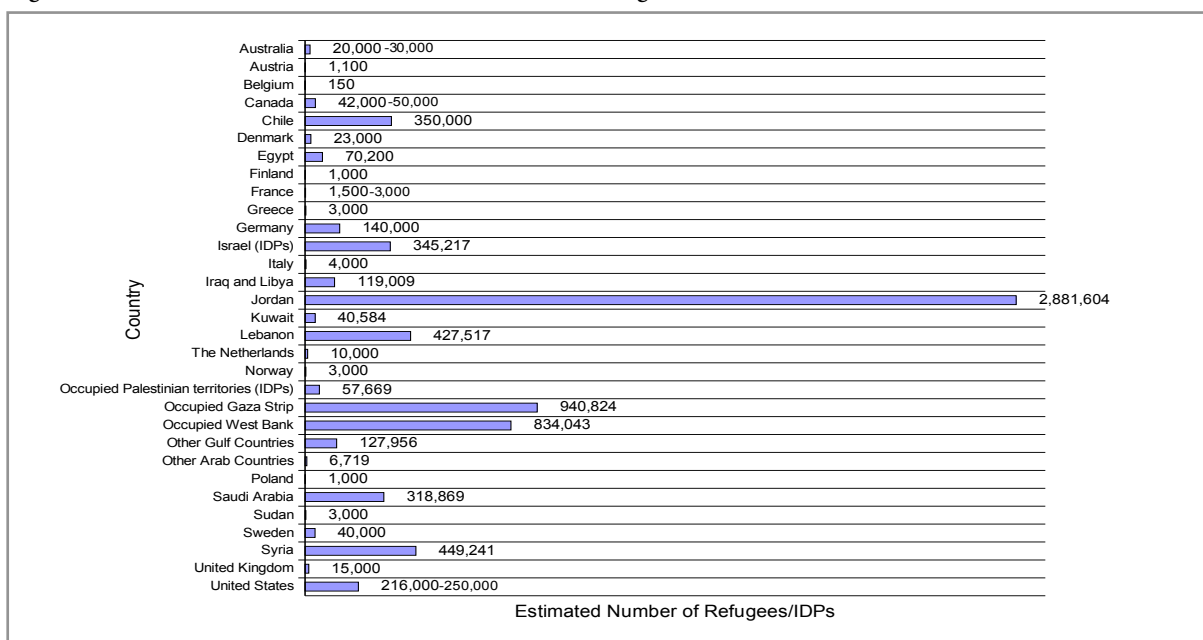
The changes in the pattern of distribution over five decades of forced exile relate primarily to periods of conflict in the region after 1948 and after 1967, during which Palestinian refugees have either been expelled or forced to flee in search of safety. Changes in political

Temporary emergency refugee camp in the Jordan valley established in 1967. (UNRWA Archives)

regimes in host countries, the relationship between the PLO and host country authorities, economic push-and-pull factors and demographic concerns have also influenced patterns of forced migration and displacement and distribution of the Palestinian refugee population since 1948 (see Chapter One, Box on Displacement in Host Countries.)

There was a significant decrease in the number of refugees residing in the West Bank and Gaza Strip due to the 1967 war and subsequent Israeli occupation. Most of these refugees were displaced to Jordan, leading to a dramatic increase in the number of refugees in Jordan after 1967. Lebanon also shows a substantial decrease in the percentage of the refugee population in the country due to internal conflict, conflict between the PLO and Israel in Lebanon, and legal and political obstacles, which militate against Palestinian refugees' temporary asylum in Lebanon. Many Palestinian refugees fled Lebanon to Germany, the Netherlands, and Scandinavia in the 1980s.

Figure 2.1 - Available estimates of the number of Palestinian refugees and IDPs in the world, 2005



Sources: Most host countries outside the Middle East continue to exclude Palestinian refugees as a category of refugees in asylum statistics. Hence, the numbers listed are estimates provided by the Palestinian communities in these countries and not official statistics.

1. Information on community estimates for Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Greece, Germany, Italy, The Netherlands, Norway, Poland, Sweden, United Kingdom and United States was provided by the Oxford University Civitas-Foundations of Participation Project database. See <http://civitas-online.org>.

2. The number of Palestinian refugees for Jordan, Lebanon, Syria, Iraq and Libya, Saudi Arabia, Kuwait, other Gulf countries, other Arab countries, the United States and other foreign countries (mainly Europe and Canada) were taken from the *Palestine in Figures 2004*, Ramallah: Palestinian Central Bureau of Statistics, May 2005, p. 10. The chart is derived from the Table "Estimated Number of Palestinians in the World by Country, End Year 2004". It provides data on the global distribution of the Palestinian people, rather than refugees only. Nevertheless, the majority of Palestinians living outside former Palestine are refugees. Figures are indicative rather than conclusive.

3. The number of Palestinian refugees in the occupied West Bank and Gaza Strip is based on the percentage of refugees (35.7% in the West Bank and 69% in the Gaza Strip) out of the total population of the West Bank and Gaza Strip (2,336,254 persons in the West Bank and 1,363,513 in the Gaza Strip). See *Palestine in Figures 2004*, Ramallah: Palestinian Central Bureau of Statistics, May 2005, p. 11, and Statistical Abstract of Palestine No. 5, Ramallah: Palestinian Central Bureau of Statistics, November 2004, p. 221.

4. The number of Palestinian refugees for Egypt is based on the estimated number of Palestinians of Concern to UNHCR at the end of 2004 (see Table 2.3).

5. The Palestinian Central Bureau of Statistics estimates the number of Palestinians in Iraq and Libya together at 119,009 persons. *Palestine in Figures 2004*, Ramallah: Palestinian Central Bureau of Statistics, May 2005, p. 10. The number of Palestinian refugees in Iraq is unclear. 22,700 Palestinian refugees were registered with UNHCR in 2003, but due to the situation in the country, the registration process had to be stopped. Hence, the exact number of Palestinian refugees is unclear. The UNHCR, however, estimates that approximately 34,000 Palestinian refugees reside in Iraq. See UNHCR, *Press Release*, 24 March 2006.

6 The number of IDPs in Israel and the occupied Palestinian territories is derived from Table 2.1 (see also Annex 2.1).



Higher numbers of Palestinian refugees in the Gulf from the 1950s onward reflect patterns of economic migration, while a dramatic decrease in the number of refugees in Kuwait occurred as a result of the 1991 Gulf War. Many Palestinians migrated or were forcibly displaced from the Gulf states to Canada, Scandinavia, the United States or other countries in the Arab world. More recently, Palestinian refugees have been under threat in Iraq and have sought asylum in Syria and Jordan.

*"My Family", children
photography project, Beit Jibrin
(Azza) Camp, Bethlehem, West
Bank, 1999. (Quinoa, Belgium)*

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

Today, Palestinian refugees are living in forced exile in most areas of the world. Despite the changes in the pattern of distribution of Palestinian refugees over the last 50 years, however, the majority of the refugees still live within 100 km of the borders of Israel and the 1967-occupied Palestinian territories where their homes of origin are located. In Syria, for example, 70% of 1948 registered refugees are from Galilee. The number is slightly higher in Lebanon, where 72% of 1948 registered refugees are from Galilee.



Neirab refugee camp, Syria.
(Roland de Hommel, *Pax Christi* 2005)

Similarly, the largest number of refugees in the occupied Gaza Strip come from the adjacent areas of the former Gaza District. The majority of refugees from the former Jerusalem District are either in the occupied West Bank or in Jordan. Palestinian refugees residing in host states in the region also comprise approximately the same percentage of the total combined population (6%) of the region as they did following the first wave of massive displacement in 1948.²⁸

Table 2.4 - Distribution of 1948 Registered Refugees, by District of Origin and by Field

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

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

During almost 60 years in exile, the village unit has also tended to remain largely intact after mass displacement. In other words, the majority of the residents of a particular village tended to be displaced to the same host country and often to the same area within the host country. According to data for Palestinian refugees registered with UNRWA, 72% of all 1948 refugees from villages moved to one area and only 20% to two areas. Only eight per cent are located in more than two areas.²⁹ Distribution according to village of origin is evident in the structure of Palestinian refugee camps, which are

divided into quarters based on the village unit. In Syria, for example, al-Yarmouk camp is divided into quarters based on the refugee villages of origin of al-Tira, Lubyra, Balad ash-Sheik, and 'Ayn Ghazal.

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

2.2.1 Refugees in Camps

Approximately 1,278,000 million (31 December 2005) Palestinian refugees reside in UNRWA's 59 refugee camps³⁰ (i.e., official camps) throughout the 1967-occupied Palestinian territories, Jordan, Lebanon and Syria. The majority of Palestinian refugees residing in camps are 1948 refugees (and their descendents). They comprise approximately one-third of the total UNRWA registered refugee population and about 20% of the total Palestinian refugee population. A significant number of Palestinian refugees (182,000) reside in one of the at least 17 non-official camps in the 1967-occupied Palestinian territories, Jordan, Lebanon and Syria.

A smaller number of refugees displaced for the first time in 1967 also reside in refugee camps, primarily in Jordan and Syria. According to UNRWA statistics for December 2005, approximately 31,000 Palestinian refugees of 1967 were residing in five of ten official UNRWA camps in Jordan. A small and growing number of poor-non-refugees, including Palestinians and other Arabs, also reside in the refugee camps.

Table 2.5 - Registered Refugees in Official Camps

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

Source: UN Relief and Works Agency for Palestine Refugees (UNRWA). Not all Palestine refugees registered as living in camps physically reside in an official refugee camp. (Figures as of 30 June each year.)



*Photo 18: Nahr al-Bared Camp,
Lebanon, 2004. (Rania Matter)*

Camps were set up by the International Committee of the Red Cross (ICRC), the Red Crescent and UNRWA. The first camp in Jordan (Zarqa), for example, was set up by the ICRC after a large number of refugees had gathered near the town of Zarqa. In Lebanon, Nahr al-Bared, Shatila, Burj al-Barajneh and 'Ayn al-Hilwe, camps were established by the ICRC and the League of Red Crescent Societies. A number of

camps were set up in former army barracks including Wavel (Baalbek), al-Buss and Rashidieh camps in Lebanon, Neirab camp in Syria and Bureij camp in Gaza.

Five camps were established in Jordan between 1949 and 1956 to provide shelter to refugees displaced in 1948. An additional eight camps were set up between 1967 and 1969 to accommodate refugees displaced in 1967. In Syria, most of the camps were established between 1949 and 1953. Another two camps were set up between 1967 and 1969. Eighteen official camps were established in the West Bank between 1948 and 1953.³¹ Shu'fat camp was established in 1955-56 for refugees who had been living in unsanitary conditions in M'ascar camp in the Old City of Jerusalem. In Gaza, all eight official camps were established between 1948 and 1949.

There are also some 17 unofficial refugee camps established to provide additional accommodation for Palestinian refugees. In all respects, refugees in official and unofficial camps have equal access to UNRWA services. The Agency maintains schools, health centres, and distributions centres in areas outside camps where Palestine refugees are concentrated. In al-Yarmouk unofficial camp in Syria, for example, the largest Palestinian refugee camp, UNRWA runs 28 schools (20 elementary and eight preparatory) and three health centres. UNRWA is not responsible for solid waste collection in the unofficial camps.

Refugee camps are often located close to major cities. In Jordan, eight Palestinian refugee camps are situated within a 25km radius of the capital city of Amman. Eighty-three per cent of the official camp population in Jordan lives within this area. In Lebanon, four camps were set up in the Beirut area, two each around Sidon and Tripoli, and three in the vicinity of Sour (Tyre). In Syria, 65% of the refugee population lives in official camps in or around Damascus. Six Palestinian refugee camps are located in Damascus area. In the 1967-occupied Palestinian territories, refugee camps are located in or near major cities such as Hebron, Jerusalem, Bethlehem, Ramallah, Nablus, Jenin and Tulkarem.

The significant number of Palestinians remaining in camps after more than five decades of exile can be explained by several factors:

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

The largest camp population (479,563 as of 31 December 2005) resides in the occupied Gaza Strip, comprising over one-third of all registered refugees residing in camps. Some of the largest refugee camps in the region are also located in the occupied Gaza Strip. The large number of refugees living in camps is due in large part to the lack of resources, denial of building permits under decades of Israeli military



*Jabaliya Camp, Gaza, 2005.
(Lacy Atkins)*

occupation, and the lack of building space outside of camps. In the occupied West Bank, there are fewer refugees in camps (184,382 as of 31 December 2005).

The second-highest number of refugees living in camps is in Jordan (286,110 as of 31 December 2005); however, Jordan has the lowest overall number of camp refugees as a percentage of the total refugee population in a host country. Only 17% of registered refugees in Jordan reside in camps. The low percentage of refugees living in camps in Jordan is related to the status afforded to most Palestinian refugees in Jordan as Jordanian citizens.

Lebanon has the highest number of refugees living in camps (213,349 as of 31 December 2005) as a proportion of the total refugee population in a host country. Approximately 53% of refugees in Lebanon live in official camps and eight per cent in unofficial camps. The high percentage of camp refugees in Lebanon is directly related to the restrictions placed on freedom of movement by the Lebanese government, the lack of resources to find alternative housing outside of the camps, and concerns about physical safety.

The number of refugees residing in camps has declined in some Arab host countries, particularly in Jordan. Between 2003 and 2005, for example, the number of persons in the Baqaa camp dropped from 86,514 in 2003 to 69,413 in 2005, and in the Talbieh camp from 4,676 to 878 persons.

Table 2.6 - Population of Palestinian Refugees in Camps (Official and Unofficial), 2005

Host Country	Camp (local name)	Population	Year Established
Gaza Strip ⁽¹⁾			
Official Camps			
	Jabalia	108,575	1948
	Beach (Shati)	79,566	1948
	Nuseirat	57,864	1948
	Bureij	29,225	1948
	Deir al-Balah	20,034	1948
	Maghazi	22,705	1948
	Khan Younis	64,802	1948
	Rafah	96,593	1948
Sub-total		479,364	
West Bank ⁽²⁾			
Official Camps			
	Aqabat Jaber	5,652	1948
	Ein al-Sultan	1,770	1948
	Shu'fat ⁽³⁾	10,427	1965/1966
	Am'ari	8,954	1949
	Kalandia	10,271	1949
	Deir Ammar	2,299	1949
	Jalazone	10,562	1949
	Fawwar	7,536	1949
	Arroub	9,999	1950
	Dheisheh	12,229	1949
	Aida	4,618	1950
	Beit Jibrin ('Azza)	2,041	1950
	Far'a	7,404	1949
	Camp No. 1	6,563	1950
	Askar	14,897	1950
	Balata	22,302	1950
	Tulkarem	17,677	1950
	Nur Shams	8,824	1952
	Jenin	15,813	1953
	M'ascara ⁽⁴⁾	evacuated	1948-1955/1956
Sub-total		93,480	
Unofficial Camps ⁽⁵⁾			
	Silwad	385	1971/72
	Abu Shekedem	463	1948
	Qaddoura	1,134	1948
	Birzeit (as-Saqaeif)	2,185	1948
Sub-total		4,167	
Jordan			
Official			
	Amman New Camp (Wihdat)	50,735	1955
	Talbieh	878	1968
	Irbid	24,519	1950-1951
	Husn ('Azmi al-Mufti)	21,283	1968
	Souf	16,184	1967
	Jerash (Gaza)	15,888	1968
	Jabal al-Hussein	30,065	1952
	Baq'a ⁽⁶⁾	69,413	1968
	Zarqa	18,151	1949
	Marka (Hittin) ⁽⁷⁾	38,908	1968
Sub-total		286,024	

Unofficial ⁽⁸⁾	Ma'adaba	6,532	1956
	Sakhna	5,641	1969
	al-Hassan	10,688	1967
Sub-total		22,861	
Lebanon			
Official	Mar Elias	613	1952
	Burj al-Barajneh	15,540	1948
	Dikwaneh (no longer exists) ⁽⁹⁾	9,189 (destroyed)	
	Dbayeh	4,003	1956
	Shatila	8,265	1949
	Ein al-Hilweh	45,329	1948-1949
	al-Nabatieh (no longer exists) ⁽¹⁰⁾	7,172 (destroyed)	
	Mieh Mieh	4,509	1954
	al-Buss	9,343	1948
	Rashidieh	25,967	1948
	Burj al-Shamali	18,764	1948
	Nahr al-Bared	30,700	1950
	Bedawi	15,730	1955
	Wavell (al-Jalil)	7,601	1948
	Gouraud ⁽¹¹⁾	evacuated	1948
Sub-total		213,349	
Unofficial ⁽¹²⁾	al-Ma'ashouq	3,956	-
	Shabiha	5,541	-
	al-Qasmia	3,022	-
	Kufr Bada (Abu al-U'sod)	932	-
	al-U'rash (Adlon)	1,661	-
	Shhim	2,270	-
Sub-total		17,382	
Destroyed Camps	al-Nabatia	-	1956
	Dikwaneh	-	
	Tal az-Zaatar	-	1949
	Jisr al-Basha	-	1952
Syria			
Official	Khan Eshieh	16,473	1949
	Khan Danoun	8,742	1949
	Sbeineh	18,157	1958
	Qabr Essit (as-Sayyida Zeinab)	19,966	1968-1967
	Jaramana	3,653	1949
	Dera'a	4,989	1950-1951
	Dera'a Emergency	4,402	1967
	Homs	13,335	1949
	Hama	7,676	1949-1950
	Neirab	17,703	
Sub-total		133,176	
Unofficial ⁽¹³⁾	Ein el-Tal (Hindrat)	4,798	1962
	al-Yarmouk	124,786	1956-1957
	Ramadani	1,108	1956
	Lattakia	7,044	

Sub-total		137,736	
Egypt⁽¹⁴⁾			
Closed Camps	al-'Abbasiyyah	-	1948
	al-Qanatarah Sharq	-	1948
Libya⁽¹⁵⁾			
Closed Camp	Saloum	-	1995-1998
Iraq⁽¹⁶⁾			
	No Man's Land	150	2003
	Ruweished	148	2003

Sources: UN Relief and Works Agency for Palestine Refugees (UNRWA). Not all Palestinian refugees registered as living in camps are physically resident in an official refugee camp. Figures as of 31 December 2005; Palestinian Central Bureau of Statistics, 1997. *Population, Housing and Establishment Census of the Palestinian Territories*; Ali Sha'aban, Hussein, *Palestinian Refugees in Lebanon - From Hosting Through Discrimination*. [Arabic] Jerusalem: PASSIA, 2002.

⁽¹⁾ During the 1970s, the Israeli military administration destroyed thousands of refugee shelters in the occupied Gaza Strip under the guise of security. Large refugee camps were targeted in particular. Refugees were forcefully resettled in other areas of the occupied Gaza Strip with a smaller number transferred to the occupied West Bank. In the occupied Gaza Strip, several housing projects were established to resettle some of the refugees. Some of these projects today are referred to as camps. These include the Canada project (1972), the Shuqairi project (1973), the Brazil project (1973), the Sheikh Radwan project (1974) and the al-Amal project (1979).

⁽²⁾ There are more than 4,220 ex-Gaza refugees distributed throughout West Bank camps.

⁽³⁾ An additional 4,000 Palestinians are estimated by UNRWA to be living in the camp due to Israel's policy of residency revocation in Jerusalem.

⁽⁴⁾ The camp was closed because of unsanitary living conditions and residents were relocated to Shu'fat refugee camp.

⁽⁵⁾ These statistics were taken from the 1997 census, factoring in the annual population growth of 3.5% from 1998 to 2005. The 1997 population in Silwad was 299; Abu Shekedem, 353; Qaddoura, 863; and Birzeit (as-Saqeif), 1,718. Due to frequent displacement, the exact population of these unofficial camps is indicative only.

⁽⁶⁾ As of June 2001, 10,565 persons were 1967 refugees.

⁽⁷⁾ As of 31 December 2003, over 15,000 persons were 1967 refugees.

⁽⁸⁾ Population figures for unofficial camps in Jordan are for 2000, including annual population growth of 3.5% from 2000 to 2005. In 2000, the population of Ma'adaba was 5,500; Sakhna, 4,750; al-Hassan, 9,000.

⁽⁹⁾ Dikwanah was completely destroyed in the 1970s, but refugees registered in these camps will maintain their registration number with these centres until UNRWA's new Refugee Registration Information System (RRIS) is developed.

⁽¹⁰⁾ Nabatieh was completely destroyed in the 1970s, but refugees registered in these camps will maintain their registration number with these centres until UNRWA's new Refugee Registration Information System (RRIS) is developed.

⁽¹¹⁾ The camp was evacuated and residents moved to Rashidieh camp.

⁽¹²⁾ Population figures for unofficial camps in Lebanon are for 2001, updated based on 3.5% annual growth until 2005. In 2001, the population of al-Ma'ashouq was 3,447; Shabiha, 4,829; al-Qasmia, 2,634; Kufr Bada (Abu al-U'sod), 813; al-U'rash (Adlon), 1,448; Shhim, 1,978.

⁽¹³⁾ The statistics for the unofficial camps is from 2002, including annual population growth of 3.5% until 2005. The 2002 population of Ein el-Tal [] was 4,329; al-Yarmouk, 112,550; Ramadani, 1,000; and Lattakia 6,354.

⁽¹⁴⁾ The two camps in Egypt were closed in 1949.

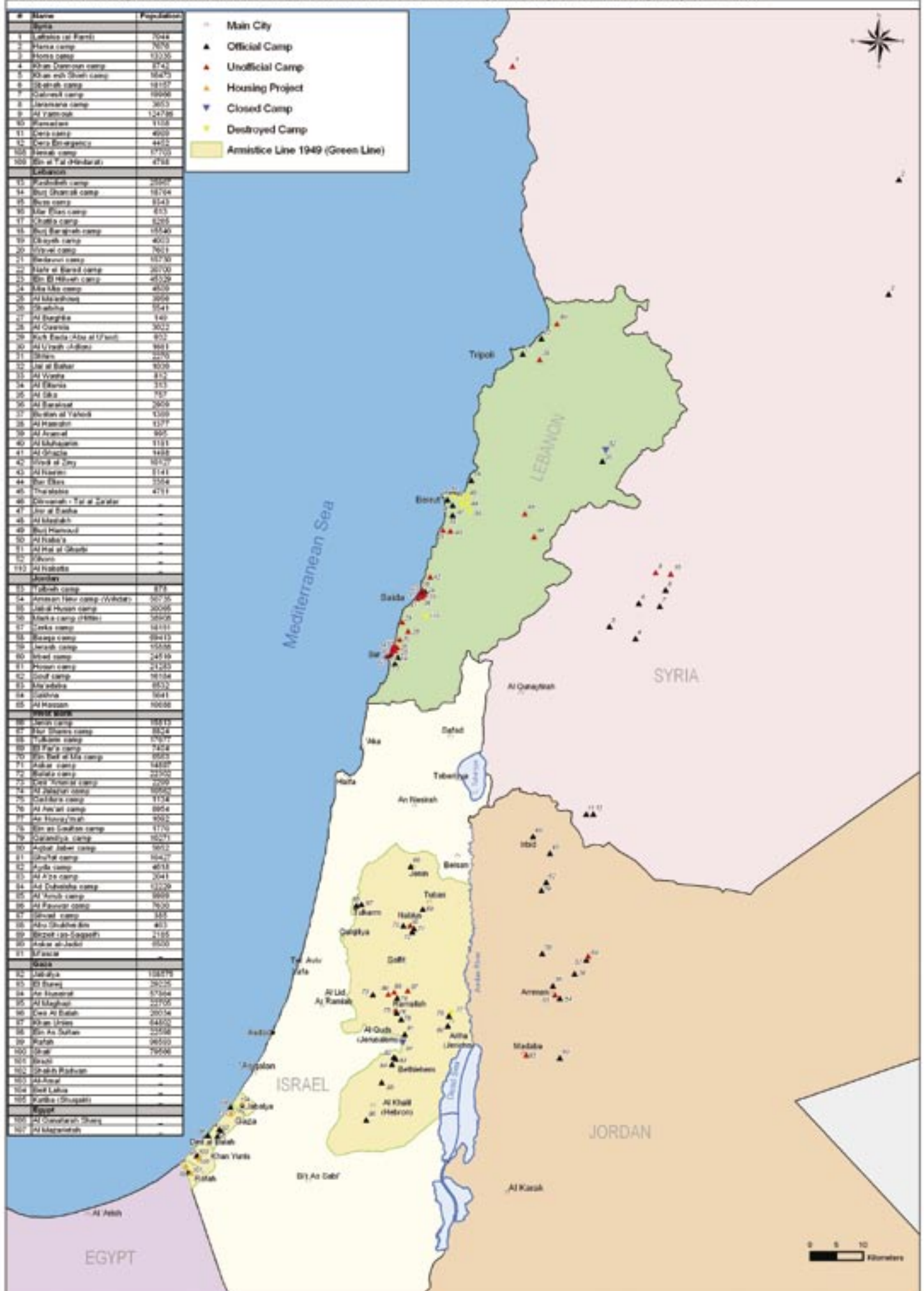
⁽¹⁵⁾ The temporary camp established after Libya decided to expel all Palestinians from the country. Palestinians without valid residency documents for Egypt, Jordan and the West Bank were left stranded at a desert crossing point between Libya and Egypt. The camp closed after Palestinians were permitted to leave the camp and remain in Libya.

⁽¹⁶⁾ Number provided by UNHCR office in Amman. The majority of refugees stranded on the Iraqi-Jordanian border are Iranian Kurds, but the camps also include an increasing number of Palestinian [] refugees. The exact number of refugees fluctuates, as refugees are still arriving and some are allowed to enter Jordan. As the situation deteriorates in Iraq, the number of Palestinian [] refugees is likely to increase.

2.2.2 Refugees Outside of Camps

The majority of the total population of Palestinian refugees (approximately 80%) live outside UNRWA's 59 camps located in and around cities and towns in the host countries and often in areas adjacent to refugee camps.³² While there are fewer refugees in the occupied West Bank than in the occupied Gaza Strip living in camps, a large number of villages and towns include a significant refugee population. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50% of the total population.

Palestinian Refugee Communities: Official, Unofficial, Closed, Destroyed Camps and Housing Projects - 2005





Aqbat Jaber Camp, Jericho, West Bank, 2005 (Nathalie Bardou/BADIL)

Table 2.7 - Major Localities in the 1967 Occupied Palestinian Territories, by Refugee Population

Region	Refugee Status (%)		Number of non-camp localities with a population of > 50% refugees
	Non-refugees	Refugees	
Gaza	47.4	52.0	4
Deir al-Balah	14.1	85.5	7
North Gaza	28.7	70.9	6
Rafah	15.8	70.9	7
Khan Younis	42.7	56.9	8
Hebron	81.7	17.4	21
Tubas	83.5	15.8	1
Jericho	49.2	49.7	5
Jerusalem	58.1	40.8	12
Ramallah	70.1	28.1	13
Jenin	70.7	28.8	30
Tulkarem	67.9	31.5	5
Nablus	74.1	25.4	11
Bethlehem	71.3	28.0	10
Qalqilya	59.6	39.9	6
Salfit	34.4	65.4	1

Source: Palestinian Central Bureau of Statistics, 1997. *Population, Housing and Establishment Census of the Palestinian Territories.*

Table 2.8 - Distribution of Palestinian Refugees Outside Camps in Lebanon

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

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

⁽¹⁾ Marginal camps are considered "illegal settlements" and were established during the different waves of displacement. They also provided shelter to refugees displaced as a result of the destruction of official camps and refugee housing during the civil war in Lebanon.

⁽²⁾ Refugee "gatherings" are located far from the cities and are largely inhabited by refugees who have moved out of the camps due to improved socio-economic status. Unlike camps, refugees in gatherings own their homes.

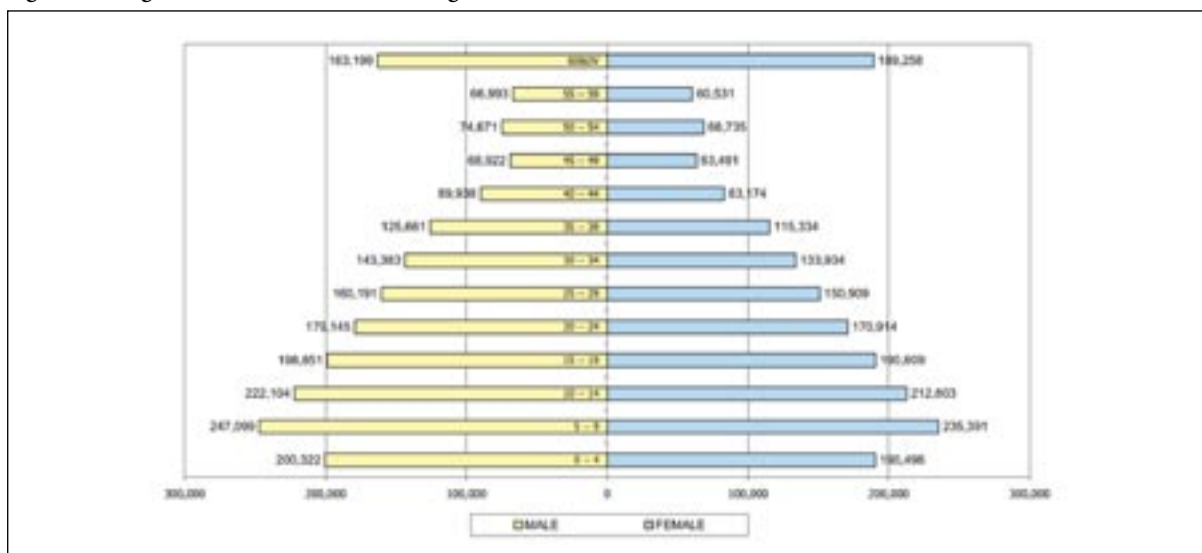
In Lebanon, approximately 40% of the refugee population resides in gatherings, cities and villages, and other non-camp localities.³³ A gathering is defined as a community of 25 or more Palestinian households living together.

In Syria, almost 40% of the refugees live in urban centres, with a small number living in rural areas. In pre-war (2003) Iraq, the majority (90%) of Palestinian refugees lived in the greater Baghdad area, with a smaller concentration living in the north of the country.³⁴ As of 1998, a small population of Palestinians, approximately 1,000, resided in the northern city of Mosul, with another 700-1,000 persons in the southern city of Basra. Due to the war and occupation, many Palestinians may be among the approximately 1,300,000 internally displaced persons in Iraq, while a few hundreds have already left Iraq and have either been allowed into Jordan and Syria or are stranded in camps on the border.³⁵

2.3 Demographic Indicators

The Palestinian refugee and IDP population is young; it has high but declining fertility and low mortality. Approximately 30% of all registered refugees are below the age of fifteen. There are no statistics for internally displaced Palestinians; however, differences between refugees and non-refugees in major Arab host states, except for Lebanon, are

Figure 2.2 - Age Structure of Palestinian Refugees



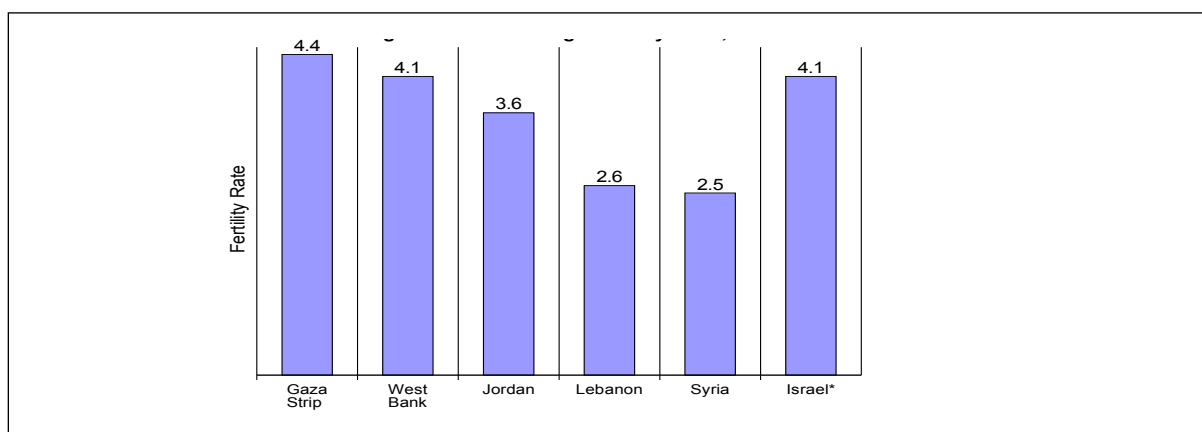
Source: UNRWA Medium term Plan (2005-2009), Gaza: UNRWA Headquarters, 2005, p. 5.

negligible.³⁶ The age structure of internally displaced Palestinians is therefore likely to follow that of Palestinians inside Israel and in the occupied Palestinian territories.³⁷

Refugees have a high fertility rate but there is a consistent decline in the fertility rate among Palestinian refugees in Jordan, the occupied West Bank, and in Lebanon, as a result of postponement of marriage and an increase in the proportion of women remaining single. In all major Arab host countries, Palestinian refugees have a lower fertility rate than the non-refugee population.³⁸ The fertility rate among internally displaced Palestinians inside Israel and in the occupied Palestinian territories is likely to be similar to the non-refugee Palestinian population.

The mortality rate of the Palestinian population in the occupied Palestinian territories is relatively low and similar to that in Western countries in the early 1960s.³⁹ Infant and child mortality rates of the refugee population have declined over the past five decades. Infant mortality rates, for example, declined from around 200 per 1,000 births

Figure 2.3 - Total Refugee Fertility Rates, 2005

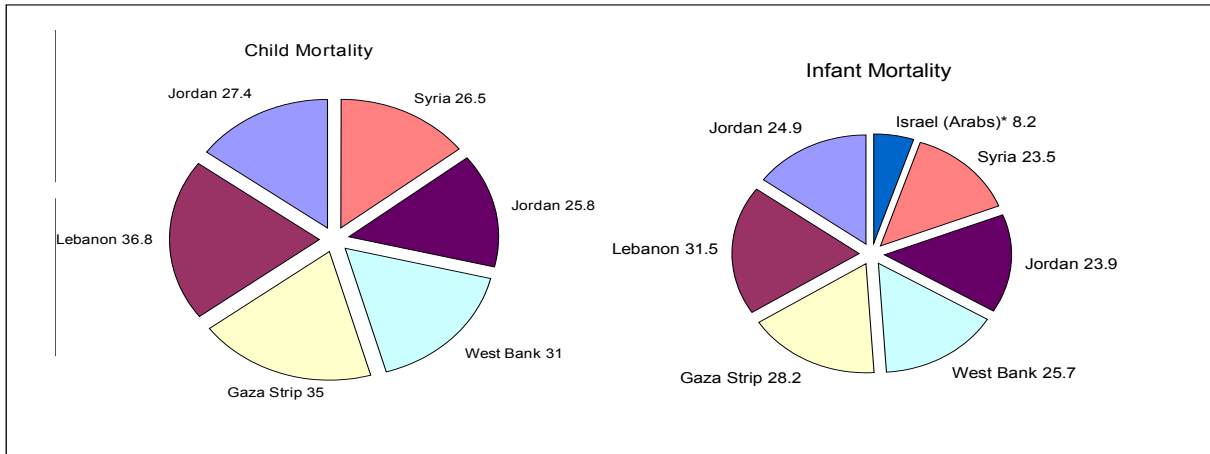


The fertility rate is the average number of children per woman.

Source: Based on a 2000 UNRWA Survey, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004-30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005, Table 6, p. 73. The Palestinian Central Bureau of Statistics estimates the fertility rate of Palestinians in Israel at 3.7 births per women; in Jordan, 4.6 births; in Syria, 3.5; and, in Lebanon 3.0. See *Palestinians in Diaspora and in Historic Palestine End Year*, 2005, Ramallah: Palestinian Central Bureau of Statistics, 2005, pp. 2-3.

* The fertility rate for the Palestinian-Arab population of Israel is based on "The Arab Population of Israel 2003", Statistilte 50, Israel Central Bureau of Statistics.

Figure 2.4 - Infant and Child Mortality of Palestinian Refugees

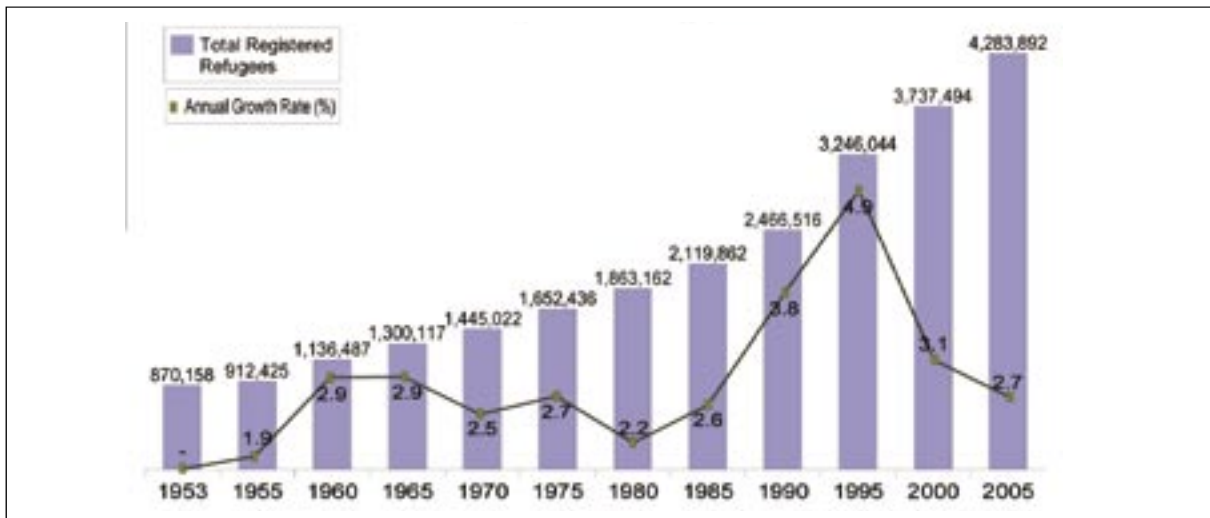


Sources: FAFO – Institute for Applied Social Science, 2003. Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol I: Socio-economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria, the West Bank and Gaza Strip. Palestinian Central Bureau of Statistics, 2003. Statistical Abstract of Palestine No. 4. Figures for Jordan and Lebanon only include refugees in camps. *Statistics based on "The Arab Population of Israel 2003", Statistilite 50, Israel Central Bureau of Statistics.

in 1950, to around 25 per 1,000 births in the 1967-occupied Palestinian territories in 2005, and eight per 1,000 births inside Israel in 2003.⁴⁰ However, there are indications showing that child mortality is no longer declining.⁴¹ Trends for Jordan's refugees and Lebanon's camp refugees are similar, but the decline is smaller.

The Palestinian refugee and IDP population also has a high growth rate. This is similar to the Palestinian population as a whole, which has roughly doubled every twenty years.⁴² The rate of natural growth is highest (over 4%) among Bedouin refugees and refugees residing in Jordan. Survey data suggests that the growth rate in the occupied Palestinian territories accelerated during the *intifada* years.⁴³ The growth rate of registered refugees reached a peak in the mid-1990s and appears to be returning to previous levels.

Figure 2.5 - Annual Population Growth Rate of Registered Refugees



Source: UN Relief and Works Agency for Palestine Refugees (UNRWA). The annual growth rate is the percentage of growth in the number of refugees registered with UNRWA. As a number of registered refugees do not register immediately the new births and deaths, the annual growth in the registered refugees is an approximation of the annual growth rate of the refugee population. In the period 1990-1995, refugee registration increased. (Figures as of 30 June each year.)

Annex 2.1 – Notes for Table 2.1

1948 registered refugees – UN Relief and Works Agency for Palestine Refugees (UNRWA)

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

In 2005, approximately 42% or 1,795,326 were registered in Jordan; 23% or 969,588 in the occupied Gaza Strip; 16% or 690,988 in the occupied West Bank; 10% or 426,919 in the Syrian Arab Republic; and 9% or 401,071 in Lebanon. *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004-30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 114, p. 27.

1948 non-registered refugees

Derived from *The Palestinian Nakba 1948, The Register of Depopulated Localities in Palestine*, London: The Palestinian Return Centre, 1998; and the average annual growth rate of the Palestinian refugee population (3.5%). These figures do not take into account the small number of refugees reunified with family inside Israel.

1967 first-time displaced refugees

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

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

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

1948 internally displaced persons

Derived from initial registration figures from UNRWA in *Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/1905, 30 June 1951. The population estimate for 1950 was most likely included as UNRWA registered refugees. Data for 1950–2001 was calculated on the basis of an estimated average annual growth rate of the Palestinian population inside Israel of 4.2%. According to the Israeli Central Bureau of Statistics, the Palestinian Muslim population inside Israel (which comprises 82% of the total Palestinian population inside Israel) increased annually by 4.4% between 1948 and 2001 (Israel Central Bureau of Statistics, 2002; *Statistical Abstract of Israel*, No. 53). In 2003, the annual growth rate of the Arab population in Israel had diminished to 3% annually. The population updates for 2004 and 2005 are therefore based on 3% annual growth ("The Arab Population of Israel 2003", Statistilite 50, Israel Central Bureau of Statistics).

The figure does not include those Palestinians internally displaced after 1948, conservatively estimated at 75,000 persons. *Internally Displaced Palestinians, International Protection, and Durable Solutions*, BADIL Information & Discussion Brief No. 9 (November 2002). The annual average growth rate of the IDP population is upgraded by a quarter of a percentage point to allow for further internal displaced after 1948 due to internal transfer, land confiscation and house demolition.

1967 internally displaced persons

The estimate includes persons internally displaced during the 1967 war from destroyed Palestinian villages in the occupied Palestinian territories (10,000 persons). This figure is upgraded by the average annual growth rate of the refugee population (3.5%). *Internally Displaced Palestinians, International Protection, and Durable Solutions*, BADIL Information & Discussion Brief No. 9 (November

2002). The figure is upgraded to include the average number of Palestinians displaced by house demolition (1,037) each year between 1967 and 2000. The number of Palestinians affected by house demolition is not upgraded according to the average annual population growth due to the fact that it is unknown how many IDPs return to their home of origin.

The increase in the number of internally displaced persons in the 1967-occupied Palestinian territories for 2004 is due to Wall-induced forced displacement in the occupied West Bank and the vast scope of demolitions undertaken in the occupied Gaza Strip, which left 2,224 families homeless (approximately 15,123 persons based on a household size of 6.8 persons). See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2003-30 June 2004. UN GAOR, Sixtieth Session, Supp. No. 13 (A/59/13), 10 October 2004, para. 149, p. 32 and Palestinian Central Bureau of Statistics, *Statistical Abstract of Palestine, No. (5)*, Ramallah, Palestinian National Authority, November 2004, p. 223. This number also includes 11,461 persons who were displaced by the Wall as of July 2004. See *Survey on the Impact of the Expansion and Annexation Wall on the Palestinian Localities that the Wall Passed Through*, March 2004, Ramallah: Palestinian Central Bureau of Statistics, 2004, p. 6.

The number of IDPs for 2005 includes the difference between the approximately 15,000 persons displaced by June 2005, minus the 11,500 persons displaced by July 2004. Thus, 3,500 persons were displaced as a result of the construction of the Wall between July 2004 and June 2005. See *Survey on the Impact of the Expansion and Annexation Wall on the Socio-Economic Conditions of Palestinian Localities which the Wall Passes Through*, June 2005, Ramallah: Palestinian Central Bureau of Statistics, September 2005, p. 10. The figure also includes the demolition of 198 houses in 2005, leaving approximately 1,208 persons homeless, based on an average rate of 6.1 persons per household in both the occupied West Bank and the Gaza Strip. Data compiled from *Monthly Summary of Israeli Violations*, March 2005, June 2005, September 2005 and December 2005, Ramallah: Palestinian Monitoring Group, Negotiations Affairs of the Palestinian Liberation Organization. For the average household size, see Palestinian Central Bureau of Statistics, *Statistical Abstract of Palestine, No. (5)*, Ramallah, Palestinian National Authority, November 2004, p. 223. Finally, this number includes the refugees in the occupied Gaza Strip who were still homeless and displaced as of June 2005 as a result of the demolition of their shelters since the beginning of the *intifada*, which UNRWA estimates at 16,000 persons. See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004-30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 214, p. 51.

Endnotes

- ¹ The term “country of origin” used here “is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. This would be the case, for example, of nationals of a country who have been stripped of their nationality in violation of international law, and of individuals whose country of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them.” Human Rights Committee, *General Comment 27, Freedom of Movement (Article 12)*, UN Doc. CCPR/C/21/Rev.1/Add.9, 1999.
- ² The definition of a Palestinian refugee used here is based on the 1951 UN Conciliation Commission for Palestine draft definition of a Palestine refugee. See *Addendum to Definition of a “Refugee”* under Paragraph 11 of *General Assembly Resolution of 11 December 1948* (Prepared by the Legal Advisor), UN Doc. W/61/Add.1, 29 May 1951.
- ³ *Palestine in Figures 2004*, Ramallah: Palestinian Central Bureau of Statistics, 2005, p. 10.
- ⁴ This figure is based on numerous sources. Israel revoked the residency rights of approximately 100,000 Palestinians from the occupied Palestinian territories between 1967 and 1991. See Quigley, John, “Family Reunion and the Right to Return to Occupied Territory,” *Georgetown Immigration Law Journal*, Vol. 6, 1992.
According to the Jordanian government, some 7,000 Palestinians from the occupied West Bank were displaced to Jordan every year between 1968 and 1988. See UN Doc. CERD/C/318/Add.1, 14 April 1998, *Reports Submitted by States Parties under Article 9 of the Convention*, Twelfth Periodic Report of States Parties due in 1997, Jordan, at para. 25 cited in Kossaifi, George F., *The Palestinian Refugees and the Right of Return*. Washington, DC: The Center for Policy Analysis on Palestine, 1996, p. 8. Between 1969 and 1972 some 6,000 to 20,000 Bedouin farmers evicted from the Rafah salient southwest of the occupied Gaza Strip. During the same period, several hundred refugees were forcibly relocated from the occupied Gaza Strip to the north Sinai. In the early days after the 1967 war, thousands of Palestinian men aged 20-70 were deported forcibly from the occupied West Bank and Gaza Strip across the Jordan River. Between 1968 and 1972, over 1,095 Palestinians were deported from the occupied West Bank and Gaza Strip. Between August 1985 and January 1988, some 46 Palestinians were expelled. From the beginning of the first *intifada* in December 1987 until the end of 1989, 64 Palestinians were deported with eight more deported in 1991. On 16 December 1992, 413 Palestinians were deported. See Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber & Faber Ltd, 1997.
The rate of out-migration is as high as 2% of the total population per annum. Pederson, Jon and Sara Randall and Marwan Khawaja (eds.), *Growing Fast, the Palestinian Population in the West Bank and Gaza Strip*. Norway: FAFO Institute for Applied Social Science, 2001.
The average rate of forced migration is estimated at 21,000 persons per year. This figure includes those Palestinian refugees who are neither 1948 or 1967 refugees, and are outside the Palestinian territories occupied by Israel since 1967 and unable (due to revocation of residency, denial of family reunification, deportation, and so on) or unwilling to return (owing to a well-founded fear of persecution). The figures are based on the percentage of non-refugee Palestinians in the occupied Palestinian territories (57%) and the average annual growth rate of the refugee population (3.5%). The figures do not account for family reunification, those refugees who returned to the occupied Palestinian territories since 1994 under the Oslo political process, and for a small number of Palestinians from inside Israel who have sought refugee asylum. See Kossaifi, George F., *The Palestinian Refugees and the Right of Return*. Washington, DC: The Center for Policy Analysis on Palestine, 1996.
- ⁵ Original registration was carried out by the International Committee of the Red Cross, the League of Red Crescent Societies and in the Gaza Strip by the American Friends Service Committee (AFSC). In 1950-51, UNRWA carried out a census in all areas of operations, excluding the Gaza Strip, where it relied on AFSC records. UNRWA registration includes an individual registration number, a family registration number, and a family code that links the computerized demographic data in the family registration number sheet with the non-computerized data in the family files. The latter includes birth, marriage, and death certificates and a limited number of property deeds. For more information, see *Reinterpreting the Historical Record, The Uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis*, Tamari, Salim and Zureik, Elia (eds.). Jerusalem: Institute for Jerusalem Studies, 2001.
- ⁶ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004-30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 114, p. 27.
- ⁷ UNRWA collects statistics for internal management purposes and to facilitate certification of refugees’ eligibility to receive education, health, and relief and social services. New information on births, deaths and change in place of residence is recorded only when a refugee requests the updating of a family registration card issued by the Agency. UNRWA does not carry out a census, house-to-house survey, or any other means to ascertain whether the place of residence is the actual place of residence; refugees will normally report births, deaths and marriages when they obtain a service from the Agency.
- ⁸ Some 82,000 persons were removed from the registration record in 1950 and 1951. See Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*. Oxford: Clarendon Press, 1998, p. 70.

- ⁹ Palestine refugees “shall mean any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict.” “Consolidated Registration Instructions” (CRI), 1 Jan. 1993, para. 2.13, see Annex 2. For an overview of the development of the UNRWA definition of a Palestine Refugee, see Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*. Oxford: Clarendon Press, 1998, pp. 68-83.
- ¹⁰ See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 115, p. 27.
- ¹¹ UNGA Resolution 37/120 (I), 16 December 1982. *Report of the Secretary General*, 12 September 1983, UN Doc. A/38/382.
- ¹² *Annual Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 1951 – 30 June 1952*. UN GAOR, 7th Sess., Supp. No. 13 (A/2171), 30 June 1952, para. 8. Initial registration files for the internally displaced Palestinians include six boxes consisting of 11,304 family cards and 5,155 correction cards. Each card contains the names, ages, sex, occupation, past address and “distribution center” to which the family was attached. UNRWA refers to these files as “dead” files. *Supra*, note 5, p. 45.
- ¹³ For a definition of Palestine refugees, see *Supra*, note 9.
- ¹⁴ The children of refugee women and non-refugee fathers are not eligible for registration and assistance with UNRWA. This rule dates from an era, which tended to favour male lineage. The Agency is aware of this discrimination and is currently revising this rule, “with a view to enabling descendants of female refugees married to non-refugees to register with UNRWA.” UNRWA stated that the Agency “is of the opinion that the continued application of its registration rules is unfair and unfounded, as the status of refugees should not be based on such considerations and discrimination between males married to non-refugees vs. females married to non-refugees is unjustified. [...] The Agency estimates that this could potentially benefit approximately 340,000 persons, but expects that a significantly lower number will actually wish to register. Of those who will register, not all will be interested in availing themselves of the Agency’s services. As a result, the quantitative impact of this modification in the registration rules on the Agency’s operations is considered to be manageable.” *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2003 – 30 June 2004. UN GAOR, Sixtieth Session, Supp. No. 13 (A/59/13), 2005 para.67, p. 19.
- ¹⁵ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 116, p. 27.
- ¹⁶ UNHCR, *2004 Global Refugee Trends, Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers and Other Persons of Concern to UNHCR*. Geneva: Population Data Unit/PGDS, Division of Operational Support, UNHCR, 17 June 2005, p. 29.
- ¹⁷ Israel last carried out a census of the IDP population in 1949 to plan for internal transfer of the Palestinian population remaining after the 1948 war. According to the census there were 7,005 IDPs from 56 villages of origin residing in 26 different Palestinian villages in Galilee. The census did not cover all areas of the state. Central Zionist Archive, A-206/246. Census documents are archived in the Central Zionist Archive, Yosef Weitz file, 296/246 and 206/246. Cited in Cohen, Hillel, *HaNifkadim HaNokhahim, HaPlitim HaFalestinim BeIsrael me’az 1948 [The Present Absentees: Palestinian Refugees in Israel Since 1948]* [Hebrew]. Jerusalem: Van Leer Institute, 2000.
- ¹⁸ *Palestinians in Israel, Socio-Economic Survey, 2004*, prepared by Ahmad El-Sheikh Muhammad, Shefa-Amr: The Galilee Society, Rizak and Mada al-Carmel, July 2005, p. 78.
- ¹⁹ Table 11: Distribution of localities which continued to exist in northern Israel, by the number of refugees who entered them, Kamen, Charles S., “After the Catastrophe I: The Arabs in Israel, 1948-51,” *Middle Eastern Studies*, p. 473.
- ²⁰ *Report of the Secretary General under General Assembly Resolution 2252 (ES-V) and Security Council Resolution 237 (1967)*, UN Doc. A/6797, 15 September 1967.
- ²¹ For more details, see Wilson Harris, William, *Taking Root: Israeli Settlement in the West Bank, the Golan and the Gaza-Sinai, 1967-1980*. New York: John Wiley & Sons, Ltd, 1980.
- ²² Table 5: Palestinian Estimates of Displaced Persons and Refugees During the 1967 War, Amro, Tayseer, “Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee] (not including spouses and descendants).” *Article 74*, No. 14, 1995. Jerusalem: BADIL/Alternative Information Center for Palestinian Residency and Refugee Rights.
- ²³ This figure does take into consideration the number of persons who may have returned to the occupied territories. Kossai, *supra*, note 4, p. 8. According to the Jordanian government, some 7,000 Palestinians from the West Bank were displaced to Jordan every year between 1968 and 1988. UN Doc. CERD/C/318/Add.1, 14 April 1998. See *Reports Submitted by States Parties under Article 9 of the Convention*. Twelfth Periodic Report of States Parties due in 1997, Jordan, para. 25.
- ²⁴ *Growing Fast, the Palestinian Population in the West Bank and Gaza Strip*. Pederson, Jon, Sara Randall, and Marwan Khawaja (eds.). Norway: FAFO Institute for Applied Social Science, 2001, p. 153.
- ²⁵ Table Two: Demolition of Rooms and Affected Families and Individuals in Gaza Strip Refugee Camps, as of June 1989, UNRWA Accommodation Office, Gaza (July 1991), cited in Masriyeh Hazboun, Norma, *Israeli Resettlement Schemes for Palestinian Refugees in the West Bank and Gaza Strip Since 1967*. Shaml Monograph Series 4. Ramallah: Shaml Palestinian Refugee and Diaspora

- Center, 1996, p. 32.
- ²⁶ *Impact of the Israeli Measures. Survey on the Well-being of the Palestinian Children, Women, and the Palestinian Households*. Ramallah: Palestinian Central Bureau of Statistics, June 2001.
- ²⁷ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 214, p. 51.
- ²⁸ Figure derived from estimate of the population in the area cited in *Final Report of the UN Economic Survey Mission for the Middle East*, Part I, The Final Report and Appendices, p. 1. Population figures for Jordan, Lebanon, Syria and Iraq, from World Bank figures. Jordan Data Profile, Lebanon Data Profile, Syrian Arab Republic Data Profile, and Iraq Data Profile. *World Development Indicators Database*, July 2001.
- ²⁹ Abu Sitta, Salman, *From Refugees to Citizens at Home: The End of the Palestinian-Israeli Conflict*. London: The Palestinian Return Centre, 2001, p. 23.
- ³⁰ A camp, according to UNRWA's working definition, is a plot of land placed at the disposal of Agency by the host government for accommodating Palestine refugees, and for setting up facilities to cater to their needs. The plots of land on which camps were set up are either state land or, in most cases, land leased by the host government from local landowners. This means that the refugees in camps do not "own" the land on which their shelters were built, but have the right to "use" the land for a residence.
- ³¹ The majority of refugees in two West Bank camps, Aqabat Jabr and 'Ayn al-Sultan, however, were displaced to Jordan during the 1967 war. Prior to the 1967 Arab-Israeli war, the number of registered refugees in Aqabat Jabr refugee camp totalled some 30,000. There were 20,000 refugees in 'Ayn al-Sultan camp.
- ³² See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 114, p. 27.
- ³³ Ali Sha'aban, Hussein, *Palestinian Refugees in Lebanon from Hosting through Discrimination*. [Arabic] Jerusalem: PASSIA, 2002. Also see *Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon*, Ugland, Ole Fr. (ed.). Oslo: FAFO Institute for Applied Social Science, 2003.
- ³⁴ For more details, see Arab Commission for Human Rights, *The Palestinians in Iraq*, Report prepared by Haytham Manna, Spokesperson for the Arab Commission for Human Rights, following a visit to Iraq from June 10 – June 17, 2003. Paris, 24 June 2003; *Palestinian Refugees in Iraq*. Department of Refugee Affairs, Palestine Liberation Organization, 1999.
- ³⁵ *Internal Displacement, Global Overview or Trends and Developments in 2005*, Geneva: Norwegian Refugee Council and Internal Displacement Monitoring Centre, March 2006, p. 3.
- ³⁶ *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I, Socio-economic Conditions of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Blome Jacobsen, Laurie (ed.). Oslo: FAFO Institute for Applied Social Science, 2003, p. 20.
- ³⁷ Inside Israel, 39.7% of the Palestinian population is under the age of 15. Table 2.1.3: percentage Distribution of Palestinians in Israel by Age Groups and Sex (End of 2002), *Statistical Abstract of Israel No. 4*. Ramallah: Palestinian Central Bureau of Statistics, 2003, p. 140. In the occupied Palestinian territories, 45.8% of the Palestinian population is under the age of 15. Table 3.2.4: Projected Population in the Palestinian Territory in the End Year by Age Groups and Sex, 2002, *ibid*, p. 191.
- ³⁸ *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I, Socio-economic Conditions of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*, Blome Jacobsen, Laurie (ed.). Oslo: FAFO Institute for Applied Social Science, 2003, p. 20, p. 25.
- ³⁹ Dalen, Kristen and Jon Pedersen, *The Future Size of the Palestinian Population of the West Bank and Gaza Strip*, Fafu report 433, Norway: Allkopi Sarpsborg, 2004, p. 7.
- ⁴⁰ *Infant Mortality Rate in the occupied Palestinian territories, Child Basic Indicators* – occupied Palestinian territories, UNICEF Website, 2005. Statistics for Palestinian-Arab population in Israel were obtained from "The Arab Population of Israel 2003", Statistilite 50, Israel Central Bureau of Statistics.
- ⁴¹ *Supra*, note 39, p. 7.
- ⁴² Between 1950 and 1995, the Palestinian population in 16 selected regions of the Middle East grew by an average of 3.3% per annum. For the last five-year period, the Palestinian population in these 16 countries increased at the highest rate ever, 3.7% per year. See Adlakha, Arjun L., Kevin G. Kinsella and Marwan Khawaja, *Demography of the Palestinian Population with Special Emphasis on the Occupied Territories*. Available at: <http://www.undp.org/popin/regional/escwa/popbull/bull43/chapter2.htm>.
- ⁴³ *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I, Socio-economic Conditions of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Blome Jacobsen, Laurie (ed.). Oslo: FAFO Institute for Applied Social Science, 2003, p. 20.



Burj al-Barajneh Camp, Lebanon, 2003. (Frederick Rosen/BADIL)

Living Conditions

Preface

Mass displacement and dispossession over almost six decades has had a discernable impact on the living conditions of Palestinian refugees and internally displaced persons (IDPs). Lack of respect for human rights in host areas and inside their homeland, inadequate levels of assistance, and poor human development in some host countries have an ongoing impact on refugee living conditions.

At the heart of human development lies freedom. The unresolved Palestinian-Israeli conflict is the most negative factor affecting the living conditions of Palestinian refugees and those internally displaced. The protracted conflict distorts national policy priorities, impedes human development and limits opportunities for growth, prosperity and freedom across the region. While the conflict has region-wide implications, Palestinian refugees and IDPs are the most vulnerable to its impact.

Employment and household income, housing conditions, educational attainment and opportunities, and the health of refugees and IDPs are important indicators for public planning and policies relative to protection and assistance, as well as durable solutions. Refugee status varies across host countries, between refugees inside and outside camps, and between refugees and host country nationals.

Refugees and IDPs often experience higher rates of unemployment and poverty and lower incomes. Housing conditions in many areas do not meet international standards. Education attainment, elementary enrolment and literacy rates are generally high, but there is a mixed relationship between education and economic opportunities. Mother and child health indicators are fairly good; however, refugees appear to experience higher rates of chronic illness and psychological distress.

Protracted conflict, shortfalls in donor contributions and inadequate protection have led to a steady decline in Palestinian living conditions over the last decade. In many areas, the legal status of Palestinian refugees and IDPs compare unfavourably with that of host-country nationals, and when compared to relevant international standards.

3.1. Employment, Labour Force Participation and Income

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

3.1.1 Employment Structure

Construction, manufacturing/industry and services are the largest sectors of employment for refugees residing in the occupied Palestinian territories, Jordan, Lebanon and Syria, and among IDPs in Israel. Approximately half of all refugee men are employed in construction, trade and manufacturing/industry. Women are more likely to be employed in education, health and manufacturing.

Although a majority of refugees and IDPs originate from rural villages, few today are employed in agriculture.¹ The same applies to Palestinians inside Israel relative to Jewish nationals (less than two per cent of Palestinians in Israel work in agriculture).² Palestinian refugees are under-represented in the public administration and agricultural sectors compared to host country nationals. In the 1967-occupied Palestinian territories, however, there are few differences between the refugee and non-refugee Palestinian populations, although slightly more non-refugees are employed in agriculture.

Similarly to Palestinian refugees elsewhere, Palestinian men in Israel mainly work in the field of construction (23.5%), manufacturing (16.7%), wholesale and retail trade (15.9%), and education (7.9%), while Palestinian women work primarily in education (44.8%), health services (13.4%), wholesale and trade retail (8.8%), and manufacturing (8.3%).³

There are few major differences in the employment structure between camp and non-camp refugees. Construction, industry and services are the largest sectors of employment for both groups. Palestinian refugees outside camps in the 1967-occupied Palestinian territories, Jordan, Lebanon and Syria, however, are more often employed in agriculture and in public administration. In Jordan and Syria, manufacturing plays a more important role for refugee women in camps than for women residing outside camps.

3.1.2 Labour Force Participation

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

Table 3.1 - Employment Structure of Employed Refugees in Lebanon, Jordan, Syria, OPT, 2003

Field of Work	Per cent of the Employed												
	Jordan		Lebanon		non-camp		Syria		non-camp		oPt*		
	Camp	non-camp	Camp	non-camp	Camp	non-camp	Camp	non-camp	Camp	non-camp	Camp	non-camp	
Agriculture, Fishing	1	5	10	10	17	14	1	2	18	10	3	6	24
Mining, Manufacturing	20	30	14	12	12	14	18	23	10	13	14	15	12
Construction	13	0	26	1	1	18	2	0	-	16	23	23	1
Public	28	11	27	7	21	31	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Trade, Hotels, Restaurants	11	0	6	2	2	6	18	6	3	15	14	18	9
Transportation, Storage, Communication	N/A	N/A	N/A	N/A	N/A	N/A	6	1	1	7	6	5	1
Public Administration	4	3	0	0	0	0	14	11	17	17	N/A	N/A	N/A
Education, Health, Social	11	42	8	32	32	7	7	39	42	7	N/A	N/A	N/A
Other Services	11	8	9	23	15	9	18	18	10	15	41	33	54

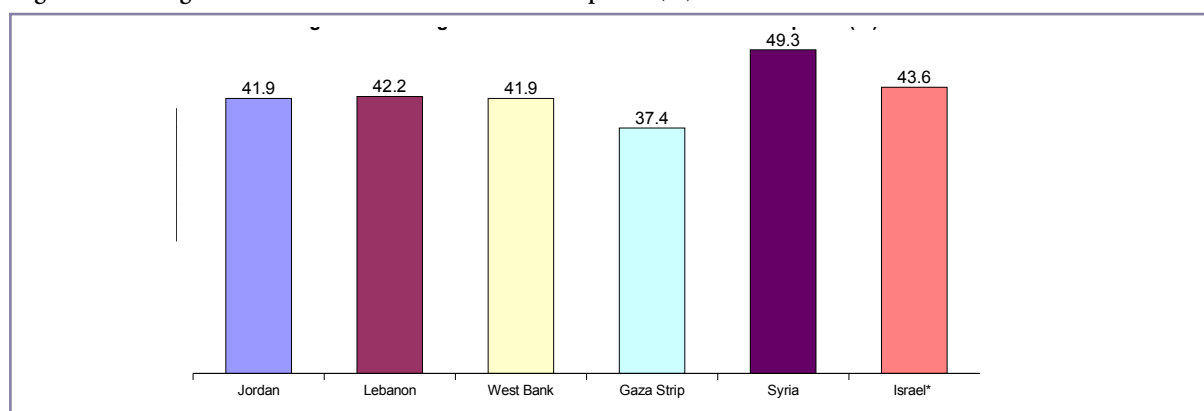
Source: FAO: Institute for Applied Social Science, 2003. *Finding Means. UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Non-camp figures for Lebanon only include refugee "gatherings" (defined as a community outside a camp with 25 or more households). Figures from the Central Bureau of Statistics and Natural Resources in Damascus state that only 2% of employed persons (15 years and over) are employed in agriculture, and only 11% in education and health. Figures for the remaining sectors are similar. Palestinian Central Bureau of Statistics, 2003, *Statistical Abstract of Palestine No. 4*. Non-camp figures only include refugee "gatherings".



Dheisha Camp, Bethlehem, West Bank, 2005 (Anne Paq)

Refugees in camps tend to have slightly lower rates of labour force participation. Camp men tend to enter and exit the labour force at an earlier age, possibly due to health problems related to living conditions in camp and employment in difficult working conditions.⁴ In Lebanon, refugees in camps have slightly higher rates of participation than refugees in gatherings outside camps. Refugee camps in the occupied Gaza Strip have the lowest rate of labour force participation. Labour force participation rates in Jordan, Lebanon and Syria are higher among non-refugees than refugees, and higher among Jews (57.1% labour participation) than Palestinians inside Israel (43.6%).⁵ In the 1967-occupied Palestinian territories, there are few differences between refugees and non-refugee Palestinians.

Figure 3.1 - Refugee and IDPs – Total Labour Force Participation (%)



Sources: The data for Jordan and Syria is from 2000 and 1999 for Lebanon. See *Statistical Abstract of Palestine* No. 5. Ramallah: Palestinian Central Bureau of Statistics, November 2004, pp. 39, 332.

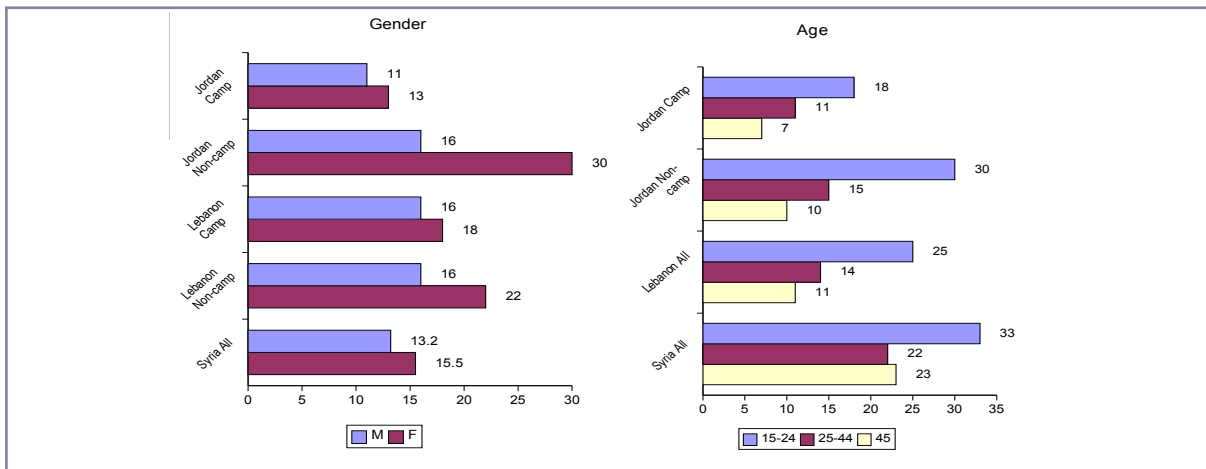
* This number reflects the labour force of the entire Palestinian population in Israel, including IDPs. The 2003 statistics from FAFO indicate a lower labour force for IDPs in Israel (41.1). *Palestinians in Israel, Socio-Economic Survey, 2004*, prepared by Ahmad EL-Sheikh Muhammad, Shefa-Amr: The Galilee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

Participation among refugee women compared to refugee men is very low. Labour force participation rates for refugee men are approximately 70%, while they are 9-18% for refugee women.⁶ Labour force participation generally increases with higher education, especially among women. In 62% to 72% of the cases, study is the most important reason for economic inactivity among young men (15-24 years old). For men between 25 and 45 years old, discouragement (between 25% and 38% in Jordan and Lebanon) is the most commonly cited reason for non-participation in the labour force. Older men cite health reasons and retirement as the principal reason for economic inactivity. Young refugee women aged 15 to 24 in Lebanon and Jordan identify family duties (44% and 43% respectively) and study (30% and 41% respectively) as the most important reasons for economic inactivity; among older women, family duties are given as the single most important reason (varying between 66% and 86% among women over 25 years old).⁷

3.1.3 Employment

Unemployment rates range from 7% to 30%, although rates in the occupied Palestinian territories are substantially higher at present, as a result of Israeli military activity during the second *intifada*. Unemployed persons include everyone who did not work at all in the set reference period, not even for one hour, although they were available for work and actively sought work during that period. The unemployment rate is the proportion of unemployed persons to the total labour force.

Figure 3.2 - Unemployment Rates (by age) in Jordan, Lebanon, and Syria (2003)



Sources: FAFO, Institute for Applied Social Science, 2003. *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. In Lebanon, the category "camp" includes non-camp refugees in categories for age and education, due to insufficient data for separate breakdown. For Lebanon, the figure for ages 15-24 is the unweighted average of smaller age groups used by the PCBS. Palestinian Central Bureau of Statistics, 2003, *Statistical Yearbook of Palestine No. 4*. Non-camp figures for Lebanon only include refugee "gatherings" (defined as a community outside a camp with 25 or more households).

Unemployment is higher among refugee women than among men in Jordan, Syria, and Lebanon and among IDPs in Israel, but there are few differences between refugee women and men in the 1967-occupied Palestinian territories. In the occupied Palestinian territories, the unemployment rate varies between 22.4% (World Bank) and 32%, including under-employment (Palestinian Central Bureau of Statistics).⁸ Unemployment rates for 2005 are particularly high in the occupied Gaza Strip (44%) and in most refugee camps (reaching over 60%).⁹ In Israel, the unemployment rate is 14.8% and 10.2% for Palestinian women and men respectively.¹⁰ Unemployment is also high among young refugees and Palestinians

in Israel (19.9% for 15-24 year-old Palestinians in Israel).¹¹ The level of education has a mixed association with unemployment rates. In the occupied West Bank, Gaza Strip and Jordan unemployment decreases with higher education while the level of education has no impact on the unemployment level in Lebanon. In Israel, the unemployment rate for Palestinians decreases to 5.9% for those who have 13 or more years of education.¹²

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

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

3.1.4 Income

Annual per capita incomes range from US \$450 to US \$600. Household incomes are higher among refugees in the 1967-occupied Palestinian territories than elsewhere, and lowest among refugees in Syria.¹³ However, employed persons in the occupied Palestinian territories have seen their salaries decrease from a monthly average of US \$500 before September 2000 to US \$349 in the first quarter of 2005.¹⁴ Most refugee households rely on income from wages and self-employment. Those households that depend on transfers remain a vulnerable low-income group.

Refugee camps are low-income areas compared to non-camp areas. This is especially true in Lebanon. In the occupied Gaza Strip, refugee camps and villages have the same income levels. Camp households in Gaza and Lebanon have the lowest access to wage employment. Camp households in Lebanon rely more on self-employment than elsewhere. Refugees in camps in the occupied Gaza Strip rely the most on transfers, while non-camp refugees in Syria are the least dependent on transfers.

Table 3.2 - Main Sources of Income

	Jordan		Lebanon		Syria		Gaza		West Bank
	Camp	Non-camp	Camp	Non-camp	Camp	Non-camp	Camp	Non-camp	Camp
Wage	62	60	56	67	63	62	55	59	73
Self-employment	17	21	23	14	21	24	12	16	12
Transfers	19	14	18	17	13	11	27	20	16
Other	3	4	1	2	4	3	9	10	10

Source: FAFO, Institute for Applied Social Science, 2003. *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Figures for Gaza and West Bank (1996). Non-camp figures for Lebanon and Syria only include refugee "gatherings" (defined as a community outside a camp with 25 or more households).

Poverty and Palestinian Refugees

Levels of poverty are linked to family size, health, access to paid work, and access to transfers from others.¹⁵ Poverty rates are particularly high among a large proportion of individuals living in households with a high ratio of dependents to the number of working-age adults. Families that do not qualify for assistance and are without employed members live in the most precarious conditions. By contrast, female or elder-headed households with no employed members are often poor, but are generally in a better situation than families with many dependents and those ineligible for assistance. Their relatively less precarious situation can be attributed to assistance from UNRWA or family members.

Still, UNRWA notes a clear feminization of poverty. While women headed only 13.8% of all refugee households in 2005, female-headed households accounted for 46% of those families experiencing special hardship.¹⁶

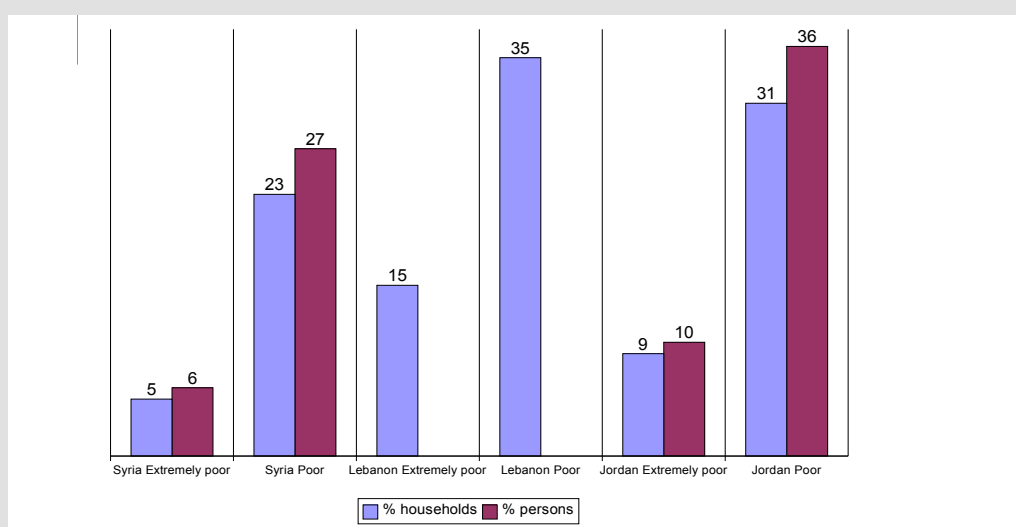
In general, refugees living in camps have weak safety nets for coping with economic downturns. Many camp dwellers are poor, with the proportion of people earning less than two dollars a day per person ranging from 25% in Syria to 35% in Lebanon. In the camps, persons with higher levels of education and those working for UNRWA or other international organizations are least likely to be poor.¹⁷

In Lebanon, there are more impoverished people among camp and gatherings of refugees than in other UNRWA fields.¹⁸ The high levels of poverty among refugees in Lebanon is due to the exclusion of refugees from the formal labour market and their comparatively poor health. Refugees make up the highest proportion of families with no employed member. While Lebanon has a higher per capita national income than other countries, refugees are poorer than in any other UNRWA area of operations.

Refugees in Syria enjoy relatively higher incomes than those in other Arab countries where UNRWA operates, although Syria is the poorest of these. This is because refugees' rights are generally respected, the level of education among middle-aged working refugees is higher, and more refugee women in Syria work.¹⁹ While informal discrimination and exclusion from the labour market play a role in Jordan, government welfare protects a significant portion of refugees from slipping into poverty.

In the occupied Palestinian territories, the economic crisis has seriously compromised Palestinian living standards.²⁰ Five years of severe of closure and curfews have created new economic structures that offer little potential for growth, and which have led to the fragmentation of Palestinian social networks and public services.²¹ Many families have exhausted their savings and have resorted to more extreme coping mechanisms, such as reducing quality and quantity of food, and borrowing money from friends and family to buy food.

Figure 3.3- Household Poverty Rates



Source: FAFO, Institute for Applied Social Science, 2003. *Finding Means, UNRWA's Financial Situation and the Living Conditions of Palestinian Refugees. Summary Report*. Oslo: FAFO, Institute for Applied Social Science, 2000. In 2002, 46.8% of Palestinians in Israel lived below the poverty line (Israel Central Bureau of Statistics, 2001/2002).

Despite a certain stabilization of unemployment and poverty levels since the worst period of humanitarian crisis in 2002-2003, unemployment and poverty rates remain abnormally high, at 23% and 43% respectively in 2005.²² It is estimated that 23% of the Palestinian population of the occupied territories may be living in deep poverty.²³ Poverty is defined as a per capita consumption of no more than US \$2.3 per day for two adults and four children, and deep poverty as US \$1.5 per day.²⁴ The Palestinian labour market is characterized by many working poor, who have low levels of education (20% have not completed primary school). These working poor are engaged in part-time work (35%), sporadic work (48%), or unpaid family employment (7%). Sixteen per cent live in subsistence (deep) poverty and are unable or barely able to afford the basics of survival.²⁵ Despite the slight improvement of the situation since the severe crisis of 2002, the gap between rich and poor is widening, and more people say they need humanitarian assistance.²⁶ The occupied Gaza Strip is the poorest region, while in the occupied West Bank, poverty is more prevalent in camps and villages in Hebron, Bethlehem, Jenin and Tubas in comparison to urban areas.²⁷

Since the beginning of the second *intifada*, 90% of the population in the occupied Palestinian territories has reduced food consumption.²⁸ In 2004, the international Food Aid Organization (FAO), in co-operation with the World Food Program (WFP) and UNRWA, conducted a food security assessment in the occupied Palestinian territories. This found that food availability was limited as a result of restrictions on movement. Some 1.4 million people (approximately 40% of the population of the occupied West Bank and Gaza Strip) were considered food-insecure, and a further 1.1 million (30%) were deemed under threat of becoming food-insecure should current conditions persist.²⁹ The World Bank has also warned that food insecurity is a reality for many, and a threat for an increasing number of people.³⁰ It is also estimated that 85% of the families affected by the Wall in the occupied West Bank live from pay-cheque to pay-cheque and have no or little savings.³¹ Families affected by the Wall have developed coping mechanisms, notably reducing their monthly expenditure (80%). Households affected by the Wall have expressed the need for food (48%) as their top priority, followed by employment (24.3%), education (12.2%), and medical treatment (9%).³²

There are only minor differences in income levels between refugees outside camps and non-refugees in Jordan. This also appears to hold true for the 1967-occupied Palestinian territories. Refugees in Lebanon, however, have significantly lower levels of income than non-refugees. More non-refugees than refugees rely on wages as their principle source of income.

3.2 Housing

Substandard housing is an indicator of lack of development. It is also linked to poor health and has a disproportionately severe impact on women and other caregivers, children, handicapped people and the elderly.³³ Overall, housing conditions are best in Syria and Jordan, followed by the occupied Palestinian territories and Lebanon. However, within these geographical areas, housing conditions differ widely.

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

3.2.1 Overcrowding

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

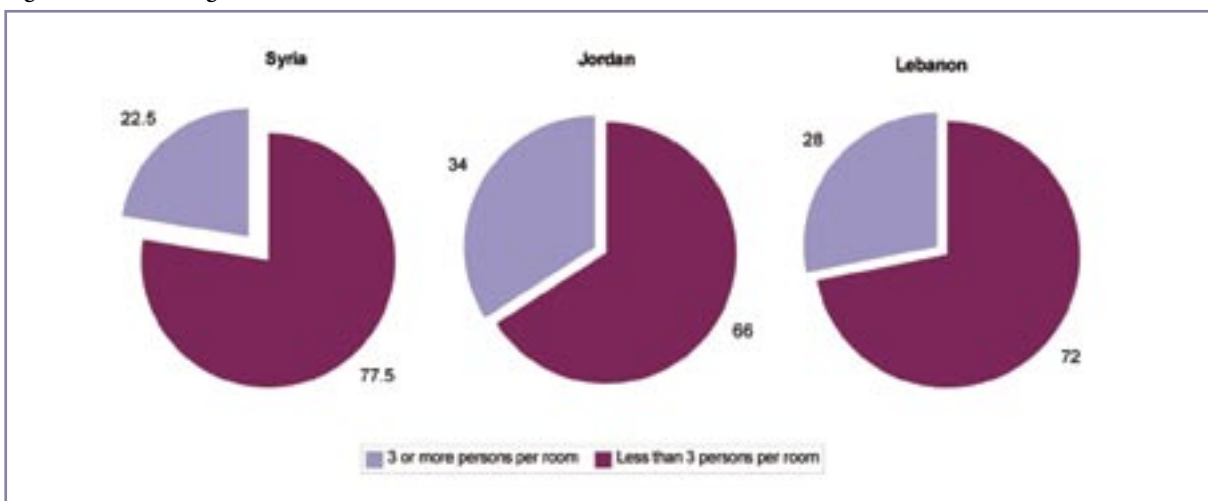


A refugee in 'Aida Camp, Bethlehem, tries the keys to his new shelter built next to his old tent. (UNRWA Archives)

households in Lebanon are less crowded than refugee households. There are fewer differences in crowding between non-refugee households and refugee households outside camps in Jordan and in the 1967-occupied Palestinian territories.

Refugee dwellings comprise an average of three rooms. Average housing capacity is smallest in Lebanon (2.5 rooms outside camps and 3 in camps) and Syria (2.9 rooms outside camps and 3.0 in camps); housing units in Jordan (3.2 rooms outside camps and 2.8 in camps) are slightly larger, and those in the occupied

Figure 3.4 - Percentage of Overcrowded Households, 2004



Source: Jacobsen, Laurie Blome, "Community Development of Palestinian refugee camps: Analytical support to Jordan's preparations for the June 2004 Geneva Conference on the humanitarian need of Palestinian refugees", *The Material and Social Infrastructure, and Environmental Conditions of Refugee Camps and Gatherings in Lebanon, Jordan and Syria*, Oslo: FAFO Institute for Applied International Studies, 2004, Table 1.



Palestinian territories offer the most room (3.5 rooms in camps and 3.1 outside camps).³⁴ The average number of rooms in a Palestinian housing unit in Israel is 4 and housing density is 1.31 per room (1.73 in the south), compared to 0.87 persons per room among the Jewish population.³⁵ The area of housing units in camps in the 1967-occupied Palestinian territories and in Jordan is larger than in Lebanon.³⁶ However, housing densities in camps are the highest in the 1967-occupied Palestinian territories and Jordan, followed by Syria (excluding Yarmouk camp) and Lebanon.

Burj al-Barajneh Camp, Lebanon, 2003. (Frederick Rosen/BADIL)

Palestinian households in Israel, including IDP households, suffer from a shortage of land designated for development. Around 23% of Palestinians households have suffered from land confiscation between 1947 and 2004, while 8.7% of the households have had their homes demolished or confiscated by the Israeli government during the same period.³⁷ Around 44% of the Palestinian households have reported that their inability to build a needed housing unit [note cut – original



Mieh Mieh Camp, Lebanon, 1952.
(UNRWA Archives)

didn't make sense] is due to the scarcity of available building land. In the southern part of the country, 24.1% of the Palestinians live in tents and shacks.³⁸

3.2.2 Infrastructure

Historically, camps in the occupied Palestinian territories have had better household infrastructure. Residents of Yarmouk camp and in those in gatherings in Syria have better infrastructure than camp refugees in Jordan and Lebanon. Access to basic infrastructure in refugee camps is generally better than in the group of Arab countries as a whole.³⁹ The primary infrastructure problem facing all refugee households is access to a safe and secure supply of drinking water. Refugee households are most dissatisfied with water supply in Syria (43%), followed by Jordan (28%) and Lebanon (27%), while water quality is of concern for 35% of refugees in Lebanon, 31% in Syria and 20% in Jordan.⁴⁰

In Syria, nearly 95% of Palestinian refugees have heating, electricity and indoor toilet facilities, and are connected to a sewer system or septic tank. Between 80% to 85% of the refugees in Syria have private baths, piped water and a garbage collection service.⁴¹ Infrastructure is generally less developed in rural camps and gatherings than in urban areas, where most refugees live. In gatherings, for instance, 14% of the households are not connected to a sanitation system (sewerage network or septic tank), 25% do not benefit from a garbage collection service, and 27% do not have a safe and secure drinking water supply.⁴² In Jordan, the main problems are crowding and poor indoor environment. Approximately 60% of the households do not have a secure water supply, 55% do not have a private bath or shower, and some 20% do not have an indoor toilet. Living conditions are comparatively better for refugees living in urban areas, whereas

households in rural areas are less likely to have access to potable water and a stable electricity supply.

Infrastructure problems are most severe among Palestinian households in Lebanon, where sanitation and water supply is inadequate in comparison with the national average and the conditions of Palestinian refugees in other Arab countries. Around 45% of refugees have neither indoor piped water nor access to safe drinking water. This problem, as well as problems with access to a stable electricity supply, is especially severe in camps located in the north of Lebanon.⁴³ Close to 30% of the households do not have a garbage collection service. Solid waste disposal is a significant problem for close to 65% of the households in gatherings. In camps, UNRWA generally provides sewerage services, because Lebanon does not allow camps to connect to municipal sewage systems. Nevertheless, 22% of camp households in the south lack connection to a sewerage network or septic tank.

Table 3.3 - Infrastructural Amenities in Syria, Jordan and Lebanon (% of households), 2004

	Syria	Jordan	Lebanon
Private bath/shower	82	45	65
Toilet inside living quarters	96	77	95
Sewage network/septic tank	97	98	86
Garbage collected	85	88	73
Drinking water piped into residence	80	92	50
Secure drinking water supply	86	40	63
Connected to electricity network	100	100	98

Source: Jacobsen, Laurie Blome, "Community Development of Palestinian refugee camps: Analytical support to Jordan's preparations for the June 2004 Geneva Conference on the humanitarian need of Palestinian refugees", *The Material and Social Infrastructure, and Environmental Conditions of Refugee Camps and Gatherings in Lebanon, Jordan and Syria*, Oslo: FAFO Institute for Applied International Studies, 2004, Table 2.

The vast majority of Palestinians in Israel are connected to the public water network (97%), and 94% are connected to the public electricity grid. In the south of the country, however, only 61% of the households are connected to public electricity; most of the rest (37.5%) obtain electricity from private sources.⁴⁴ Among Palestinian households, 83.5% are connected to the public sewerage network. The lower average is caused by the fact that "unrecognized Palestinian villages" are generally not connected to the public sewerage system (which affects more than 98% of these households).⁴⁵

3.2.3 Environment

Since 1948, cinder block and concrete shelters have eventually replaced tents, huts and other forms of emergency shelter. Housing made of concrete or concrete blocks is difficult to insulate and keep dry, increasing the risk of sickness and disease, especially in winter.⁴⁶

Between one and three per cent of camp refugees live in temporary or substandard housing.⁴⁷ The percentage of refugees residing in makeshift or otherwise unsafe housing is highest among non-camp refugees.⁴⁸ Indoor living conditions are, however, generally worse among camp refugees than non-camp refugees.

Table 3.4: % of Households with Indoor Environmental Problems

	Lebanon		Jordan		Syria		
	Camp	Non-camp	Camp	Non-Camp	Yarmouk	Camp	Non-camp
Humid	66	62	60	61	41	53	46
Cold in winter	66	68	56	49	48	61	56
Hot in summer	64	58	65	39	52	60	51
Poorly ventilated	41	28	45	22	22	24	13

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

Table 3.5 - Dissatisfaction with Housing and Indoor and Outdoor Environment (% of households), 2004

	Syria	Jordan	Lebanon
Dissatisfied with noise	35	35	42
Dissatisfied with indoor environment	17	34	23
Dissatisfied with outdoor pollution	24	36	37
Dissatisfied with space/size	32	33	38
Dissatisfied with lack of privacy	24	18	31
Dissatisfied with housing cost	22	N/A	42
Dissatisfied with lack of safety for children	28	33	32

Source: Compilation of data from reports by Laurie Blome Jacobsen, "Community Development of Palestinian refugee camps: Analytical support to Jordan's preparations for the June 2004 Geneva Conference on the humanitarian need of Palestinian refugees", *The Material and Social Infrastructure, and Environmental Conditions of Refugee Camps and Gatherings in Lebanon, Jordan and Syria*, Oslo: FAFO, Institute for Applied International Studies, 2004, Tables 3 and 5.

Refugees in Lebanon are the most affected by noise, outdoor pollution, housing costs, lack of privacy and lack of safety for children, while refugees in Jordan are generally dissatisfied with their indoor environment.⁴⁹ Satisfaction among refugees is highest in Syria.

A poor outdoor environment includes few, if any, public outdoor areas and green spaces, inadequate or absent garbage collection, air pollution and insufficient safe outdoor or play spaces for children.⁵⁰ A significantly high number of refugees in Lebanon complain of the smell of waste (70.4%) compared to Syria, where only 18% have made similar complaints.⁵¹ Palestinians living in Israel, including IDPs, have identified noise (32% of households), offensive odours (sewerage 28%; solid waste 23%; agricultural waste 24%), and dust (29%) resulting from unpaved roads as their main environmental problems.⁵²

3.3 Education

Education is highly valued as a means of reaffirming identity and offering an opportunity for a better life in the face of the protracted nature of the Palestinian refugee crisis. Many refugees have benefited from the excellent elementary education provided by the UNRWA. A study commissioned by the UNRWA on adolescents' knowledge of and attitudes towards family and reproductive health issues and lifestyle practices, showed that 76% of the respondents aspired to higher education.⁵⁵ Access to secondary and higher education in some host countries is restricted. Financial constraints prevent other refugees from continuing education.

Destruction of Refugee Camp Housing



Rafah Camp, Gaza, 2004. (Ron Welkinson/BADIL)

During the past five decades, refugee shelters in Jordan, Lebanon and the 1967-occupied Palestinian territories in particular, have been subject to widespread damage and destruction. In the occupied West Bank, Israeli forces destroyed several refugee camps in the Jordan Valley on both sides of the Jordan River, including Nuweimeh camp in Jericho in 1967 and the camp at Karameh on the Jordanian side of the border in 1968. Most of the refugees living in Ein al-Sultan and Aqbat Jabr camps in Jericho were displaced to Jordan. In Lebanon, Israeli warplanes totally destroyed through bombing al-Nabatiya refugee camp near the city of al-Nabatiya in south Lebanon in 1974. Refugees were displaced to Ein al-Hilweh refugee camp and other camps in Beirut. Two years later, Christian Phalangist forces razed Tal az-Za'ater and Jisr al-Basha refugee camps in eastern Beirut. Refugees were displaced yet again to Ein al-Hilweh and other Beirut camps.

Table 3.6 - Refugee Camps Destroyed in Lebanon

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

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

During the 1970s and 1980s, the Israeli military demolished over 10,000 refugee shelters in several large refugee camps in the occupied Gaza Strip, displacing more than 62,000 refugees (UNRWA Accommodation Office). The demolition campaigns, carried out under the guise of security operations, aimed to "thin out" the large refugee camps and facilitate forced resettlement of the refugees.

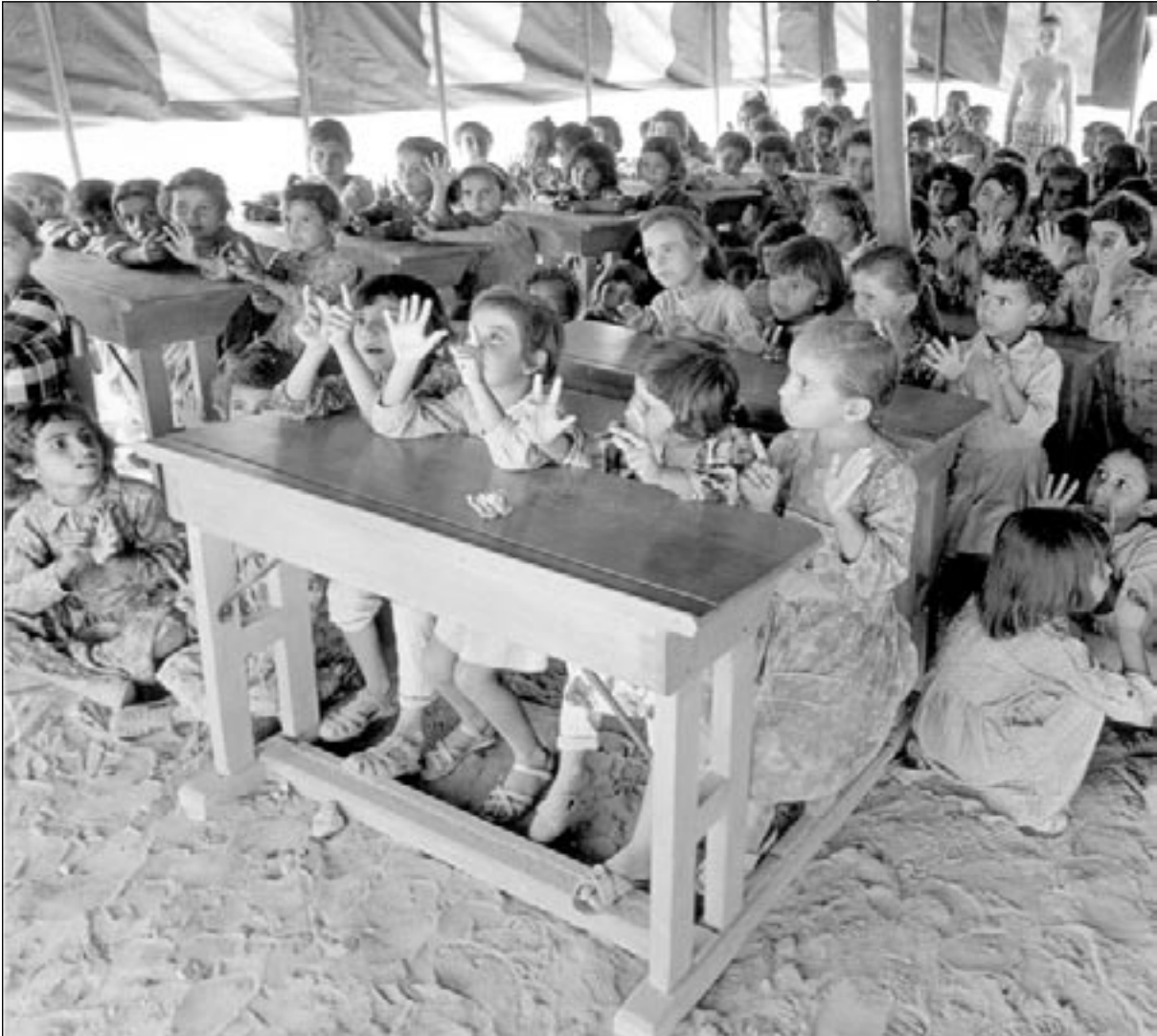
During the 1980s, according to UNRWA estimates, 57% of refugee homes in the eight camps in Beirut, Saida and Tyre areas of Lebanon were destroyed and 36% damaged in aerial bombardment, ground fighting, and subsequent bulldozing following Israel's military invasion of the country. The vast scale of the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

In the occupied Gaza Strip the Israeli army has demolished 2,521 refugee shelters. between October 2000 and 30 June 2005 rendering 4,337 families (24,151 persons) homeless.⁵³ The Israeli army continued extensive house demolitions there until the end of 2004, destroying or damaging beyond repair a total of 721 homes and rendering 1,123 families homeless. Another 392 homes were seriously damaged and in need of substantial repair. UNRWA was able to rebuild only 402 shelters, and to assist in the repair of 339. An additional 148 shelters for 165 families were in the process of being rebuilt, or at the tendering stage, at the end of June 2005 the, and some 272 were being repaired.⁵⁴

Table 3.7 - House Demolition in the Occupied Gaza Strip per Area Since the Beginning of the second Intifada, 2004

Area	2000				2001				2002				2003				2004		Total
	4 th quarter	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	1 st quarter	April				
Rafah	11	1	50	63	26	74	28	55	103	161	78	24	227	93	65	1059			
Khan Yunis	36	2	28	1	51	5	1	13	5	30	45	2	31	15	0	265			
Central Gaza Strip	21	8	6	0	4	18	3	2	20	15	8	1	7	12	3	128			
Gaza	44	18	5	0	2	23	3	6	12	12	8	0	156	5	0	294			
Northern Gaza Strip	1	14	9	2	1	10	1	11	12	36	22	0	0	0	1	121			
Total	113	43	98	66	84	130	36	87	153	254	160	27	430	125	69	1867			

Source: "Uprooting Palestinian trees and Leveling Agricultural Land", *The Tenth Report of the Israeli Sweeping and Demolition of Palestinian Buildings and Facilities in the Gaza Strip*, Gaza: Palestinian Centre for Human Rights, 30 April 2004, p. 18.



Education-related problems for refugees differ among the host countries, and include a serious gender gap in the 1967-occupied Palestinian territories, inadequate education among young men in camps in Jordan, a significant number of young adults in Syria who lack basic education, and generally high levels of illiteracy.⁵⁶ During the civil war and the Israeli invasion of Lebanon, some refugee children lost more than a year of schooling. In the 1967-occupied Palestinian territories, refugee children lost between 35% and 50% of class time during the first *intifada*. The second *intifada* has negatively affected access to education and the quality of education provided in the occupied Palestinian territories.⁵⁷ Israeli military and Jewish settler activity in the occupied Palestinian territories has seriously affected the capacity of students to concentrate, participate in class, and meet amongst themselves for study purposes.⁵⁸

UNRWA school in a camp set up in Jordan after the 1967 War. (UNRWA Archives)

3.3.1 Enrolment

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

Table 3.8 - Enrolment Levels (by age) in Lebanon, Jordan and Syria

	Lebanon		Jordan		Syria	
	M	F	M	F	M	F
7-9	97	98	100	100	98	98
10-14	87	91	93	94	91	91
15-18	42	61	60	51	48	55
19-24	11	11	12	14	14	17

Sources: FAFO: Institute for Applied Social Science, 2000. *On the Margins: Migration and Living Conditions Among Palestinian Refugees in Camps in Jordan*; FAFO: Institute for Applied Social Science, 2003. *Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon*; Palestinian Central Bureau of Statistics, 2003. *Statistical Yearbook of Palestine No. 4*.

Among refugees in camps, dropping out generally increases at a higher rate among young refugee men; however, camp refugees in the occupied Palestinian territories stay in school longer than in other Arab host countries. In the occupied Palestinian territories, however, over three per cent of students in the localities affected by the Wall left school as a direct result of the Wall and its associated regime, while 26% left school because of the worsening economic situation.⁵⁹ Non-camp refugees in Jordan have higher rates of preparatory and secondary enrolment than camp refugees; however, in Lebanon, secondary enrolment among refugees outside camps is also very low. In the 1967-occupied Palestinian territories, non-refugee Palestinians have a slightly lower enrolment rate than camp and non-camp refugees.

Over 98% of Palestinians in Israel have enrolled in the education system at one point in their lives. The drop-out rate of Palestinians in Israel aged five years and above is over 24%.⁶⁰

3.3.2 Educational Attainment

Palestinian refugees in Jordan have the highest levels of education, followed by refugees in the 1967-occupied Palestinian territories (see "Achievement" below). Educational attainment is lowest in Lebanon, where many adults have not completed basic education. In the occupied Palestinian territories, educational attainment among women lags behind that of men. Nevertheless, there are more refugee women in the occupied Palestinian territories who have at least secondary education than refugee women in Lebanon, Jordan and Syria.

Refugees in camps in the occupied Palestinian territories have the lowest number of persons with less than basic education, with the exception of non-camp refugees in Jordan. In Syria, Jordan and Lebanon, there has been no improvement in the educational status of men in camps below age 50, and a decline among men in the youngest age group.⁶¹ In Jordan, there are more camp refugees without basic education than refugees outside camps, but the opposite holds true for Syria.

Table 3.9 - Highest Level of Education Completed in Lebanon, Jordan, Syria and OPT

	Lebanon	Jordan	Syria	oPt*
Bachelor and above	3.0	16.0	3.7	14
Associate diploma	2.0		6.6	14
Secondary	5.5	8.0	8.9	44
Preparatory	16.1		19.3	17
Elementary	34.5	14.0	34.2	5
Less than elementary	38.9	62.0	27.3	1

Sources: FAFO: Institute for Applied Social Science, 2003. *On the Margins: Migration and Living Conditions Among Palestinian Refugees in Camps in Jordan*; FAFO: Institute for Applied Social Science, 2003. *Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon*; Palestinian Central Bureau of Statistics, 2003. *Statistical Yearbook of Palestine No. 4*; IUED: Graduate Institute of Development Studies, 2003. *Palestinian Public Perceptions on their Living Conditions, Report IV, October 2003*. Figures for Lebanon and Syria include camps and "gatherings" (defined as a community outside a camp with 25 or more households); figures for OPTs includes camps only.



Refugees in camps in Jordan and Lebanon have lower levels of education than host country nationals. Palestinians inside Israel also have lower levels of attainment compared to Israelis. Among Palestinians in Israel, 15% have elementary education, 24% preparatory education, 14.4% secondary education, and 8.8% have a first or higher university degree.⁶² Palestinians in Israel who enroll in post-secondary education usually opt for education and teacher training, engineering, behavioural sciences and business studies. In the 1967-occupied Palestinian territories, there are few differences between attainment levels of camp refugees and non-refugee Palestinians.

*UNRWA elementary school.
(UNRWA Archives)*

3.3.3 Achievement

Since the beginning of the second *intifada* in 2000, refugees' achievements in UNRWA schools in the 1967-occupied Palestinian territories have shown an average decline of 9.4% in the four main subjects taught (Arabic, Maths, English, and Science).⁶³

3.3.4 Literacy

Refugee men and women in Syria have the highest literacy rates, followed by male refugees in the 1967-occupied Palestinian territories. Persons are defined as literate if they can read or write. In the occupied Palestinian territories, female illiteracy is nearly three times that of males. Refugees in Lebanon have the highest illiteracy rates (34% on average). The fact that there is no gender gap in Lebanon reflects the high rate of illiteracy among refugee men.⁶⁴

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

Table 3.10 - Illiteracy (by age) in Lebanon, Jordan and Syria (%)

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

Sources: FAFO: Institute for Applied Social Science, 2000 *On the Margins: Migration and Living Conditions Among Palestinian Refugees in Camps in Jordan*; FAFO: Institute for Applied Social Science, 2003. *Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon*; Palestinian Central Bureau of Statistics, 2003. *Statistical Yearbook of Palestine No. 4*. Figures for Lebanon and Syria include camps and "gatherings" (defined as a community outside a camp with 25 or more households).

Literacy levels among Palestinian refugees are generally higher than for the Arab states as a group.⁶⁵ This is especially the case for refugee women. In Lebanon, however, there are high levels of illiteracy among refugees compared to the national population. There is little difference between refugees and non-refugee Palestinians in the 1967-occupied Palestinian territories. Palestinians in Israel have a literacy rate of 94.4%. This rate is, however, lower in the south of the country (85.2%) and among females in general (91.3% compared to 97.3% for males).⁶⁶

3.4 Health

The health status of Palestinian refugees is in transition from a developing to a developed stage. The health of women and children has improved dramatically over the course of the last five decades. The best reported health outcomes are in the 1967-occupied Palestinian territories, Jordan and Syria. Armed conflict, ineffective protection and insufficient assistance leave refugees in Lebanon the most vulnerable to health problems. Between 30,000 to 40,000 Palestinians were killed during the civil war and the Israeli invasion in Lebanon in 1982. During the first *intifada* in the occupied Palestinian territories, more than 73,000 Palestinians were killed or injured, while the number of casualties and injured in the current *intifada* stands at 30,000.⁶⁷



Around 42% of households affected by the Wall in the occupied West Bank are separated from health services (hospitals and medical centres). Impeded access to medical care is particularly acute in the Seam Zone, where 79% of families are separated from health centres and hospitals.⁶⁸

Amari Camp, Ramallah, West Bank. (Paul Jeffrey/ACT International)

Improvements in general health have led to a situation where “[i]n addition to the steady decline in infant, child and maternal mortality, the refugee populations are undergoing an epidemiological transition towards patterns in more developed countries characterized by the increased incidence of non-communicable diseases, such as cardiovascular diseases and diabetes, while still living with persistent threat of communicable diseases.”⁶⁹

3.4.1 Chronic Illness/Disability

Refugees in Lebanon report problems with chronic illness, disability and psychological distress more often than refugees elsewhere. There are few differences in self-assessed health among refugee men and women in Jordan, Lebanon and Syria. However, more women than men report high levels of psychological distress and more refugees in Lebanon report poor self-assessed health than elsewhere.

Table 3.11- Percentage of Adults (ages 15+) with Health Problems

	% chronic illness or injury	% poor self-assessed health		% with 3 out of 7 psychological distress symptoms	
		Male	Female	Male	Female
Jordan Camp	19	6	7	46	59
Jordan Non-camp	12	4	5	31	41
Lebanon Camp	26	17	16	56	57
Lebanon Non-camp	26	16	16	58	67
Syria Camp	17	9	9	42	46
Syria Non-camp	14	7	6	52	53

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

Refugees in camps tend to exhibit a higher incidence of chronic illness or injury, poor self-assessed health and psychological distress. In Lebanon, however, there are few differences between camp refugees and those residing outside of camps, except for women in gatherings, who report a higher degree of psychological stress than men. Refugee women in gatherings in Syria also report higher levels of psychological distress. Refugees report more psychological distress than non-refugees.⁷⁰ Three times more camp and gathering refugees in Lebanon describe their health as poor, or very poor, than elsewhere. In the occupied Palestinian territories, the number of persons receiving treatment for conflict-related stress has increased by 38% since 2000.⁷¹ Due to the difficult living conditions in areas close to the Wall in the occupied West Bank, particularly in the "Closed Zones", communities are increasingly suffering from stress and are in increased need of psychosocial support.⁷²

3.4.2 Women's Health

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

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

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



Refugee Children, 2005. (Anne Paq)

Table 3.12 - Select Health Indicators for Women

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

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

3.4.3 Violence against Women

Palestinian women in refugee camps in the occupied Palestinian territories report high levels abuse, including experiencing incidents of psychological abuse (52%), sexual abuse (10%) and physical abuse (24%) at least once from their husbands.⁷³

In Lebanon, 27.7% of refugee women in camps report violence from their family in the form of insults (5.9%), battering (5.8%), forced confinement (4.7%), threats (4.3%),

forbidding of life choices regarding marriage, career, and so on (2.8%), psychological abuse (2.5%), and physical abuse (1.7%).⁷⁴ The level of reported violence decreases with educational attainment; women with education on the secondary level or above report three times less violence than those who are illiterate or semi-illiterate.⁷⁵ A striking finding is the number of children (roughly 25%) and women (approximately 40%) who approve of violence against women, especially if women leave their home without their husband's permission; spend money without knowledge and approval of the husband; do not prepare food for the family; have conflicts with in-laws; and do not take proper care of children.⁷⁶

3.4.4 Children's Health

Low birth weight is not a significant problem among refugees; birth weights are more typical of developed countries than developing countries. (The international standard for low birth weight is less than 2,500 grams.) Standard vaccination programs are well implemented, although rates are lower among refugees in Syria and Lebanon than for host country nationals and refugees in Jordan and the occupied Palestinian territories⁷⁷ Infant mortality rates are also low, despite a stagnation of the infant mortality rate in the occupied Palestinian territories.⁷⁸

Childhood malnutrition has not been a significant problem, although increasing levels of child malnutrition in the occupied Palestinian territories give grounds for concern: 10% of these children are malnourished, with children in the occupied Gaza Strip particularly affected.⁷⁹ There are also signs of a resurgence of anaemia, affecting 55% and 34% of children under three years in the occupied Gaza Strip and West Bank, and micronutrient deficiencies, with 22% of children under five years of age suffering from vitamin-A deficiency.⁸⁰ Acute malnutrition presents more of a problem in camps in Lebanon and Syria than in Jordan.

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

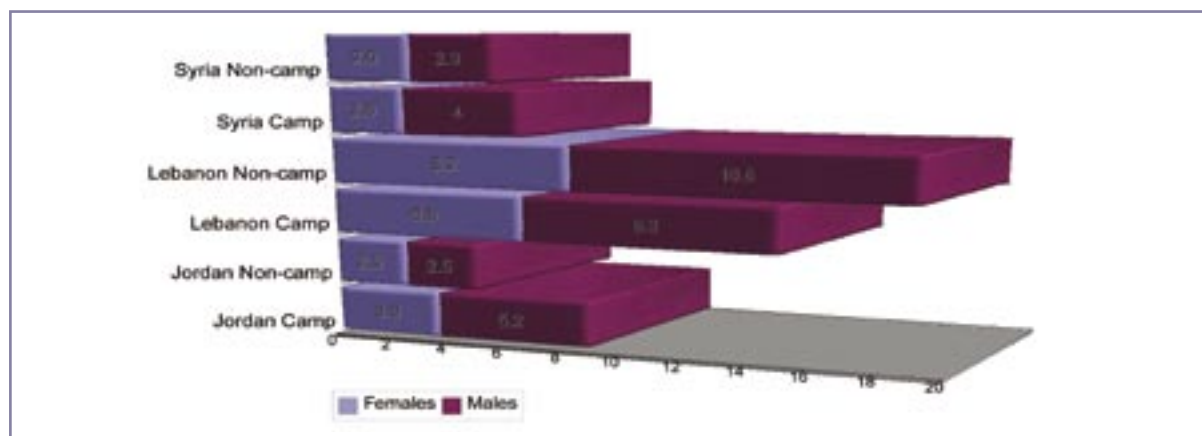
Table 3.13 - Select Child Health Indicators

	Infant Mortality Rate (per 1,000 live births)		% Low birth Weight (infants)	% 12-23 months Fully vaccinated
	Male	Female		
West Bank Camp	29.5	21.9	9	82
West Bank Non-camp				73
Gaza Strip Camp	32.9	23.4		
Gaza Strip Non-camp				
Jordan Camp	26.6	23.2	6	82
Jordan Non-camp			8	83
Lebanon Camp and Non-camp	39.7	23.3	7	75
Syria Camp and Non-camp	24.9	21.5	8	73

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

Rates of chronic illness are higher among refugee boys than refugee girls in camps, and higher than those for refugee children outside camps. Refugee children in Lebanon have the highest rates of chronic illness and disability. In Israel, 8.6% of Palestinian children suffer from chronic diseases (9.1% for girls and 8.1% for boys), while 2.9% are disabled.⁸¹

Figure 3.5 - Percentage of Children (ages 5-14) Chronically Ill or Disabled



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

3.4.5 Violence against Children

During 2004-2005, physical disabilities and psychological problems among children in the occupied Palestinian territories and Lebanon increased.⁸² In the occupied Palestinian territories, nearly all (97%) Palestinian students reported experiencing (73.4%) or witnessing (23.3%) varying levels of violence.⁸³ Most young Palestinians reported severe (32.2%) or moderate (57.6%) symptoms of hopelessness.⁸⁴ Probable post-traumatic stress disorder (PTSD) symptoms are very high among children and teenagers (35.6%). Children and teenagers with PTSD are at higher risk of depression and suicidal thoughts and attempts, and experience poor self-reported health, a greater number of days sick from school and lower grades.⁸⁵ In Lebanon, 14% of refugee children living in camps reported battering at the hands of their mother and 17% at the hands of their father.⁸⁶

Over 50% of students in UNRWA schools were subjected to beatings by schoolmates or teachers during the past year. Refugees in UNRWA schools may be more at risk of violence than students in other schools. According to UNRWA, from February to May 2005, the main reasons for school counselling included symptoms of hyperactivity (21%), low achievement (20%), aggression (15%), fear and anxiety (11%), communication difficulties (10%), social withdrawal (8%) and emotional difficulties (7%).⁸⁷

Violence against Palestinian Children in the Occupied Palestinian Territories⁸⁸

- 45% witnessed their school besieged by Israeli troops
- 25% witnessed their school exposed to shooting or shelling
- 18% witnessed troops kill a schoolmate
- 13% witnessed the killing of a teacher in school
- 45% witnessed violence at school on a daily basis during the past year
- 37% were exposed to physical violence
- 51% used physical violence against schoolmates
- 44% of teachers physically punished students
- 52% of fathers and 60% of mothers resort to physical punishment of children
- 55% of domestic violence victims said they would keep it a secret

Endnotes

- ¹ For information on distribution of employed Palestinians in Israel, see *Palestinians in Israel: Socio-Economic Survey, 2004*, prepared by Ahmad el-Sheikh Muhammad, Shefa-Amr: The Galilee Society, Rizak and Mada al-Carmel, July 2005, p. 132, Table 7.8.
- ² *Ibid.*
- ³ *Ibid.*
- ⁴ Jacobsen, Laurie Blome, *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol. I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Oslo: FAFO, Institute for Applied Social Science, 2003, p. 113.
- ⁵ *Supra*, note 1, p. 139.
- ⁶ *Finding Means, Supra* note 4, pp. 114-15.
- ⁷ *Ibid.*
- ⁸ The World Bank follows the International Labour Organization (ILO) definition of unemployment, which includes "people who are out of work and who are actively seeking employment" (i.e., it does not include so-called discouraged workers). *The Palestinian Economy and the Prospects for its Recovery, Economic Monitoring Report to the Ad Hoc Liaison Committee*, Number 1, The World Bank, December 2005, p. 7, 45. The Palestinian Central Bureau of Statistics includes discouraged workers in its broader definition of unemployment. *Statistical Abstract of Palestine* No. 5, Ramallah: Palestinian Central Bureau of Statistics, November 2004, pp. 73, 336.
- ⁹ *The Palestinian Economy and the Prospects for its Recovery, Economic Monitoring Report to the Ad Hoc Liaison Committee*, No. 1, The World Bank, December 2005, p. 6.
- ¹⁰ *Supra*, note 1, p. 139.
- ¹¹ *Ibid.*
- ¹² *Ibid.*
- ¹³ Gross national income in Syria, however, is also lower. In Lebanon, for example, it is nearly four times higher than in Syria and double that in Jordan. *Supra*, note 4, p. 148.
- ¹⁴ Humanitarian Update, *Special Focus: Rising Poverty in 2005, Jerusalem*: Office for the Co-ordination of Humanitarian Affairs, September 2005, p. 1.
- ¹⁵ Jacobsen, Laurie Blome. *Finding Means, UNRWA's Financial Situation and the Living Conditions of Palestinian Refugees. Summary Report*. Oslo: FAFO, Institute for Applied Social Science, 2000, p. 41; and Egset, Willy, Penny Johnson and Lee O'Brien, *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Vol. II: The Persistence of Poverty*. Oslo: FAFO, Institute for Applied Social Science, 2003.
- ¹⁶ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 120, p. 28.
- ¹⁷ Jacobsen, 2000, *supra*, note 15, p. 41; and Egset, *supra*, note 15.
- ¹⁸ Jacobsen, *ibid.*
- ¹⁹ Jacobsen, *ibid.*
- ²⁰ *Four Years: Intifada, Closures and Palestinian Economic Crisis, An Assessment*. World Bank, October 2004, p. 29.
- ²¹ *Consolidated Appeal for Occupied Palestinian Territory 2005*, compiled by UNOCHA, 24 November 2004, p. 17.
- ²² *The Palestinian Economy and the Prospects for its Recovery, Economic Monitoring Report to the Ad Hoc Liaison Committee*, Number 1, The World Bank, December 2005, p. 6.
- ²³ The World Bank estimates that as much as 15% of the population could be living in deep poverty, while the Palestinian Central Bureau of Statistics estimates this rate at around 23%. *The Palestinian Economy and the Prospects for its Recovery, Economic Monitoring Report to the Ad Hoc Liaison Committee*, Number 1, The World Bank, December 2005, p. 6; and *Statistical Abstract of Palestine* No. 5, Ramallah: Palestinian Central Bureau of Statistics, November 2004, p. 312.
- ²⁴ *Supra*, note 22, p. 45.
- ²⁵ *Supra*, note 20, pp. 32, 34-35.
- ²⁶ Humanitarian Update, *Special Focus: Rising Poverty in 2005, Jerusalem*: Office for the Co-ordination of Humanitarian Affairs, September 2005, p. 1.
- ²⁷ *Ibid.*, p. 2.
- ²⁸ *Supra*, note 20, p. 36.
- ²⁹ *Supra*, note 16, para. 101, pp. 24-25.
- ³⁰ *Supra*, note 20, p. 36.
- ³¹ Impact of the Expansion and Annexation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Wall Passes Through in the West Bank (August 2005), Press Conference on the Survey Results, Ramallah: Palestinian Central Bureau of Statistics, February 2006, p. 7.

- ³² *Ibid*, p. 8.
- ³³ *Supra*, note 4, p. 58.
- ³⁴ *Supra*, note 4. These figures exclude kitchens, bathrooms, hallways and verandas. Non-camp figures for Lebanon and Syria only include refugee “gatherings” (defined as a community outside a camp with 25 or more households). *Supra*, note 4, p. 64.
- ³⁵ *Palestinians in Israel, Socio-Economic Survey, 2004*, prepared by Ahmad el-Sheikh Muhammad, Shefa-Amr: The Galilee Society, Rizak and Mada al-Carmel, July 2005, p. 117.
- ³⁶ The average of housing units in the occupied West Bank and Gaza Strip is 93.3 m² and 107.9 m² respectively. *Housing and Housing Conditions: Detailed Tabulations – Data*. Ramallah: Palestinian Central Bureau of Statistics, 2000. In Jordan, the average area of housing in camps is 88 m² while in Lebanon the average area is 40 m². *Atlas of Palestinian Refugee Camps in Jordan*. Amman: Department of Palestinian Affairs, 1998. *Palestinians in Lebanon: Conference Report*. Oxford: centre for Lebanese Studies, 1995.
- ³⁷ *Supra*, note 35, p. 116.
- ³⁸ *Ibid*.
- ³⁹ World Bank, *World Development Report*, 2000 cited in *Finding Means*, *supra*, note 1, p. 77.
- ⁴⁰ “Access to adequate sanitation and water resources is lacking in Syria compared to many other countries in the region. Recent UNDP estimates (2001) report that some 10% do not have access to proper sanitation (compared to 1% in Jordan and Lebanon) and 20% do not have access to ‘improved’ water resources (compared to 4% in Jordan and none in Lebanon).” Compilation of data from reports by Jacobsen, Laurie Blome, “Community Development of Palestinian refugee camps: Analytical support to Jordan’s preparations for the June 2004 Geneva Conference on the humanitarian need of Palestinian refugees”, *The Material and Social Infrastructure, and Environmental Conditions of Refugee Camps and Gatherings in Lebanon, Jordan and Syria*, Oslo: FAFO Institute for Applied International Studies, 2004, p. 4 of report on Syria and Table 5.
- ⁴¹ *Ibid*.
- ⁴² *Ibid*, p. 8, Table 2.
- ⁴³ *Ibid*, p. 9, Table 2.
- ⁴⁴ *Supra*, note 35.
- ⁴⁵ *Ibid*.
- ⁴⁶ In Jordan, for example, 55% of camp households report that shelters are difficult to heat in winter, while nearly two-thirds state that they are uncomfortably hot in summer. Khawaja, Marwan and Age A. Tiltnes. *On the Margins: Migration and Living Conditions of Palestinian Camp Refugees in Jordan*. Oslo: FAFO, Institute for Applied Social Science, 2002, p. 131. Refugees in camps in Lebanon report similar problems. There are few differences between camp households and those outside camps in Lebanon. Uglund, Ole F. *Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon*. Oslo: FAFO, Institute for Applied Social Science, 2000.
- ⁴⁷ *Finding Means*, *Supra*, note 4, p. 62.
- ⁴⁸ *Supra*, note 4. Figures for the West Bank–Gaza Strip do not include Bedouins living in tents. Non-camp figures for Lebanon and Syria only include refugee “gatherings” (defined as a community outside a camp with 25 or more households).
- ⁴⁹ Refugees in Lebanon suffer more from damp and humidity, cold in winter and heat in summer, as well as poor ventilation. See Jacobsen, *supra*, note 4. Non-camp figures for Lebanon and Syria only include refugee “gatherings” (defined as a community outside a camp with 25 or more households).
- ⁵⁰ In Jordanian refugee camps, less than 10% of available space is used for garden plots. Arneberg, Marie, *Living Conditions Among Palestinian Refugees and Displaced in Jordan*. Oslo: FAFO, Institute for Applied Social Science, 1997. In camps in the occupied Gaza Strip, gardens, courtyards and rooftops comprise 26% of space, compared to 43% of gatherings outside of camps in the Strip. Heiberger, Marianne, Geir Ovansen, et al., *Palestinian Society in Gaza, West Bank and Arab Jerusalem: A Survey of Living Conditions*. Oslo: Institute for Applied Social Science, 1994.
- ⁵¹ *Supra*, note 4, Table 4.
- ⁵² *Supra*, note 35, pp. 21-22.
- ⁵³ *Supra*, note 16, para. 214, p. 51.
- ⁵⁴ *Ibid*.
- ⁵⁵ *Supra*, note 16, para. 82, p. 20.
- ⁵⁶ *Supra*, note 6, p. 80.
- ⁵⁷ UNICEF Humanitarian Action, Donor Update, 8 December 2005, p. 3.
- ⁵⁸ Education under Occupation: Disruptions to Palestinian Education Stemming from Israeli Military and Settler Activity, 01 September 2003-30 June 2005, Trend Analysis, Ramallah: Palestinian Monitoring Group, 30 October 2005, p. 3.
- ⁵⁹ Impact of the Expansion and Annexation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Wall Passes Through in the West Bank (August 2005), Press Conference on the Survey Results, Ramallah: Palestinian Central Bureau of Statistics, February 2006, p. 6.
- ⁶⁰ *Supra*, note 1, pp. 181-182.

- ⁶¹ *Supra*, note 4, p. 87.
- ⁶² *Supra*, note 1, pp. 181-182.
- ⁶³ *Supra*, note 16, para. 272, p. 50.
- ⁶⁴ *Supra*, note 4, p. 83.
- ⁶⁵ Literacy rates for Palestinian refugee men and women are upwards of 80% and 70% respectively, compared to 72% and 45% for men and women in Arab states. UNDP, Jacobsen, *supra*, note 4, p. 82. The UNDP measure of literacy (proportion of the population aged 15 and above who can, with understanding, both read and write a short, simple statement about their everyday lives) is more restrictive than that employed by the FAFO survey, which may explain some of the differences between refugees and the Arab states as a group.
- ⁶⁶ *Supra*, note 1, pp. 20, 183.
- ⁶⁷ Total daily numbers of deaths and injuries, West Bank and Gaza during the period Sept. 30 2000 – Dec. 31 2005, Ramallah: Palestinian Central Bureau of Statistics, December 2005.
- ⁶⁸ *Supra*, note 59, p. 7.
- ⁶⁹ *Supra*, note 16, para. 68, p. 17.
- ⁷⁰ *Supra*, note 4, p. 158.
- ⁷¹ Palestinian Ministry of Health, Statement to the 60th World Health Assembly, 2004 cited in *Four Years: Intifada, Closures and Palestinian Economic Crisis, An Assessment*, World Bank, October 2004, p. 37.
- ⁷² *Supra*, note 21, p. 29.
- ⁷³ Press Conference on the Preliminary Results, *Domestic Violence Survey*, 2005, Ramallah: Palestinian Central Bureau of Statistics, February 2006, p. 9.
- ⁷⁴ *Households Survey on Domestic Violence Against Children/Youth and Women in the Palestinian Refugee Localities and Refugee Camps in Lebanon*, prepared by Madi, Yusef, Beirut: Palestinian Central Bureau of Statistics and the Palestinian Natural Resources, United Nations Children's Fund (UNICEF), November 2004, p. 26, Table 18.
- ⁷⁵ *Ibid*, p. 26, Table 19.
- ⁷⁶ *Ibid*, p. 6.
- ⁷⁷ *Supra* note 4, p. 10. Some 80% of refugee children in camps receive their full range of vaccinations at 12 through 23 months in the occupied Palestinian territories and Jordan, 70% in Syria and 75% in Lebanon.
- ⁷⁸ Infant mortality rates among registered refugees have dropped from 180 deaths per 1,000 live births in the 1960s, to 32-35 per 1,000 in the 1990s. This is well ahead of the World Health Organization (WHO) target for developing countries of 50 per 1,000 by the year 2000. "[...] The stagnation of infant mortality rate [in the occupied Palestinian territories] is due mainly to slow progress or worsening of neonatal mortality rates." UNICEF Humanitarian Action, *Donor Update*, 8 December 2005, p. 2.
- ⁷⁹ *Ibid*, p. 1.
- ⁸⁰ *Supra*, note 16, para. 68, p. 17.
- ⁸¹ *Supra*, note 1, p. 247.
- ⁸² *Supra*, note 16, para. 68, p. 17.
- ⁸³ *The Impact of Exposure to Ongoing Violent Conditions on Palestinian and Israeli Youth: 2004 CHERISH School-Based Screening*, Cherish Report Series, Report 1, Jerusalem: Cherish Child Rehabilitation Initiative for Safety and Hope, 2004, p. 11.
- ⁸⁴ *Ibid*, p. 13.
- ⁸⁵ *Ibid*, p. 5.
- ⁸⁶ *Supra*, note 74, p. 20, Table 12.
- ⁸⁷ Needs Analysis Framework, Occupied Palestinian Territory, 6.2 – Child Protection. Available from BADIL.
- ⁸⁸ Birzeit University Study, Summer 2004. Available at: http://www.unicef.org/oPt/children_215.html



Khan Yunis Camp, Gaza. (UNRWA Archives)

Assistance

Preface

Refugees and internally displaced persons are entitled to assistance. Assistance activities are closely related to protection, and include provision of food, shelter, health and education services. National authorities hold the primary responsibility for the provision of assistance within their borders. The assistance accorded to Palestinian refugees and internally displaced Palestinians varies among host states.

International assistance is required when states are either unable or unwilling to act on their obligations to assist refugees and internally displaced persons (IDPs). The right of refugees to assistance and the obligations of states are set out in the 1951 Convention Relating to the Status of Refugees. The League of Arab State 1965 Protocol on the Treatment of Palestinians does not include provisions for assistance to Palestinian refugees in the Arab world. The 1998 Guiding Principles on Internal Displacement set out the right of internally displaced persons to assistance, but do not have the legal status of a convention.

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

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

National authorities and international agencies face an increasing burden to provide assistance for Palestinian refugees and internally displaced persons due to protracted conflict and the absence of voluntary durable solutions. International assistance has not increased commensurate with the growth of the refugee population and emergency needs.

4.1 National and Regional Assistance - General Background

National authorities hold the primary responsibility to assist refugees and internally displaced persons within their borders. This reflects the generally recognized principle of territorial sovereignty, which prohibits intervention in matters that are essentially within the domestic jurisdiction of any state.¹

States signatories to the 1951 *Convention Relating to the Status of Refugees*² are obliged to provide refugees “lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.” Most states in the Middle East where the majority of Palestinian refugees reside are not signatories to the 1951 Refugee Convention.³ The 1998 *Guiding Principles on Internal Displacement* reiterate the same general principle with respect to the provision of assistance for internally displaced persons.⁴

The 1965 *Protocol on the Treatment of Palestinians*⁵ (*Casablanca Protocol*), adopted by the League of Arab States, and the 1969 Organization of African Unity (OAU) *Convention Governing Specific Aspects of Refugee Problems in Africa*,⁶ applicable to African-Arab states, do not include explicit provisions for public relief and assistance on a par with host state nationals. Not all member states of the Arab League are signatories to the *Casablanca Protocol*.⁷ Few Palestinian refugees reside in OAU Convention signatory states.⁸

4.1.1. Arab Host States

More than two-thirds of Palestinian refugees reside in Arab host states. Jordan, the 1967-occupied Palestinian territories, Syria, Lebanon, Saudi Arabia, Iraq and Egypt host the majority of Palestinian refugees in the Arab world. Most Arab host states have established special bodies to administer the humanitarian affairs of resident Palestinian refugees and co-ordinate delivery of international assistance.

These include the Department of Palestinian Affairs in Jordan, the Directorate General for Palestinian Affairs in Lebanon, the General Authority for Palestine Refugees in Syria, the Office of the Military Governor in Egypt, and the Ministry of Displacement and Migration (formerly Department of Palestinian Affairs) in Iraq. In the 1967-occupied Palestinian territories, the Palestine Liberation Organization (PLO) Department of Refugee Affairs, in co-operation with the Palestinian Authority, is the national body in charge of administering humanitarian affairs and assistance (see also box “The PLO and Refugee Assistance” below).

Most departments responsible for Palestinian refugees are linked to the Ministry of Interior and/or the Ministry of Social Affairs in the respective Arab host states. In Jordan, the department responsible for Palestinian refugees is linked directly to the Office of the Prime Minister. Jordan, Lebanon, Syria, Egypt and the PLO are also members of the League of Arab States Conference of Supervisors of Palestinian Affairs (see section 4.1.2 below).

Most Arab states hosting large Palestinian refugee populations administer the humanitarian affairs of resident Palestinian refugees in co-ordination with UNRWA. The only exceptions are Saudi Arabia, Egypt and Iraq, where Palestinian refugees are

a population of concern of the UN High Commissioner for Refugees (UNHCR).

Arab host states generally provide Palestinian refugees with access to health care and education, as well as basic infrastructure for the camps. Some Arab states have carried a significant financial burden in assisting Palestinian refugees in their territory, and also contribute to humanitarian assistance in the 1967-occupied Palestinian territories. The nature and scope of assistance, however, varies considerably among Arab host states. In Jordan and Syria, for example, the majority of Palestinian refugees have the same status as host country nationals and are therefore granted access to services on a par with Jordanian and Syrian nationals. In many Arab host states, Palestinian refugees lack effective protection (*see Chapter Five*); levels of assistance often reflect national and regional political considerations.

In the 1967-occupied Palestinian territories, the responsibility to provide public services and national assistance was transferred from Israel to the Palestinian Authority under the terms of the 1993 *Oslo Accords* and subsequent political agreements. The PLO Department of Refugee Affairs retained responsibility for co-ordination of assistance to Palestinian refugees. However, the ability of the Palestinian Authority and the PLO Department of Refugee Affairs to provide public services and assistance continues to deteriorate as a result of the policies underpinning Israel's occupation of the Palestinian territories.

4.1.2. League of Arab States

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”⁹ The League comprises three main bodies: the Council of Ministers, the General Secretariat, and the Permanent Committees for each field of co-operation between members.¹⁰

In October 1951, the Director of UNRWA was invited to consult with a special committee established by the League of Arab States to consider the Agency's new programme and its recommendations to the Sixth Session of the UN General Assembly. As of September 1951, the League had contributed an estimated US \$3.5 million to UNRWA. It had also assisted by providing free transport and distribution of relief supplies. The LAS had also conducted, with the co-operation of UNRWA, a survey of educational and social conditions among the refugees.

According to LASC Resolution 325 (12 June 1950), League members agreed to cooperate with UNRWA in the discharge of Agency responsibilities, “provided that every state should declare its reservations to the said Agency in respect of the final settlement of the Palestinian problem and the right of refugees to return to their homes and to be compensated for their funds and properties.”

The Arab League emphasizes the importance of continued support for UNRWA, until the refugee issue is resolved on the basis of UN Resolution 194(III), as a sign of international responsibility for the Palestinian refugee case. LAS Resolution 4645 (6 April 1987) called upon Arab states to increase their contributions to UNRWA's general budget to 1981 levels (7.73%).

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

The PLO and Refugee Assistance

The PLO Department of Refugee Affairs is responsible for assistance to Palestinian refugees in all areas of exile. Assistance includes employment through 'Samed' institutions and factories, PLO-run medical facilities, popular committees, pensions, complimentary services and study grants.

Between 1967 and 1976, the PLO operated 22 schools in Kuwait due to a shortage of spaces in government-run schools. In Egypt, the Palestine Charitable Association subsidized fees for education, and provided assistance for health care services and employment opportunities for Palestinians.

The Palestine Red Crescent was established in 1969 by the Palestinian National Council (PNC) as a military-medical association to provide assistance for Palestinian resistance fighters. The association later opened health care centres in Lebanon and other places. Since 1997, the Red Crescent has operated 15 hospitals spread through the 1967-occupied Palestinian territories, Lebanon, Syria and Egypt.

The level of PLO assistance, however, has been susceptible to political developments in host countries. In Lebanon, for example, the expulsion of the PLO in 1982 led to a significant reduction in assistance to Palestinian refugees, leading to the establishment of NGOs to fill the assistance gap. In Egypt, the PLO was the primary employer of Palestinians until the establishment of the Palestinian Authority in the occupied Palestinian territories in 1995. The redirection of PLO resources to the occupied Palestinian territories led to a reduction of salaries in Egypt, and an end to all aid programmes, scholarships and grants.¹¹

Table 4.1 - Palestine Red Crescent Society Services

Indicator	Palestine	Lebanon	Syria	Egypt
Number of hospitals	5	6	3	1
Total sta	502	457	300	383
Total beds	146	168	135	150
Total admissions	10,784	9,380	9,750	1,958
Total hospitalization days	22,797	30,162	15,425	22,482
Total outpatient services	60,494	62,134	11,872	33,394

Source: Palestine Red Crescent Society (1997).

4.1.3. Assistance in/by Israel

More than a quarter of million internally displaced Palestinians (IDPs) reside in Israel, which is also the country of origin for the majority of Palestinian refugees. The government of Israel assumed responsibility for internally displaced Palestinians in 1952. There is currently no separate agency responsible for Palestinian IDPs in Israel. Palestinian IDPs have access to public services on a par with other Palestinian citizens of Israel who, as a group, experience a lower level of services than Jewish citizens. (See *Chapter Five*.) Israel does not provide special assistance to IDPs.

During the early years of displacement, Israel provided limited assistance to IDPs, either through regular government services, or through the Refugee Rehabilitation Authority (RRA), which operated during the early 1950s primarily in official and semi-official "shelter villages."¹² The number of IDPs handled by the RRA was small.



*Distribution of emergency aid,
Burj al-Shamali Camp, Lebanon.
(UNRWA Archives)*

RRA programmes were guided by two basic criteria: preservation of the demographic change achieved in the 1948 war; and preservation of Jewish control of Palestinian land temporarily abandoned during the war. Services were conditional on cancellation of IDP claims to property and lands in the villages of origin. The RRA re-settled 204 families (1,020 persons) in Israel and transferred 1,489 persons outside the borders of Israel.¹³

Government construction programmes launched in 1958 aimed to improve housing conditions in “shelter communities” and villages with high IDP concentrations, and to counter the phenomenon of “illegal construction” in Arab communities. Lands for the housing construction programme were allocated by a Permanent Land Commission from among state lands (part of them “absentee property”) and via confiscation of private Palestinian-owned land. In addition, some 700 loans and grants were issued to individuals in some 80 villages.¹⁴

Israel is also responsible as the Occupying Power for the civilian population in the 1967-occupied Palestinian territories. In 1967, the Israeli government signed an agreement setting out Israel’s relationship to the UNRWA in the 1967-occupied Palestinian territories.¹⁵ This agreement subordinated all other considerations to the issue of Israeli security.

Pursuant to the 1993 *Oslo Accords* with the PLO, administration of civil affairs was transferred to the newly established Palestinian Authority, and Israel was released from the financial burden of providing public services and humanitarian assistance to the occupied population, including Palestinian refugees and IDPs in the occupied Palestinian territories.

4.2 National and Regional Assistance - Developments until 2005

A brief overview is presented here of national assistance provided by Arab host states and Israel to Palestinian refugees and IDPs in the areas of health, education, housing and financial contribution to humanitarian assistance. The overview focuses on Arab states with major Palestinian refugee populations. For information about related protection rights of Palestinian refugees and IDPs, see *Chapter Five*.

4.2.1 Health

National health assistance is important given that UNRWA does not generally operate secondary health facilities for Palestinian refugees.

In Syria, Palestinian refugees have access to the state-run public health system, which provides universal health coverage.¹⁶ This includes hospitals, clinics and mother care centres. Prenatal care and primary care for children under the age of three is available at government clinics. Prenatal monitoring and the monitoring and vaccination of young children are provided free of charge. While the public health system provides universal coverage, it is facing difficulties meeting demands as a result of population growth.¹⁷ Private clinics and hospitals and UNRWA play a more significant role than government clinics and hospitals in treating refugees for unexpected illness or injury. The majority of refugees have public insurance. A reported six per cent of the refugee population has private insurance. Four per cent do not have insurance.¹⁸

Refugees also have access to the public health system in Jordan, which covers most health services and also provides pharmaceuticals.¹⁹ Patient cost-sharing is low, however. Nearly two-thirds of 1948 and 1967 refugees outside camps lack health insurance, while half of the camp population does not have insurance.²⁰ UNRWA reimburses refugee patients who receive emergency treatment in government hospitals, based on a referral from an Agency medical officer. Prenatal care and primary care for children under the age of three is available at government clinics. Prenatal monitoring and the monitoring and vaccination of young children are provided free of charge. Government-sponsored family planning is not available in Jordan. As in Syria, government and private health clinics and hospitals and UNRWA play a role in treating refugees with unexpected illness or injury; however, few non-camp refugees use UNRWA health facilities.

Refugees have access to public health care in Lebanon.²¹ Public health insurance programmes cover up to 80% of the costs of consultations, medicines and hospitalization. However, few refugees (less than 10%) are covered by insurance.²² Few refugees are able to afford private health care in Lebanon, which plays a larger role in the delivery of health care than private health care in other Arab host countries. Nearly all secondary and tertiary care is provided by private institutions, which most refugees are unable to afford. UNRWA and private health clinics and hospitals play a greater role than government hospitals and clinics in treating refugees with unexpected illness and injury. This is due to the under-developed state health care system. As happened in the 1967-occupied Palestinian territories, private health care expanded significantly during periods of conflict in Lebanon, as a result of the collapse of state health services.

In the occupied Palestinian territories, refugees have the same status as local residents and have equal access to the public health system operated by the Palestinian Authority (PA), the Palestine Red Crescent Society, and private and NGO providers.²³ Prenatal care and primary care for children under the age of three years is available at public clinics. Women with public health insurance can use maternity services at public hospitals free of charge. Prenatal monitoring and the monitoring and vaccination of young children are provided free of charge. However, public facilities charge for postnatal health care checkups. As in Jordan, sponsored family planning is not available in the occupied Palestinian territories. The health care system faces severe obstacles due to Israel's protracted occupation. Other problems include weak information links and referral systems between the various types of providers and types of care, poor supply in rural areas, and less than adequate secondary care and personnel training.²⁴ UNRWA and private clinics play a greater role than do public clinics in treating refugees for unexpected injury and illness.²⁵ Approximately 50% of refugees do not have health insurance.²⁶ Vulnerable low-income households can apply to the PA Ministry of Social Welfare for temporary (six months) insurance. Private insurance at higher premiums is also available.

Table 4.2 - Percentage of Refugee Medical Consultations by Provider, 2003

	Of those ill, percentage seeking care at						
	No Care	UNRWA Clinic	Gov't Clinic or Hospital	Private Clinic or Hospital	NGO Clinic Dispensary	Pharmacy Other	PRCS Clinic or Hospital
Jordan camp	18	25	27	26	-	4	-
Jordan non-camp	40	2	27	29	-	3	-
Lebanon camp	24	35	2	24	4	3	9
Lebanon non-camp	29	28	3	24	5	3	8
Syria camp	20	18	10	41	1	6	4
Syria non-camp	19	23	7	47	1	3	2

Source: *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*. FAFO: Institute for Applied Social Science, 2003. The figures are based on persons with acute illness or injury two weeks prior to the survey.

4.2.2 Education

National education assistance is important, as UNRWA only provides elementary and preparatory level education, except in Lebanon, where it operates five secondary schools. Moreover, shortfalls in donor contributions to UNRWA have resulted in a suspension of the Agency's scholarship programme for post-secondary education.

Refugees in Syria have full access to government schools.²⁷ Basic education includes six years of elementary education and three years of preparatory education. Both levels are compulsory. Government schools currently provide education for approximately one-fifth of refugee students at the elementary/preparatory level and most students at the secondary level. Students may choose between two secondary tracks in preparation for either university or technical training. Refugees who are able to afford tuition fees may also attend private schools. Post-secondary education is free in Syria; however, individuals must pass an entrance exam. Those who do not pass can utilize a so-called "Free University" where they pay a certain fee per subject.



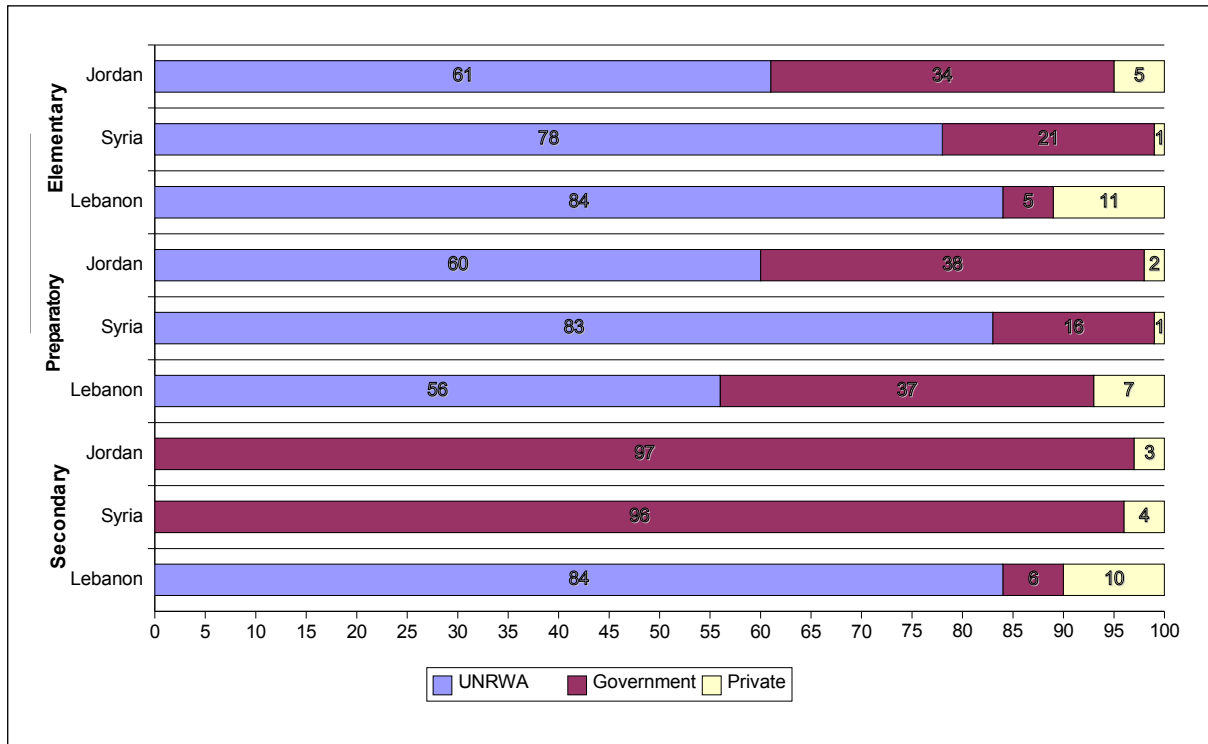
In Jordan, most refugees have free access to public education. The government also runs public secondary schools in refugee camps.²⁸ Government schools currently provide elementary/preparatory education to slightly more than one-third of the refugees in Jordan and most refugees at the secondary level. Refugees who are able to afford tuition fees can attend private schools. Two hundred places in Jordan's eight official universities are reserved for Palestinian refugee students from camps. The Department of Palestinian Affairs also manages training centres in Hittin, Zarqa and Irbid refugee camps. Government schools, however, do not accept refugee students from the occupied Gaza Strip who do not hold a two-year Jordanian passport. Access to post-secondary public institutions for this group of refugees requires special approval and limited spaces are available.

Refugee access to public and private education in Lebanon is limited. Government schools may admit non-Lebanese students, but no more than three per class.²⁹ Government schools provide elementary education (kindergarten level) to few refugees but more than one-third of preparatory level students are enrolled in such schools (i.e. primary schools). Most secondary students attend one of the five UNRWA-operated secondary schools in Lebanon. Few attend government-run secondary schools. In Lebanon, as in the health sector, private education plays a more significant role. Private education is not affordable for most families, and few refugees are able to afford private post-secondary education in Lebanon. The Faculty of Arts (education) at the Lebanese University, moreover, only accepts Lebanese nationals.³⁰

Palestinian refugees in the occupied Palestinian territories also have access to the Palestinian Authority-operated public education system, which provides for ten years of compulsory education free of charge. UNRWA plays the most important role in

A little girl receives full marks in her English exam; Askar Camp, Nablus, 2005. (Muthanna al-Qadi)

Figure 4.1 - Percentage of Refugee Students in UNRWA, Government and Private Schools, 2003



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

providing education for refugees at the elementary and preparatory level. Slightly less than one-third of refugees are enrolled in public schools (i.e. government schools).³¹ Those who can afford tuition fees may attend private schools. Refugees may attend post-secondary institutions, where tuition fees must be paid.

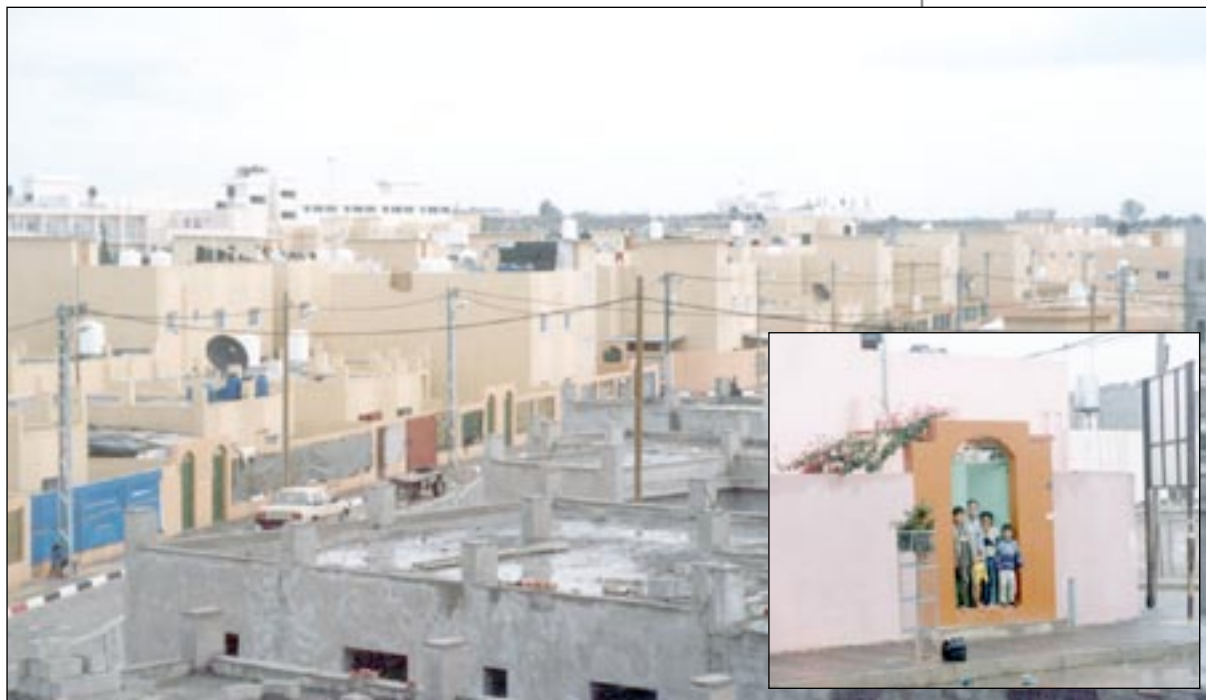
In the period of July 2004 to June 2005, 229,530 Palestinian refugee pupils were enrolled in government and private schools.³²

4.2.3 Housing and Infrastructure

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

In Syria, the government provided land for the establishment of refugee camps, some of which were located in old military barracks. The Syrian government and UNRWA are currently working together to bring housing standards in camps situated in old barracks up to international standards. This includes reconstruction work in Neirab refugee camp. The Syrian government also covered the cost of linking water and sanitation systems in the camps to municipal networks, and costs of improving other basic infrastructure in refugee camps.³³

In Jordan, refugee camps are located on both state land and land rented by the government from private property owners. The government owns less than one-third of the built-up areas of the camps.³⁴ Following the 1993 *Oslo Accords*, several private landowners resorted to the courts to regain access to valuable real estate. None of these



efforts, however, have so far resulted in the removal of refugee camps. The Jordanian government also provides water, electricity and communications for the camps, and takes care of pathways and roads.

In Lebanon, camps were established on government and private land. In the 1950s, however, some private landowners resorted to the courts in order to remove Palestinian refugees from their lands. The government demanded that UNRWA relocate some of the refugee camps elsewhere in Lebanon and relocate certain refugees who had settled around the official camps without alternative land having been provided for that purpose.³⁵ Refugee camps are not permitted to connect to municipal sewerage networks.

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

In Iraq, Palestinian refugees were originally housed in schools and other public buildings. The government also rented, or subsidized the rental of, housing for these refugees. In the 1970s, the government built high-rise apartment blocks to resolve the housing crisis in Baghdad and Mosul.³⁶ All national housing assistance came to a halt in 2003 in the context of the war in and occupation of Iraq, and has not been resumed since. The ongoing conflict in Iraq continues to have a detrimental effect on the ability of national authorities to provide assistance to Palestinian refugees there, and provision of assistance has become the responsibility of the international community. (*See Chapter Five.*)

In the occupied Gaza Strip, approximately two-thirds of refugee camp sites are state land and one-third is private land,³⁷ which was provided to UNRWA by the Jordanian and Egyptian authorities prior to Israel's occupation of the area. In the West Bank, most of the camps were established on private land. Since 2003, additional land has been made

UNRWA housing project, Rafah Camp, Gaza Strip, 2004 (Ron Wilkinson/BADIL)

available by the Palestinian Authority in the occupied Gaza Strip and West Bank for rehousing refugees displaced by Israel's military attacks on camps. The 1967-occupied Palestinian territories are connected to the Israeli electrical grid, and payment for use of electricity is collected by the PA and transferred to Israel.

Non-Governmental Organizations

Non-governmental organizations have also played a key role in providing assistance to Palestinian refugees. Major international non-governmental aid agencies in 1948 included the American Friends Service Committee, as well as the International Committee of the Red Cross in co-operation with the League of Red Crescent Societies. In December 1949, private voluntary organizations decided to terminate relief operations in Palestine.

In Syria, the Association for the Liberation of Palestine was formed in 1948 to provide assistance to the refugees. By mid-1948, however, the number of refugees in Syria had grown too large to manage effectively, and the association appealed to the Syrian government for help. Assistance included relief in kind and cash payments, extra allowances for pregnant women and free medical care for the sick. Orphans were provided with food, lodging and primary education.

In Lebanon, a special committee was established in April 1948 under the Director General of the President's Office, consisting of representatives of the main ministries. Refugees were provided with a monthly allocation of flour and 3 Lebanese pounds per person (as well as relief of 25 additional LPs for pregnant women, 50 LPs for deaths and 25 LPs for orphans). In Egypt, the Higher Committee responsible for Palestinian refugee affairs, together with the Egyptian Red Crescent and several international non-governmental organizations, established an assistance system for 5,000-7,000 Palestinian refugees with material supplied by the UN and later through USAID.

In the 1990s, the number of local NGOs offering various services to Palestinian refugees in Arab host countries doubled, including social, medical and financial assistance, culture and sports, and services for women and youth. In the 1967-occupied Palestinian territories, 60% of NGOs working in the refugee community were established in the 1990s. In Jordan, 54% of relevant NGOs were established during the 1990s, and in Lebanon, 59.6% of relevant NGOs were established during this period.

This can be attributed to the decrease of assistance provided by the PLO, greater political freedom and growing international investment related to the Oslo process in the occupied Palestinian territories. Palestinian refugees themselves became more active as they sought means of influence and change. In the past, many refugee communities did not have the right to organize. In Lebanon, for example, organizations were barred from operating in the camps between 1959 and 1969, and camps were placed under military surveillance. Moreover, Lebanese law prevented the provision of NGO services to non-Lebanese, including Palestinian refugees.

Table 4.3 - Institutions and NGOs in Palestinian Refugee Localities

	NGOs	NGO Centres	% Distribution of Registered Refugees
West Bank	92	92	16.0
Gaza Strip	61	61	22.0
Lebanon	46+20	264	10.0
Jordan	50	146	42.0

Sources: Birzeit University, Development Studies Programme, 2001, *Institutional Structures in Palestinian Refugee Camps in the West Bank and Gaza Strip*; Ajial Center, The Statistics and Documentation Office, 2001, *Palestinian Non-Government Organizations in Lebanon*; Birzeit University, Development Studies Programme and al-Urdun Al-Jadid Research Center, 2001, *Non-Governmental Organizations in Palestinian Refugee Camps in Jordan*.

The majority of the local institutions working in the refugee community are multi-service oriented (27% in the 1967-occupied Palestinian territories). A large number focus on women and education (19.7% on women; 9.2% on education, training 15.8% in the occupied Palestinian territories). Most Palestinian NGOs serve refugees in one locality and have less than 1,000 beneficiaries.

In Lebanon, institutions focus on kindergartens (24.6%), health care (19.7%) and social activities (14%). The high number of health centres run by NGOs in Lebanon can be explained by the legal restrictions that bar Palestinian refugees from access to public services, and the high cost of private health care.

In Jordan, by contrast, NGOs operate only a small number (7.9%) of the total number of health centres. Most of the health centres in refugee camps in Jordan (80.6%) are private. The number is even smaller (average of 5.9%) in the occupied Palestinian territories (4.3% in the occupied West Bank and 8.3% in the occupied Gaza Strip).



UNRWA Ration Card, Baqa'a Camp, Jordan. (UNRWA Archives)

4.2.4 Financial Contributions

Arab host states made significant contributions towards assistance programmes for Palestinian refugees during the early years of displacement after the 1948 war. The US Department of State, for example, noted that during the last nine months of 1948, Arab states had borne “the great brunt of relief expenditures” and that the sum of their contributions (US \$11 million) “in light of the very slender budgets, [was] relatively enormous.”³⁸

Individual Arab states and the Arab League have, moreover, regularly contributed to the humanitarian assistance of the Palestinian people, including refugees, in the 1967-occupied Palestinian territories via transfers of grants and donations to Palestinian charities, national institutions and the Palestinian Authority. Special tax funds (“Liberation tax”) were collected in the mid-1970s from Palestinian workers (between 3% to 6% of Palestinians' income) in the Gulf States and transferred to the PLO following the recognition of the PLO as the sole representative of the Palestinian people in 1974. These transfers were halted due to PLO support for the Iraqi invasion of Kuwait in 1990.

Between July 2004 and June 2005, the government of Jordan reported expenditure amounting to US \$463,537,976 for assistance to Palestinian refugees in Jordan. Lebanon reported approximately US \$30 million, and the Syrian Government US \$116,439,789.³⁹ The Jordanian government provides cash assistance to approximately 120,000 refugees.⁴⁰

Since 2001, the Arab League and members states have responded to the humanitarian crisis in the occupied Palestinian territories by contributing to the cost of humanitarian assistance, including contributions to UNRWA emergency operations, such as the reconstruction of the Jenin and Rafah refugee camps, which were destroyed during the Israeli military attacks.

Arab states have contributed an annual average of less than 2% of the general budget of UNRWA, which is much less than the 7.73% they committed to contribute. Since 1950, Saudi Arabia, Kuwait and Libya have been the largest Arab state donors to UNRWA's regular budget.

Although Arab states' contributions to UNRWA have recently increased (6.25% of the total UNRWA income as of April 2005), the discrepancy between significant project and emergency support on the one hand, and minimal support for the core regular budget on the other, remains large.⁴¹

Table 4.4 - Total Arab State Contributions to UNRWA, Including Regular Budget, Emergency Appeal and Projects, 1950-2004

Host State	Contribution from 1950-2004 (US\$)	Contribution in 2004 (US\$)
Algeria	20,000	20,000
Bahrain	568,867	30,000
Djibouti	-	-
Egypt	6,221,696	10,000
Iraq	10,157,229	-
Jordan	13,816,797	629,606
Kuwait	56,548,680	1,500,000
Lebanon	2,483,272	-
Libya	23,824,386	-
Mauritania	543	-
Morocco	8,231,738	-
Oman	643,000	30,000
Palestine	9,400,795	699,927
Qatar	6,180,728	35,000
Saudi Arabia	123,619,656	1,800,000
Somalia	-	-
Sudan	199,999	-
Syria	4,892,100	120,394
Tunisia	1,220,189	9,956
United Arab Emirates	16,655,902	500,000
Yemen	2,000	-

Source: Compilation of Total Contribution from UNRWA Annual Reports, 1950-2004.

Israel has contributed a total of approximately US \$15 million to UNRWA between 1950 and 2005. In recent years, including the period of 2003–2005, Israel has not contributed to UNRWA's budget and has not assisted Palestinian refugees and IDPs.⁴² Recent assessments rather suggest that Israel benefits financially from international humanitarian operations in the 1967-occupied Palestinian territories.

4.3 International Assistance - General Background

International assistance is required when states are unable or unwilling to provide assistance to refugees and internally displaced persons within their borders. The primary body mandated to provide international assistance to refugees is the Office of the UN High Commissioner for Refugees (UNHCR). While the International Committee of the Red Cross (ICRC) and UNHCR do provide assistance and protection to IDPs in certain circumstances,⁴³ in situations of armed conflict, there is no single agency with a mandate to provide international assistance to all internally displaced persons. Under the recently adopted UN "Collaborative Approach", an Emergency Relief Co-ordinator is expected to co-ordinate all available agencies providing international assistance to IDPs⁴⁴ (*see Chapter Five*).

The United Nations established several disaster relief programmes in 1948 to co-ordinate and fund humanitarian operations in Palestine. In 1949, the United Nations established UNRWA as a special organ to provide international assistance to all persons displaced during the 1948 war. The Agency officially took over the humanitarian relief operations in the Jordanian-controlled West Bank, Egyptian-controlled Gaza Strip, Jordan, Lebanon and Syria in May 1950. UNHCR has continued to play a minor role in the provision of assistance to Palestinian refugees (*See Chapter Five*).

There is no international agency with a specific mandate to provide assistance to internally displaced Palestinians in the 1967-occupied Palestinian territories or in Israel, and no steps have yet been taken towards application of the UN Collaborative Approach to internally displaced Palestinians in either Israel or the occupied Palestinian territories.

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

UNRWA was established under General Assembly Resolution 302(V), 8 December 1949, in order: "(a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission; (b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available."⁴⁵

The General Assembly accorded UNRWA a short-term mandate based on the expectation that the plight of the refugees would soon be resolved in accordance with the framework set forth in General Assembly Resolution 194(III)⁴⁶ (*See Chapter Six*). UNRWA's mandate has been extended on a regular basis, most recently until 2008 (with the exception of assistance to internally displaced Palestinians, which mandate was terminated in 1952 at the request of the Israeli government), due to the lack of durable solutions for Palestinian refugees. The United Nations later requested UNRWA to provide international assistance



Askar Camp, Nablus, 2005.
(Muthanna al-Qadi)

to Palestinian refugees displaced for the first time in 1967 under UN General Assembly Resolution 2252 (ES-V), 4 July 1967. The General Assembly also requested UNRWA to provide assistance to those displaced as a result of subsequent hostilities.⁴⁷

Early work projects and regional economic development programmes aimed to increase the practical alternatives available to the refugees and thus encourage a more “realistic” view of the future.⁴⁸ Western powers hoped that economic development would encourage resettlement (integration) of the refugees in Arab host countries. By the end of the 1950s, however, the United Nations had concluded that the economic development programmes had failed to provide a solution to the refugee problem.⁴⁹ “Although the refugee problem might ... be studied in economic and political terms,” stated the UN Secretary-General in 1959, “it was basically a human problem. No reintegration would be satisfactory, or even possible, were it to be brought about by forcing people into new positions against their will.”⁵⁰

Plagued by high overhead costs, lack of regional co-operation and beset by strong opposition among refugees to *de facto* resettlement, UNRWA refocused its humanitarian operations on the delivery of basic education, health, relief and social services.⁵¹ These three areas continue to comprise the bulk of international assistance programmes for eligible Palestinian refugees.

At the beginning of the Oslo process in 1993, UNRWA began to examine how to prepare for the eventual handover of its installations and programmes to Palestinians in the 1967-occupied Palestinian territories. A 1995 report by the Agency noted, “For the first time since [UNRWA] was established, it is possible to see on the horizon the end of the Agency’s mission.”⁵² A decade later, however, UNRWA continues to provide education, health and social services to more than four million refugees.

Israel’s refusal to allow refugees to return to their homes of origin and the failure of the international community to facilitate durable solutions for Palestinian refugees

UNRWA Funding

UNRWA's funding comes from three different sources: the regular budget, the project budget and the emergency appeal. The regular and project budget form the total annual budget, while the emergency appeal depends on the humanitarian situation. The regular budget is designed on the basis of a "needs-based approach", and is divided into cash contributions and in-kind donations (food aid, for instance). The regular budget includes recurrent costs for regular programmes, i.e., education, health, relief and social services.

Source: *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13A (A/60/13/Add.1), [Figure 3, p. 31.

The project budget comprises mainly non-recurrent cost for specific projects and activities, such as the construction of a school, health centre or camp infrastructure. The projects are only realized if donors specifically fund them.

Since its establishment in 1950, UNRWA has faced continual shortfalls in donor contributions related to the system of voluntary funding by UN member states, delays in contributions for current budget cycles, political and humanitarian crises which necessitate emergency programmes, rising costs and inflation.⁵⁴ The lack of durable solutions places further strain on Agency services. Lack of funding for UNRWA's regular budget, as well as budgets for projects and emergency appeals, have affected UNRWA's activities over the past few years. A similar trend was observed in 2004-2005, when the funding gap for the regular budget, the projects and the emergency appeal amounted to a total of US \$129.7 million in 2004 and US \$126 million in 2005.⁵⁵

Since 1950, over 115 donor states, in addition to the European Union and non-governmental sources, have contributed US \$7.8 billion (not including inflation) towards providing international assistance to Palestinian refugees. The largest single donor between 1950 and 2005 has been the United States. However, Norway, Sweden and Denmark are the most "generous" donor states among the top 13 donors to UNRWA when total contributions as of 2000 are calculated on a per capita basis, as well as a percentage of GDP.

In absolute terms, the most funding for UNRWA in 2004 came from the United States (28%), the European Community (23%), the United Kingdom (9%), and Sweden (7%). The most generous UNRWA donors in terms of the proportion of aid channelled to UNRWA are Sweden, Norway, the United States and Switzerland – each of which gave approximately 1% of total overseas development aid (ODA) funding to UNRWA.⁵⁶ Since 1972, UNRWA has received an average annual income of about US \$200 million (in constant 1982 US dollars). While the number of registered refugees has increased substantially in this period, the number of users of UNRWA services has not increased at the same rate, partly because not all registered refugees actually reside in UNRWA's area of operations, and because refugees who can afford to do so often use public or private services offered by other providers.

Refugees themselves also make significant contributions to help cover the cost of UNRWA operations. In all areas except the occupied Gaza Strip, nominal contributions at prescribed rates are collected from pupils and trainees on a voluntary basis to improve Agency facilities and equipment in schools and training centres. Other forms of community support include donations in kind of equipment, furniture and supplies. Refugees participate in the environmental health programmes through self-help projects for the paving of pathways and drains in refugee camps, and modest payments for connection to sewerage and water systems installed in camps.

Table 4.5 - Top 13 UNRWA Donors in 2004 (in US dollars)

Source	Regular Budget	Project Budget	Emergency Appeal	Total 2004
1. United States	83,968,111	3,448,201	40,000,000	127,416,312
2. European Community	90,805,738	3,032,358	10,119,486	103,957,583
3. United Kingdom	15,833,805	791,987	24,148,269	40,774,061
4. Sweden	26,157,895	-	5,617,387	31,775,282
5. Norway	14,925,373	-	4,684,294	19,609,667
6. Netherlands	13,978,673	700,451	3,359,179	18,038,302
7. Canada	7,633,552	5,958,759	1,967,823	15,560,134
8. Switzerland	6,368,254	1,389,381	3,680,000	11,437,635
9. Japan	8,629,169	1,517,468	1,149,279	11,295,917
10. Italy	9,283,820	1,529,140	-	10,812,960
11. Denmark	8,504,104	255,878	2,024,637	10,784,619
12. Germany	6,400,579	1,089,819	1,866,499	9,356,897
13. Belgium	2,509,624	-	3,036,168	5,545,792

Source: *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005, pp. 79-80.

Chronic budget shortfalls have led to high rates of double-shifting in Agency schools (i.e. some grades learn in the morning, others in the afternoon),⁵⁷ reliance on unsatisfactory rented buildings,⁵⁸ over-crowded classrooms,⁵⁹ reduced teacher/student interaction, higher workloads for staff, difficulties in hiring qualified teachers at existing salary scales, inability to keep up with educational reforms introduced by host governments, suspension of post-secondary scholarship assistance,⁶⁰ reductions in maintenance allocations, and cuts in allocations for vocational training, equipment and supplies.

In health services, donor shortfalls have resulted in strict controls on referrals and duration of hospital stays in some areas and some redeployment of contracted beds from the private sector to less expensive NGO hospitals, below average per capita expenditure on health services,⁶¹ a higher number of patients per health personnel and difficulties in maintaining competitive salaries for recruiting high quality health care professionals.

UNRWA is also unable to provide relief and social service assistance to all of those refugees who are in need of their services. UNRWA has been forced to adopt increasingly stringent criteria for qualification as special hardship cases, limit special cash assistance in case of acute crises⁶² and limit much-needed shelter rehabilitation.⁶³ Agency social workers have an excessively high client caseload.⁶⁴

The Agency has attempted to cope with the chronic shortfall in donor contributions through a number of austerity measures, primarily consisting of cutbacks in international staff posts, services and freezing of planned expansion of services, as well as postponing maintenance and construction costs.

Table 4.6: Selected Indicators for Impact of Donor Shortfalls to UNRWA

	West Bank	Gaza Strip	Jordan	Lebanon	Syria	All Fields
% schools on double shifts	23.7	77.2	91.5	63.2	97.4	75.2
% schools in rented premises	15.1	0	25.4	43.7	8.7	16.4
% classes with 48+ students	2.5	18.7	11.3	2.7	15.6	12.5
No. daily consultations per doctor	114	140	102	96	91	112

Source: *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), Table 2 and 6, pp. 69, 70, 73.

consistent with international law “has forced UNRWA to metamorphose into an all-purpose vehicle.” The Agency thus continues to provide “essential humanitarian services and empower the refugees through developing their human capital until there is a just solution to the refugee problem.”⁵³

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

4.3.2 Assistance through UNRWA

a) Education

UNRWA’s education programme is the largest of the Agency’s programmes, with more than 650 schools, 488,000 students and 16,000 educational staff (including teachers, head teachers, school supervisors and administrative staff) in its five areas of operations. UNRWA’s education budget comprises around 53% of the Agency’s total annual budget.⁶⁸ Educational staff comprise three-quarters of the Agency’s total staff. The largest student population served by UNRWA schools is in the occupied Gaza Strip, with approximately 194,000 pupils enrolled in elementary and preparatory education for the 2004-2005 academic year. Not all refugee students registered with UNRWA attend Agency schools.



The education programme is divided into four main areas: general education (elementary, preparatory and secondary education); teacher education (pre-service and in-service); technical and vocational education and training (placement and career guidance and vocational and technical education); and education planning and management.

New Amman Camp, Jordan, 1980. (UNRWA Archives)

Refugee children registered with UNRWA have access to free elementary (six years) and preparatory (three to four years) education. In Lebanon, UNRWA has also operated five secondary schools since 1993 as a result of limited access to public secondary education and the high cost of private secondary schooling.⁶⁹ The Agency also offers special education for children with learning difficulties.⁷⁰ UNRWA has adopted the standards of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for its education programme. Curricula follow the curricula of host governments in order to facilitate the transition of UNRWA students to secondary and post-secondary level education provided by the state and private schools and universities. UNRWA schools enjoy gender parity, and half of the pupils are girls. Students at UNRWA schools out-perform students in government schools in state preparatory examinations in Syria, but not in brevet examinations (intermediate certificate for high school students) in Lebanon.⁷¹ For decades, the UNRWA system has had high retention rates and low dropout rates, with the exception of elementary and preparatory schooling in Lebanon.

UNRWA also operates eight vocational and technical training centres – four in the 1967-occupied Palestinian territories, two in Jordan, and one each in Lebanon and Syria. The centres offer training in a variety of trades, as well as vocational courses for women and technical/semi-professional courses in paramedical and commercial

Meeting the United Nations Millennium Goals

Like other UN agencies, UNRWA's assistance programmes are expected to contribute to the achievement of the UN Millennium Goals by 2015. These are the following:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development.

For more information, visit the website of the UN Millennium Development Goals at <http://www.un.org/millenniumgoals/>

subjects. Graduates of UNRWA centres have achieved high pass rates in state-certifying examinations and a high success rate in finding jobs. UNRWA also operates a teacher education programme and regular in-service training. A limited number of scholarships, contingent on special funding, are offered for study at universities in Arab countries.

UNRWA faces serious difficulties in the occupied Palestinian territories, where a total of 158 UNRWA students have been killed and 1,556 injured since the beginning of the second *intifada* (October 2000 to June 2005).⁷² Between July 2004 and June 2005, 23 UNRWA students and two teachers were killed, while another 39 students and two teachers were injured.

Moreover, UNRWA is lagging behind with implementation of some educational reforms required as a result of host country curriculum reform. For instance, the Agency has been unable to introduce the tenth grade in the occupied Gaza Strip and the West Bank (except for two schools in Jerusalem). Nevertheless, the integration of the Palestinian curriculum (started in 2000-2001) is near completion, including new subjects (including civic education, information technology and English) beginning at grade 1. In addition, implementation of the new curriculum and textbooks in Syria is well under way, and in Jordan, computer science has been introduced at seventh and eighth grade level. New training courses have also been added to vocational, technical, and teacher training curricula, such as computer information systems, information technology, clothing, interior design, banking and financial management, nursing and safety and hygiene.⁷³

Enrolment in UNRWA schools decreased in the 2004-2005 academic year in Lebanon (3.5%), Syria (1.6%), the occupied West Bank (0.2%), and Jordan (2.3%). Only in the occupied Gaza Strip did enrolment grow (by 1%). This trend may be attributable to "transfers to government schools due to deteriorating access to UNRWA schools (as a result of the construction of the barrier in the West Bank); the transfer of refugee pupils from UNRWA schools to newly-constructed government schools near refugee camps; and a worrying dropout rate in Lebanon, where the children are entering the workforce due to the dire socio-economic situation."⁷⁴ UNRWA is currently building new schools in Syria: three in Homs refugee camp and four in Khan Eshieh refugee camp.



UNRWA Men's Teacher Training Center, Ramallah, West Bank, 1991. (UNRWA Archives)

Table 4.7 - UNRWA School Population, Number of Schools, Teachers, Training Places

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

Source: UN Relief and Works Agency for Palestine Refugees (UNRWA). (Figures as of 30 June each year)

* The decrease in the number of pupils is due to a negative enrolment growth in Lebanon, Syria, Jordan and the occupied West Bank for the 2004-2005 academic year. See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 43, p. 10.

b) Health

UNRWA operates 125 primary health care facilities and one hospital in its five areas of operations. Health care constitutes the Agency's second largest programme, with a budget comprising around 18% of the total budget in the 2004-2005 fiscal year. More than 3,780 staff are employed in UNRWA's health programme and comprise approximately 15% of the total Agency staff. UNRWA health services are divided in four main categories: medical care services; environmental health in refugee camps; nutrition and supplementary feeding; and programme management.

Medical care services are divided into primary, secondary, and tertiary care. Primary medical care is provided directly and at no cost to refugees registered with UNRWA. This includes a comprehensive maternal and child programme, family planning, dental care, physiotherapy, radiology, cardiology and ophthalmology. Financial assistance is provided for secondary health care services such as hospitalization for life-saving treatments, while tertiary care includes prosthetic devices, specialized medical investigations and non-programme life-saving medicines. Refugees share health-care costs through co-payment towards secondary and tertiary care. Owing to especially difficult socio-economic conditions in Lebanon, refugees are exempt from the co-payment system in place for secondary and tertiary care in other areas, although co-payments are required for specialized life-saving treatment. Hospital beds are contracted with public and private hospitals, with the exception of one Agency-run hospital in the occupied West Bank town of Qalqilia. Not all refugees registered with UNRWA use Agency health facilities. Some environmental health services, such as sewerage disposal and the provision of safe drinking water in refugee camps, are also provided through contractual arrangements with local municipalities or private contractors.

The Agency runs one of the most cost-effective health services in the region, with comparable or better results than other health services in the region.⁷⁵ However, medical resources are stretched to the limit, especially when compared to host authorities. Recently, the Syrian government increased the costs of hospitalization by 460%, which has affected the capacity of UNRWA and the refugee population to cover the cost of hospitalization.⁷⁶ While the ideal average number of consultations per doctor per day is 70, the Agency-wide average is 100, with the highest number of patient consultations per doctor in the occupied Gaza Strip (140 daily consultations), followed by the occupied West Bank (114) and Jordan (102).⁷⁷

Table 4.8 - Health Resource Indicators, UNRWA and Host Authorities, 2003

Indicators	Jordan		Lebanon		Syria		Palestine		
	MoH	UNRWA	MoH	UNRWA	MoH	UNRWA	MoH	West Bank	Gaza
No. primary health facilities per 100,000 population	24	1.4	69	6.4	21	5.7	29	5.3	1.9
No. doctors per 100,000 population	220	5.2	281	13.1	148	12.0	84	10.0	9.85
No. dentists per 100,000 population	45	1.2	105	4.1	85	3.2	8	2.0	1.5
No. nurses per 100,000 population	280	12.9	300	28.7	197	29.3	141	32.4	27.1
Per capita allocations for health US \$	45	4.6	45.9	22	18.6	12.8	26.9	14.7	12.8

Source: UNRWA Medium term Plan (2005-2009), Gaza: UNRWA Headquarters, 2005, p. 8.



From February to March 2005, the World Health Organization (WHO) carried out a technical assessment of UNRWA's health programme. They found that the Agency would need to increase its spending by US \$10 per capita in order to sustain current services and address new priorities. It also recommended improvement in UNRWA's "nutrition, non-communicable disease care, mental health, staff training, research, disability, cancer prevention and psychosocial support."⁷⁸ The 2004 Geneva

Distribution of food aid, Bethlehem, 2005. (Nathalie Bardou/BADIL)

Conference made several recommendations based on the principles enshrined in the Convention on the Rights of the Child, including access to basic pre-natal and post-natal services for women and children, safe delivery, immunization, nutrition and mental health.⁷⁹

UNRWA's 2005-2006 medium-term plan focuses on reducing the gap between UNRWA and host country standards regarding human and financial resources, access to primary health care services, environmental health in camps, use of information technology, un-met priority health needs (such as psychosocial well-being) and early detection of child disabilities.⁸⁰

In the occupied Palestinian territories, the Agency's ability to provide adequate health care has continuously deteriorated since the beginning of the second *intifada* in 2000. In the past, for example, UNRWA's hospital in Qalqilia had an occupancy rate of 68%. By 2004, the occupancy rate had dropped to 45% as a result of curfews, closures and the construction of the Wall and its regime.⁸¹ Refugees living in the enclaves created by the Wall have difficulty accessing UNRWA mobile clinics, while clinics are often denied permission to enter the enclaves, as the Agency has refused to apply for permits. UNRWA anticipates similar effects for patients trying to reach UNRWA facilities and private hospitals in eastern Jerusalem, especially for Shu'fat camp residents.⁸² Furthermore, "malnutrition and anaemia show signs of resurgence in the occupied Palestinian territory and micronutrient deficiencies were highly prevalent in the Agency's area of operations during the reporting period, with 22% of children under five years of age suffering from vitamin-A deficiency, and 54.7% of children under three years of age in Gaza and 34.3% of such children in the West Bank suffering from anaemia. Physical disabilities and mental and psychological problems, especially among children in the occupied Palestinian territory and Lebanon, were on the increase."⁸³

Due to the disparity between the needs of the refugee population, especially considering population growth, inflation and changes in the epidemiological profile of the refugee population, the health programme may become unsustainable in the future. If the discrepancy between health needs and funding perseveres, "the quality of services could deteriorate and the Agency's achievements in health care could be compromised, especially in the occupied Palestinian territories, where there was more than a 60% increase in the utilization of the Agency's general clinic services over pre-crisis levels."⁸⁴

c) Relief and Social Services

The goal of the relief and social services programme is to provide aid to the most vulnerable and needy refugees, especially women, children and persons with disabilities. The department is divided into four main sections: relief services; eligibility and registration; social services; and programme management. The relief and social services budget constitutes approximately 10% of the Agency's total budget, with the largest share (79%) allocated to assist "special hardship case" (SHC) families. The programme employs 671 staff.

The relief services programme provides food support for SHC families, shelter rehabilitation and selective cash assistance, and SHCs are given priority in

programmes offered by the social services division and preference in enrolling in vocational training schools. UNRWA began to offer special assistance to refugee households qualifying as special hardship cases⁸⁵ in 1978. Eligibility criteria for the special hardship programme have traditionally been based on status rather than needs. Since 2004, UNRWA has been looking into changing the eligibility criteria from a status-based approach to a needs-based approach.

Food assistance includes five basic commodities distributed on a quarterly basis (flour,⁸⁶ sugar, rice, milk and oil).⁸⁷ Food subsidies amount to around US \$110 per person per year (30 June 2005). Cash subsidies (an average of US \$540 per family of five persons) are provided on a case-by-case basis to SHC families (approximately 9% of SHC cases) facing emergency situations, such as the loss of goods or income due to fire, flooding, death or sudden incapacity of heads of households or primary income earners.

By June 2005, 5.8% of the refugee population (or approximately 248,500 persons) were classified as SHCs.⁸⁸ The largest number of households receiving special assistance are in Lebanon, followed by the occupied Gaza Strip and the West Bank. Between July 2004 and June 2005, 21% of SHCs (13,139 families) needed repair or total reconstruction of sub-standard or damaged homes. UNRWA, however, was able to rehabilitate only 138 shelters, representing 1% of the urgent rehabilitation needs.⁸⁹

A pilot project was undertaken in 2000 to improve the living conditions of 1,300 families in Neirab camp in Syria. This project is part of a shift undertaken by UNRWA from providing relief and emergency aid to creating conditions of self-reliance and sustainable development for the refugees.⁹⁰ Following trust-building consultations, 300 families agreed to participate, and relocated from dilapidated barracks to newly-built houses in Ein El-Tal (some 20 km from Neirab) in 2005. Other families will move into two- and three-storey houses replacing the barracks in Neirab. At the request of the refugees and the government of Syria, a clause was added stipulating that participation in the project should not affect the right of return of the Palestinian refugees.

Despite acute need, the special hardship food programme had to be reduced in Syria, Lebanon and Jordan. Financial constraints forced UNRWA to limit the admission of new hardship cases, thereby excluding many vulnerable persons in need of assistance. During 2004-2005, food distribution teams in the occupied West Bank and the Gaza Strip were prevented from reaching their distribution points, with food distribution having to be rescheduled, on many occasions. For instance, the emergency food programme was suspended for more than three months between 10 June and 19 September 2004 in the occupied Gaza Strip. Food distribution teams and social workers faced recurrent difficulties in gaining access to poor families living in the closed areas, in particular in the Mouazi enclave in occupied Gaza, and the "seam zones" created by the Wall in the occupied West Bank.⁹¹ The Agency is thus unable to address the needs of the most vulnerable refugees at present; the aid it currently provides to this group is less than the aid provided to low-income families by the Palestinian Authority or the Jordanian Government.⁹²

The eligibility and registration programme is the custodian of the historical refugee

records, which are maintained to determine eligibility and registration for UNRWA services.⁹³ The department continuously updates registration cards, mainly with information regarding birth, marriages and deaths, but also with data relevant for the special hardship programme. UNRWA has registered 1948 refugees since 1950. Its registration system is currently being updated within the framework of the Palestine Refugee Records Project, which involves redesigning the computerized registration system for 4.3 million refugees, as well as the scanning and preservation of historical refugee documents. The first part of the project, the manual integration of the original 1948 records with other documents related to descendants, was completed in Lebanon, Syria and the occupied Gaza Strip, and almost (98%) complete in the occupied West Bank by the end of June 2005.⁹⁴ Digital scanning and preservation of all documents, the second major component of the project, began in Jordan in August 2004, and in Lebanon in May 2005, and will continue as part of the Palestine Refugee Records Project. The approximately 16 million historical refugee documents will eventually be integrated into the registration database.

The social services programme consists of five main sub-programmes: community development; a women's programme; a disability programme; children and youth programmes; and a micro-credit community support programme. UNRWA is currently implementing a training programme for the Agency's social workers.⁹⁵ The micro-credit community programme⁹⁶ provides some 1,400 loans annually for housing improvement and small-scale enterprise, as well as subsidized loans and apprenticeship training to special hardship families and individuals.

UNRWA has established 104 community centres, including 65 centres for women and youth activities (primarily located in the 1967-occupied Palestinian territories) and 39 community rehabilitation centres.⁹⁷ Women's programme centres provide skills training for women, such as sewing, knitting, embroidery and food preparation, as well as computer and business training and photography. The centres also aim to raise awareness on issues such as early marriage, drug addiction, smoking and domestic violence. Support services for women, such as psychological counselling, legal advice and kindergartens are offered, as well as recreational and cultural activities. Youth programmes provide recreational and educational activities, such as computer and language courses, leadership training, awareness-raising sessions on the rights of the child, sports, theatre, music and summer camps. In addition to providing community services, these organizations also provide employment to some 1,500 trainers and supervisors. In the 1967-occupied Palestinian territories, approximately two-thirds of these community centres have registered with the Palestinian Authority as independent legal entities. However, while close to 60% of all community organizations have gained full self-management capacities, few have achieved financial sustainability.

d) Micro-finance and Micro-enterprise Programme

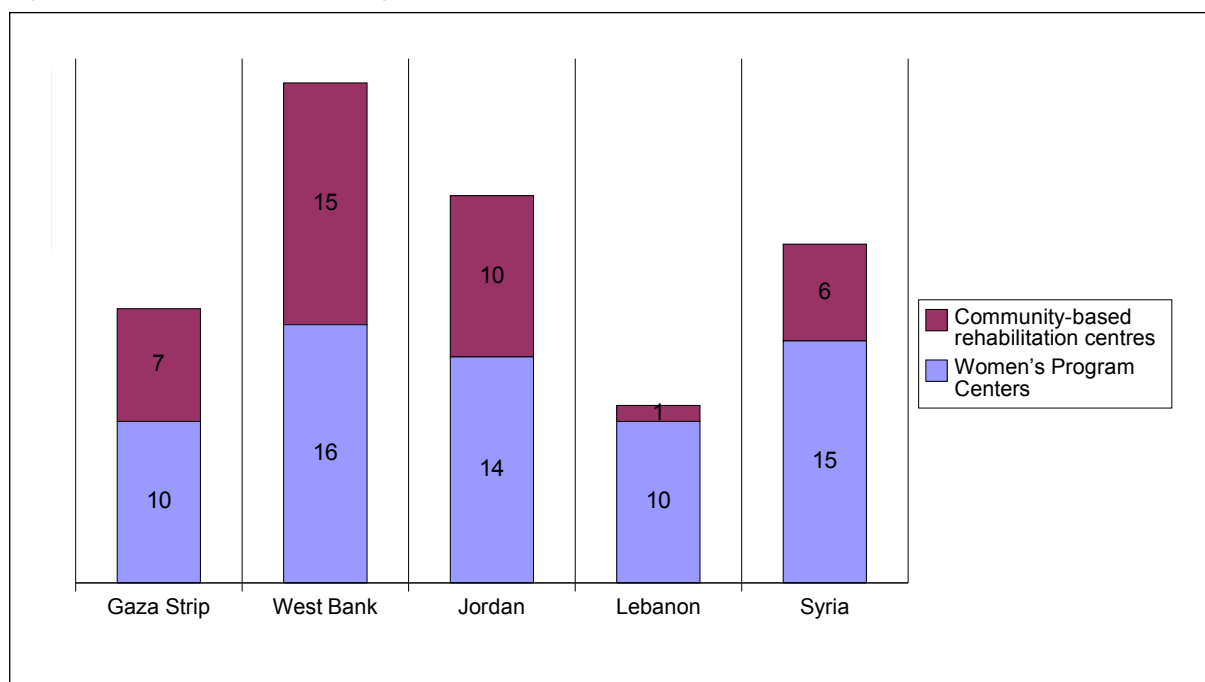
In 1991, UNRWA launched a micro-finance and micro-enterprise programme in the 1967-occupied Palestinian territories in response to the first *intifada* and the Gulf war. At present, this programme constitutes the largest source of credit to micro-enterprises. The programme was expanded to Jordan and Syria in 2003, and in 2004-2005, a new housing micro-finance product was introduced as a pilot project in the occupied Gaza Strip. In 2004-2005, the programme provided over



19,000 small loans (valued at around US \$17 million) to poor people running small or informal-sector businesses in the occupied Palestinian territories, Jordan and Syria. Women received 25% of the loans, while young refugees (under the age of 28) received 24% of the loans. Since its creation, over 95,000 loans worth more than US

After the demolition of her home: temporary housing, "Bloc O", Rafah Camp, Gaza Strip, 2002. (UNRWA Archives)

Figure 4.2 - UNRWA Centers and Programmes by Location, 2005



Source: UN Relief and Works Agency for Palestine Refugees (UNRWA). Figures as of 31 December 2005.

\$98 million (i.e., slightly more than US \$1,000 per loan) have been distributed.⁹⁸ Although the programme has been unable, due to Israeli-imposed closures and movement restrictions, to achieve operational sustainability and full cost recovery since 2002, the Agency expects to achieve this target by the end of 2005.

e) Emergency Assistance

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

During the early 1980s, the Israeli invasion of Lebanon largely undid the Agency's work of three decades in the country.⁹⁹ Emergency operations at that time included distributing food rations, blankets, mattresses, kitchen supplies and clothing, water and medical supplies. Following the withdrawal of Israeli forces from Beirut, UNRWA was left with the task of providing emergency care to the wounded, as well as to the families of the victims of some 3,000 refugees massacred by Israeli-allied Lebanese Phalangist militiamen in the Beirut camps of Sabra and Shatila, and the reconstruction of camps and Agency infrastructure. Many of the same emergency services were provided to Palestinian refugees during the first *intifada* in the occupied Palestinian territories.

Since the second *intifada* in September 2000, UNRWA has again been forced to supplement regular services with emergency programmes in the 1967-occupied

Humanitarian Access

UNRWA's relationship with host governments is based on bilateral agreements and the principles set out in the UN Charter and the 1946 *Convention on United Nations Privileges and Immunities*. Under the UN Charter, member states are obligated (Article 2) to grant UNRWA "every assistance in any action it takes in accordance with the present Charter." UNRWA is also considered to be a legal entity in UN member states (Article 104); member states are obligated to respect the privileges and immunities the Agency requires in order to fulfill its mandate. Under the 1946 *Convention on United Nations Privileges and Immunities*, the UN is a juridical personality under state laws (Article 1). UN property and assets are immune from legal process (Article II.2) and its premises are inviolable, immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administration, judicial or legislative action (Article II.3). The UN, its assets, income and property are exempt from all direct taxes, customs duties, and import and export restrictions on articles for official use (Article II.7). Differences in interpretation of the Convention are to be referred to the International Court of Justice unless the parties agree otherwise (Article VIII).

UNRWA, however, has faced various restrictions on delivery of humanitarian assistance to Palestinian refugees. During the first Palestinian *intifada* in the 1967-occupied Palestinian territories, for example, Israeli authorities refused to allow entry of foodstuffs and medical supplies through the port of Ashdod for so-called health and security considerations. The humanitarian aid supplies eventually had to be re-routed for use in Lebanon. Since the beginning of the second *intifada* in September 2000, UNRWA has faced a variety of restrictions and violations of the *Charter of the United Nations*, the 1946 *Convention on the Privileges and Immunities of the United Nations*, the 1949 *Convention Relative to the Protection of Civilian Persons in Time of War*, and the 1967 *Comay-Michelmores Agreement*. These include arrest and detention of local staff, restrictions on freedom of movement within the occupied West Bank and Gaza Strip that have affected the delivery of humanitarian aid, confiscation of ID cards of local staff, denial of access of teachers to schools and training centres, and doctors and nurses to medical centres and hospitals, the imposition of special access permits to the occupied Gaza Strip and "seam zones" created by the Wall in the occupied West Bank, and armed interference with Agency staff.

territories, including emergency poverty alleviation, maintenance of nutritional safety nets, repair of damaged shelters, provision of services to those disabled during confrontations with or attacks by occupying Israeli military forces, and delivery of health care through mobile health units; ensuring emergency preparedness with full medical supplies, adequate transport facilities, post-injury physical rehabilitation capacities and compensatory education; this while consciously attempting to guarantee that violence and economic decline do not irrevocably erode the gains of the past years and create new costs in terms of both social and financial capital in the period to come.

For instance, the camp of Jenin in the occupied West Bank, which was destroyed in 2002 by an Israeli assault on the camp, was rebuilt in December 2004. The destruction of the camp had left over 2,000 impoverished refugees homeless. The new houses are now providing homes to 435 families. New infrastructure has also been built, including roads, electricity, sewerage systems and storm drains.¹⁰⁰

Between November 2000 and the end of 2005, UNRWA made eight emergency appeals (not including a supplementary appeal in 2002 as a result of Israel's massive military re-invasion of Palestinian cities, towns and refugee camps) to the international community for special funding of emergency operations in the 1967-occupied Palestinian territories. Average annual contributions have only covered 56% of the total of US \$900 million requested through these emergency appeals.¹⁰¹

2003 and 2004 saw a continuous erosion of donor response to the emergency appeals, and the Agency was forced to re-prioritize its activities in food aid, emergency employment creation and cash assistance. By 2005, UNRWA had transferred some emergency activities to its regular budget in recognition of the enduring crisis. Emergency medical supplies, assistance with hospitalization costs,

physiotherapy and environmental health programming were incorporated into the health and education programmes, while compensatory education, distance learning and extra-curricular activities for schoolchildren are now part of the regular education programme.

Table 4.9 - Summary of Emergency Appeals in the OPT, 2000-2005

Emergency Appeals	Fund Requested in US Dollars	Contributions	Percentage Received of Total
First Appeal Nov 2000-Feb 2001	\$39,126,905	\$43,815,262	112%
Second Appeal March-May 2001	\$39,393,352	\$24,025,652	61%
Third Appeal June-Dec 2001	\$76,894,075	\$63,698,276	83%
Fourth Appeal Jan-Dec 2002	\$172,826,293	\$97,132,811	56%
Fifth Appeal Jan-June 2003	\$93,714,217	\$38,105,608	41%
Sixth Appeal Jul-Dec. 2003	\$102,905,041	\$53,870,144	52%
Seventh Appeal (incl. Rafah Appeal) Jan-Dec 2004	\$209,406,387	\$110,349,779	53%
Eight Appeal Jan-Dec 2005	\$185,814,882	\$85,455,587	46%
Total	\$924,935,128	\$518,179,754	56%

Source: United Nations Relief and Work Agency for Palestine Refugees in the Near East, Pledges to UNRWA's Emergency Appeals, 4 October 2000 – 30 May 2005, Department of External Relations, UNRWA Headquarters (Gaza), 30 May 2005.

Endnotes

- ¹ Article 2(7), *Charter of the United Nations*, 26 June 1945. “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.”
- ² *Convention Relating to the Status of Refugees* (“Refugee Convention”), effective 22 April 1954, 28 July 1951, 189 UNTS 137.
- ³ Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen are signatories, but, with the exception of Egypt, host only small numbers of Palestinian refugees. According to UNHCR statistical reports for 2004, there were 4,000 Palestinian refugees of concern to UNHCR in Algeria, 70,215 in Egypt, 810 in Morocco and 440 in Yemen. Estimated number of Palestinians of Concern to UNHCR at the end of 2004, data provided by UNHCR, 2004. See Chapter Two.
- ⁴ *The Guiding Principles on Internal Displacement*. Addendum to: Report of the Representative of the Secretary-General, Francis M. Deng, submitted pursuant to Commission Resolution 1997/39, UN Doc. E/CN.4/1998/53/Add.2, 11 February 1998, Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, including the Question of the Programme and Methods of Works of the Commission on Human Rights, Mass Exoduses and Displaced Persons.
- ⁵ *Protocol on the Treatment of Palestinians*, 11 September 1965 (“Casablanca Protocol”). Available at <http://www.badil.org/Documents/Protection/LAS/Casablanca-Protocol.htm>.
- ⁶ *Convention Governing the Specific Aspects of Refugee Problems in Africa* (“OAU Convention”), effective 20 June 1974, 10 September 1969, 1001 UNTS 1945.
- ⁷ Kuwait, Lebanon, and Libya endorsed the Protocol but with reservations. Saudi Arabia, Morocco and Tunisia are not signatories.
- ⁸ These states include Algeria, Egypt, Libya, Mauritania, Sudan and Tunisia. According to UNHCR statistical reports for 2004, there were 4,000 Palestinian refugees of concern to UNHCR in Algeria, 70,215 in Egypt and 8,900 (Libya). Estimated number of Palestinians of Concern to UNHCR at the end of 2004, data provided by UNHCR, 2004. See Chapter Two.
- ⁹ Pact of the League of Arab States, effective 10 May 1945, 22 March 1945, 70 UNTS, 248, 252.
- ¹⁰ 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.
- ¹¹ al-Abed, Oroub, *The Palestinians in Egypt: An Investigation of Livelihoods and Coping Strategies*. Egypt: The American University in Cairo/Forced Migration Refugee Studies Program, September 2003, p. 13.
- ¹² The common denominator for “shelter villages” was that IDPs constituted the majority of the residents. The RRA supervised housing construction in the shelter villages. However, the distinction between shelter villages and villages that were not designated as such is not absolutely clear. The RRA, for example, also operated in Reine (Nazareth); and shelter villages also absorbed refugees who were not transferred by the RRA. Cohen, Hillel, *The Present Absentees: Palestinian Refugees in Israel since 1948*. Jerusalem: Institute for Israeli-Arab Studies, 2000, pp. 26-27.
- ¹³ *Ibid.*
- ¹⁴ *Ibid.*
- ¹⁵ Comay-Michelmores Agreement, 14 June 1967, entered into force on 14 June 1967. Michael Comay was then political adviser to the foreign minister and ambassador at large of Israel, and Lawrence Michelmores was UNRWA Commissioner General. The agreement is reprinted in Schiff, Benjamin, *Refugees unto the Third Generation: UN Aid to Palestinians*. Syracuse, NY: Syracuse University Press, 1995, pp. 295-96.
- ¹⁶ For a brief overview, see Baille, Marzio et. al., *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions*. Volume III: Social Service Delivery to Palestinian Refugees: UNRWA and other Providers, UNRWA Financial and Donor Environment. Oslo: FAFO, Institute for Applied Social Science, 2003, pp. 20-22.
- ¹⁷ *Ibid.*, p. 21.
- ¹⁸ Jacobsen, Laurie Blome, *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Volume I: Socio-economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Oslo: FAFO, Institute for Applied Social Science, 2003, p. 187. Few (2%) are not registered with UNRWA and do not have private insurance. Baille, et. al., *supra*, note 15, p. 22.
- ¹⁹ For an overview, see Baille, et. al., *supra*, note 15, pp. 16, 21-22.
- ²⁰ Arneberg, Marie, *Living Conditions Among Palestinian Refugees and Displaced in Jordan*. Oslo: FAFO Institute for Applied Social Science, 1997, p. 35.
- ²¹ For a brief overview, see Baille, et. al., *supra*, note 15, pp. 19-20, 22.
- ²² *Ibid.*, p. 22.
- ²³ For an overview, see Baille, et. al., *supra*, note 15, pp. 17-19, 23.

²⁴ *Ibid*, p. 19.

²⁵ Jacobsen, *supra*, note 18, p. 189. According to a 1997 survey by the Health, Development and Policy Institution (HDIP), approximately 40% of refugees seek treatment at UNRWA, 31% at private clinics and 25% at government clinics.

²⁶ Jacobsen, *supra*, note 18, p. 184.

²⁷ For a brief overview, see Babilie, et. al., *supra*, note 15, p. 60.

²⁸ *Atlas of Palestinian Refugee Camps in Jordan*. Amman: Department of Palestinian Affairs, 2001. In 2001, this included 10 secondary schools: four in Baqa'a camp, two in Azmi al-Mufti, two in Hittin, one in Jerash, and one in Souf refugee camp. Of these 10 schools, six are for girls and four are for boys.

²⁹ Babilie, et. al., *supra*, note 15, p. 59. Natour notes that 10% of spaces at the elementary, intermediate and high-school level in public and private schools are reserved for non-Lebanese students. Natour, Suheil, "The Legal Status of Palestinians in Lebanon". Paper presented at the Palestinians in Lebanon Conference organized by the Centre for Lebanese Studies and the Refugee Studies Programme, Queen Elizabeth House, 27-30 September 1996, p. 46.

³⁰ *Ibid*.

³¹ Bocco, Riccardo, et. al. *Palestinian Public Perceptions on their Living Conditions*. Report VI. Geneva: Graduate Institute of Development Studies, University of Geneva, 2003, p. 183.

³² Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 43, p. 10.

³³ Jacobsen, *supra*, note 18, p. 203. Also see Said al-Mawed, Hamad, *The Palestinian Refugees in Syria: Their Past, Present and Future*. Ottawa: International Development Research Centre, 1999.

³⁴ *Five Decades of Responsibility in the Refugee Camps of Jordan*. Amman: Department of Palestinian Affairs, 2000, p. 21.

³⁵ Report of the Director General of the United Nations Relief and Works Agency for the Palestinian Refugees in the Near East, 1 July 1958-30 June 1959, UN GAOR, 14th Sess., Supp. No. 14 (A/4213), 30 June 1959, Annex H, para. 30.

³⁶ The Iraqi governments of Abdel-Karim Qassem (1959) and Ahmad Hassan al-Bakr (1970) were responsible for constructing the bulk of Palestinian housing in the al-Salam, al-Horiyya and al-Baladiyat districts of Baghdad in order to resolve the housing problem of the Palestinian refugees. Following the 1948 exodus to Iraq and until the 1970s, many Palestinians were housed in bad living conditions in old schools and military camps under the direct supervision of the Iraqi Ministry of Defense. See *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999. Under Saddam Hussein's regime, three buildings were constructed in the al-Baladiyat area. See Saad, Rasha, "Displaced Yet Again," *Al-Ahram*, Issue No. 641, 5-11 June 2003. The Iraqi government also rented houses for Palestinian refugees. An estimated 63% of the Palestinian refugees in Baghdad (1,466 families, comprising 8,944 refugees) benefited from such government-provided houses. *Palestinian Refugees in Iraq*. Department of Refugee Affairs, Palestine Liberation Organization, 1999. [On file with BADIL]

³⁷ Adwan, Talab, "Refugee Camp lands: Political/Juridical Issues and Social Practices in the West Bank and Gaza." Paper prepared for the International Symposium: The Palestinian Refugees and UNRWA in Jordan, the West Bank and Gaza, 1949-1999, 31 August – 2 September 1999, Dead Sea, Jordan, p. 17.

³⁸ "Palestine Refugee Problem", Annex I, Washington, 22 April 1948, Foreign Relations of the United States 1949, p. 938. Cited in Neff, Donald, *Fallen Pillars: US Policy towards Palestine and Israel since 1945*. Washington, DC: Institute for Palestine Studies, 1995, p. 69. The same report noted, "the total direct relief offered [...] by the Israeli government to date consists of 500 cases of oranges." *Ibid*.

³⁹ *Supra*, note 18, paras. 37, 38, 39, p. 8.

⁴⁰ *Supra*, note 28.

⁴¹ *Ibid*, para. 172, p. 41.

⁴² See Annual Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East from 2003 until 2005. Available at <http://www.un.org/unrwa/>

⁴³ See United Nations High Commissioner for Refugees, *Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees, Standing Committee for Information*: Executive Committee of the High Commissioner's Programme, EC/50/SC/INF. 2, 20 June 2000. "For a large part of its history, UNHCR became involved in the response to internal displacement in an ad hoc, case-by-case manner, focusing especially on those situations where IDPs were mixed with, or in close proximity to, refugees or returnees and shared much the same needs and vulnerabilities. Over the years, UNHCR has issued successive internal notes and guidelines, stipulating a number of criteria for UNHCR's involvement, such as (i) a request from the Secretary-General; (ii) UNHCR being able to offer relevant expertise; (iii) the need to ensure that refugee protection was not negatively affected by such involvement; and (iv) the need for adequate funding." UNHCR, UNHCR's Role in IASC Humanitarian Reform Initiatives and in the Strengthening of the Inter-Agency Collaborative Response to Internally Displaced Situations, Discussion Paper, 20 September 2005, p. 1. A/AC.96/1021, 7 October 2005, Section A., para. 20 (x), p. 11.

⁴⁴ *Ibid*, p. 1. UNHCR's responsibility may, however, change in the future, as the Executive Committee of the UNHCR "[...] encourages UNHCR to continue to explore the feasibility of taking on co-ordination responsibilities for clusters related to

internally displaced persons protection, camp management and shelter in conflict situations as part of a broader United Nations co-ordination effort in support of United Nations humanitarian co-ordinators, with a view towards ensuring a more effective, predictable, and timely response to humanitarian crises, including a system of accountability;" Executive Committee of the High Commissioner's Programme, Report of the Fifty-Sixth Session of the Executive Committee of the High Commissioner's Programme, Fifty-sixth Session, UNGA.

- ⁴⁵ *Assistance to Palestine Refugees*, UNGA, A/RES/302(IV), 8 December 1949, para. 7.
- ⁴⁶ According to Article 6 of Resolution 302(IV), all relief and works operations were to be terminated by the middle of 1951.
- ⁴⁷ *Persons displaced as a result of the June 1967 and subsequent hostilities*, UNGA Resolution A/RES/54/71, 18 February 2000, para. 3 and *Assistance to Palestine refugees and support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UNGA Resolution A/RES/58/95, 17 December 2003.
- ⁴⁸ During the initial six years of its operations, while providing relief, primary health care and education services, UNRWA initiated four types of programmes aimed at reintegrating the refugees into the economic life of the region: (1) "Work Relief", i.e., small scale training and employment creation; (2) "Works Projects", i.e., medium-sized public sector government-controlled projects such as road-building and tree-planting aimed at employment creation; (3) assistance to and subsidization for small numbers of Palestine refugees willing to resettle in places such as Argentina, Brazil, Bolivia, Canada, Columbia, Chile, Egypt, Honduras, Iran, Iraq, Kuwait, Libya, Qatar, Sierra Leone, Saudi Arabia, the United States, Venezuela, Germany and Yemen; (4) large scale regional development projects with regional governments.
- ⁴⁹ See UNGA Resolution 614 (VII), 6 November 1952 recognizing that "immediate realization" of the reintegration goals was not possible and noting that "increased relief expenditures are therefore required, with a resultant reduction in the reintegration funds". Also see Resolution 916 (X), 3 December 1955, noting that "no substantial progress has been made in the programme for reintegration of refugees".
- ⁵⁰ *Proposals for the Continuation of United Nations Assistance to Palestine Refugees*, Document Submitted by the Secretary-General. UN Doc. A/4121, 15 June 1959, para. 17.
- ⁵¹ See UNGA Resolution 1315(XIII), 12 December 1958, requesting UNRWA "to plan and carry out projects capable of supporting substantial numbers of refugees and, in particular, programmes relating to education and vocational training". Also see Resolution 1456 (XIV), 9 December 1959, directing the Agency "to continue its programme of relief for the refugees and [...] expand its programme of self-support and vocational training".
- ⁵² UNRWA, *UNRWA and the Transitional Period: A Five-Year Perspective on the Role of the Agency and its Financial Requirements*. Vienna (31 January 1995).
- ⁵³ Hansen, Peter, "From Humanitarian Crisis to Human Development – The Evolution of UNRWA's Mandate to the Palestine Refugees". Address to the American University of Cairo, 21 September 2003. Available at <http://www.un.org/unrwa/news/statements/auc-sep03.pdf>.
- ⁵⁴ Over the last decade, the gap between UNRWA's budgeted and actual expenditure has reached as much as US \$50 to \$70 million per year out of a total budget of around US\$ 250 to \$300 million.
- ⁵⁵ *Supra*, note 18, Chapter 1, paras. 1.58 and 1.61, pp. 12-13.
- ⁵⁶ Jacobsen, Laurie Blome, *Finding Means, UNRWA's Financial Situation and the Living Conditions of Palestinian Refugees*, Summary Report, 2000, p. 8.
- ⁵⁷ During UNRWA's last reporting period, 75% of schools operated on a double-shift basis owing to a shortage of school buildings. Despite an expanded programme of school construction since 1993, the Agency has been unable to reduce the rate of double shifting. *Supra*, note 18, para. 62, p. 15.
- ⁵⁸ Shortfalls in donor contributions for the construction of the necessary number of new schools (and restrictions on new construction in Lebanon) have also forced UNRWA to house schools, mostly outside refugee camps in Jordan and Lebanon, in rented premises that generally "lack adequate classroom space, proper lighting, ventilation and space for extra-curricular facilities." Out of a total of 647 UNRWA schools in 2004-2005, 107 were in rented premises. Through project funding, the Agency managed to reduce the number of rented premises from 96 in 1994-1995 to 72 in 2004-2005. *Supra*, note 18, para. 50, pp. 11-12.
- ⁵⁹ Classroom occupancy rates are substantially higher than the rates in host country schools. The average classroom occupancy rate for the 2004-2005 academic year was 40.5 students per class. Occupancy was highest in the occupied Gaza Strip (at 44.7 pupils per classroom) and lowest in Lebanon (at 34.6). *Supra*, note 18, para. 47, p. 11.
- ⁶⁰ Since 1997, UNRWA has been unable to provide scholarships for post-secondary education due to funding shortfalls. Existing scholars in the programme, however, continue to receive assistance through special project funds until they complete their studies.
- ⁶¹ Due to funding shortfalls, UNRWA per capita health expenditures are considered far below public expenditure on health by countries in the Agency's area of operations, and compare with public expenditure in the world's least developed countries.
- ⁶² Between 1997 and 2000, UNRWA was forced to suspend allocations for selective cash assistance. Current allocations, reinstated in January 2000, allow the Agency to provide allocations only to approximately one-third of the families in need of special assistance.

- ⁶³ Available resources for shelter rehabilitation continue to fall short of identified needs. Some 13,000 special hardship case (SHC) families still live in housing that does not meet minimally acceptable standards for structural soundness, hygiene, ventilation and space relative to family size.
- ⁶⁴ UNRWA employs 229 social workers with an average caseload of 250 cases per year (2005). This high case-load hampers effectiveness, programme implementation and data collection. *Supra*, note 25, para. 143, p. 34.
- ⁶⁵ Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 2003 – 30 June 2004. UN GAOR, Fifty-ninth Session, Supp. No. 13 (A/59/13), 19 October 2004, para.108, p. 25.
- ⁶⁶ *Supra*, note 25, para. 1.26, pp. 6-7.
- ⁶⁷ Hansen, Peter, "Meeting the Humanitarian Needs of the Palestine Refugees in the Near East: Building Partnerships in Support of UNRWA", Commissioner-General's Closing Remarks, International Conference Centre, Geneva, 8 June 2004.
- ⁶⁸ On average, UNRWA spends US \$392 (2005) per elementary student and US \$523 per preparatory student. *UNRWA in Figures* (30 June 2005). Gaza City: Public Information Office, UNRWA Headquarters, August 2005.
- ⁶⁹ For the 2004-2005 academic year, 2,661 students were enrolled in the five UNRWA secondary schools, with a pass rate of nearly 90%, compared to 67% in government and private schools. *Supra*, note 18, para. 46, p. 11.
- ⁷⁰ In the 2004-2005 academic year, 12,718 children benefited from these programmes, which include audio-visual programmes, curriculum enrichment materials and self-learning kits. *Supra*, note 18, para. 45, p. 11.
- ⁷¹ Jordan and the occupied Palestinian territories do not hold similar comparable examinations. *Supra*, note 18, para. 44, p. 10.
- ⁷² *Supra*, note 18, para. 258, pp. 60-61.
- ⁷³ *Supra*, note 18, para. 51, p. 12.
- ⁷⁴ Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 2004 – 30 June 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005 para. 43, p. 10.
- ⁷⁵ In 2004, UNRWA allocated approximately US\$ 14,60 per capita on health care. *Ibid*, para. 69, p. 17.
- ⁷⁶ *Ibid*, para. 75, p. 19.
- ⁷⁷ *Ibid*, Table 6, p. 73.
- ⁷⁸ *Ibid*, para. 98, p. 24.
- ⁷⁹ *Ibid*, para. 83, p. 20.
- ⁸⁰ *Ibid*, para. 66, p. 16.
- ⁸¹ *Ibid*, para. 106, p. 25.
- ⁸² *Ibid*, para. 106, p. 25.
- ⁸³ *Ibid*, para. 68, p. 17.
- ⁸⁴ *Ibid*, para. 72, p. 18.
- ⁸⁵ Special Hardship Cases (SHCs) are defined as households having no male adult medically fit to earn an income, and no other identifiable means of financial support above a defined level.
- ⁸⁶ As most refugees no longer bake at home, the distribution of flour was discontinued in Jordan, Syria and Lebanon in July 2005, with mixed pulses being added as a substitute. UNRWA will also add tinned tuna as of January 2006. *Ibid*, para. 122, p. 29.
- ⁸⁷ UNRWA used to provide food rations to all Palestinian refugees in its areas of operation until the early 1980s. Following the Israeli invasion of Lebanon in 1982 and the ensuing humanitarian crisis, UNRWA rations were redirected from all areas of operations to Lebanon, with the consent of refugees. However, following the end of the crisis in Lebanon, rations were not reinstated. Between July 2004 and June 2005, UNHCR provided food support on an ad hoc basis to 388 Palestinian refugees who fled Iraq in 2003 and got stuck in camps at the border.
- ⁸⁸ *Ibid*, para. 118, p. 28.
- ⁸⁹ *Ibid*, para. 125, p. 29.
- ⁹⁰ See "Medium Term Plan 2005-2009", UNRWA, p. 8.
- ⁹¹ *Ibid*, para. 238, p. 56.
- ⁹² *Ibid*, para. 144, pp. 34-35.
- ⁹³ "[Palestine refugee] shall mean any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict." Consolidated Registration Instructions (CRI), 1 January 1993, para. 2.13, see Annex 2.
- ⁹⁴ *Supra*, note 18, para. 114, p. 27.
- ⁹⁵ *Ibid*, para. 137, pp. 33.
- ⁹⁶ The poverty alleviation/income generation programme was reformed in 2003-2004 and is now the micro-credit community support programme.
- ⁹⁷ In 2004-2005, two new community rehabilitation centres were opened in the occupied West Bank, one in Camp Number 1 in Nablus and the other in Jenin. A new physiotherapy centre was also opened in the Deir El-Balah centre in the occupied Gaza Strip; staff are partly sponsored by the Palestinian authority. *Ibid*, para. 126, p. 30.

⁹⁸ *Ibid*, paras. 147-148, p. 35.

⁹⁹ Over the course of its fifty-year history of operations, UNRWA has launched numerous emergency funding appeals to cover the costs of emergency programmes. In 1997, for example, UNRWA launched a special emergency appeal for Lebanon (totalling US \$11 million) to support essential health, education, relief and social services so as to alleviate financial pressures resulting from the damages caused by the Israeli invasion.

¹⁰⁰ "Jenin Rebuilt", UNRWA Press Release No. HQ/G/40/2004, Gaza: UNRWA, 16 December 2004.

¹⁰¹ United Nations Relief and Work Agency, Pledges to UNRWA's Emergency Appeals, 4 October 2000 – 30 May 2005, Department of External Relations, UNRWA Headquarters (Gaza), 30 May 2005.



Shatila Camp, Lebanon, 1982. (UNRWA Archives)

Protection

Preface

Refugees and internally displaced persons are entitled to protection. Protection includes recognition and safeguarding of refugee and IDP rights, security and welfare. National authorities hold the primary responsibility to protect refugees and internally displaced persons (IDPs) within their borders. However, Israel in many respects fails to protect Palestinian refugees and IDPs. National protection accorded to Palestinian refugees in Arab host states varies. Few of the host states in which the majority of Palestinian refugees reside are signatories to relevant international instruments. Interpretation of relevant instruments by signatory host states outside the Middle East is inconsistent.

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

The Office of the UN High Commissioner for Refugees (UNHCR) is the primary body mandated to provide international protection for refugees worldwide. The Office works closely with other international and national organizations and states. The United Nations established a separate organ – the UN Conciliation Commission for Palestine (UNCCP) – to provide international protection for all persons displaced during the 1948 war in Palestine. The UN did not establish a special organ for Palestinian refugees displaced for the first time in 1967 or for internally displaced Palestinians in the occupied Palestinian territories. There is no single UN agency mandated to protect internally displaced persons. Instead, a Collaborative Response has been developed with relevant UN Agencies, international governmental and non-governmental organizations in order to provide assistance and protection to IDPs[]. The League of Arab States has established several organs to monitor the treatment of Palestinians in member states.

Significant gaps exist in the protection of Palestinian refugees and internally displaced persons as a result of Israel's unwillingness to provide them with protection, the collapse of UNCCP protection, lack of effective protection by the Arab League and host states, limited protection afforded by the UNHCR and UNRWA, and varying interpretations of relevant instruments.

5.1 National and Regional Protection

States have a duty to protect persons from persecution and forcible displacement. Forcible displacement is clearly prohibited under human rights and humanitarian law in both international and non-international armed conflicts.¹ Forcible displacement of civilians is a war crime.² Displacement is prohibited, especially “when it is based on policies of apartheid, ‘ethnic cleansing’ or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population.”³ Particularly relevant to the Palestinian case is the responsibility of states “to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.”⁴

National authorities hold the primary responsibility to protect refugees and internally displaced persons within their borders. All states must respect the principles of non-discrimination and non-*refoulement* (see box below). State responsibility reflects the generally recognized principle of territorial sovereignty. The Charter of the United Nations prohibits intervention in matters that lie within the domestic jurisdiction of any state.⁵

What is Protection under International Refugee Law?

Protection is first and foremost the duty of a state to protect persons within its borders from persecution.⁶ States must minimally respect the principle of non-*refoulement*: i.e., the right of persons not to be forcibly expelled or returned to territories where their life or freedom would be at risk on account of their race, religion, nationality or membership of a particular social group or political opinion. The prohibition against *refoulement* forms part of customary law and therefore applies to all states, irrespective of whether they are signatories to the 1951 Convention Relating to the Status of Refugees.⁷

Host states must respect the fundamental rights of refugees in their territory, most importantly: the rights to non-discrimination, freedom of religion, free access to courts of law, work, housing and education, public relief and assistance, freedom of movement, and the right not to be expelled from a country unless the refugee poses a threat to national security or the public order.⁸ Protection also includes the search for durable solutions for refugees and IDPs at all stages of displacement. (See Chapter Six.)

In addition, refugees and IDPs enjoy basic human rights as described in the Universal Declaration of Human Rights and other international human rights conventions.

In addition, state signatories to the 1951 *Refugee Convention* and its 1967 *Protocol*⁹ are obliged to guarantee freedom of religion, freedom of movement, the right to work, housing, property ownership and education, as well as rights to identity papers, travel documents and social security. The 1951 *Refugee Convention* requires that most of these rights be guaranteed at the same level as nationals of the state; all are guaranteed at least at the same level as other foreign aliens. Most states in the Middle East in which the majority of Palestinian refugees reside are not signatories to the 1951 *Refugee Convention*.¹⁰ Numerous states outside the Middle East are signatories to the 1951 *Refugee Convention* and its 1967 Protocol, but do not apply the Convention to Palestinian refugees, or do so improperly or inconsistently.

There is no regional refugee convention in the Arab world.¹¹ The 1965 *Protocol on the Treatment of Palestinians*¹² (*Casablanca Protocol*) delineates standards for the treatment of Palestinian refugees in the Arab world. The *Casablanca Protocol* is narrower in scope than the relevant international instruments. It only addresses residency status, travel documents and employment rights. Most of these rights are to be guaranteed at the



Palestinian girls assert their rights while Israeli soldiers prevent them from reaching their school; West Bank, 2004. (Christian Peacemaker Teams)

same level as nationals of the state. Not all member states of the League of Arab States are signatories to the *Casablanca Protocol*.¹³

The 1969 *Convention Governing Specific Aspects of Refugee Problems in Africa*, which is applicable to African-Arab states, includes provisions for residency, travel documents and voluntary repatriation.¹⁴ Few Palestinian refugees reside in OAU Convention signatory states.¹⁵

5.2 Protection in Israel and the 1967-occupied Palestinian Territories

Unlike Arab host states, Israel has a special obligation to protect Palestinian refugees and IDPS for a number of reasons: Israel as a successor state to pre-1948 Palestine is the country of origin of the majority of Palestinian refugees and IDPs;¹⁶ it has played a direct role in their protracted forced displacement; and a heightened protection regime applies under international humanitarian law to the Palestinian civilians, including refugees and IDPs residing in the occupied West Bank and Gaza Strip. Israel thus has a primary obligation to offer protection, including the facilitation of durable solutions. (See Chapter Six.)

Israel is a signatory to the 1951 *Refugee Convention* (but not to the 1967 *Protocol*), but does not apply this in the case of Palestinian refugees. Israel does not apply the 1998 *Guiding Principles on Internal Displacement* to internally displaced Palestinians. A heightened protection regime applies under international humanitarian law to the

Palestinian refugees and IDPs residing in the occupied West Bank and Gaza Strip. Israel, however, does not recognize the *de jure* applicability of the *Fourth Geneva Convention*,¹⁷ and argues that international human rights conventions do not apply to these populations.

5.2.1 Protection Practice Regarding Palestinian IDPs in Israel

More than a quarter of a million internally displaced Palestinians reside in Israel. Internally displaced Palestinians are citizens of Israel.¹⁸ Israel's domestic law therefore regulates protection.

a) The Right to Protection from Persecution and Forcible Displacement

Israel's domestic law is designed to exclude Palestinian refugees and IDPs, particularly regarding the right to return, citizenship/residency rights, and the right to housing and property. Israel's domestic law affords preferential treatment to Jews in accordance with Israel's status as a "Jewish state".¹⁹ Israel thereby violates its obligation to contribute to the search for durable solutions for Palestinian refugees and IDPs.

Moreover, discriminatory laws and policies violate the protected rights of all Palestinian citizens (including those of Palestinian IDPs), in particular, the *right to non-discrimination* with regard to citizenship/residency, housing and property, work and public services. Violation of these protected rights continues to result in forcible displacement. Recent examples are forcible displacement caused by ongoing confiscation of land from Palestinian citizens, including IDPs, in the Naqab (Negev) and Galilee within the framework of "development plans" and re-housing schemes for Jewish settlers relocated from the Gaza Strip in 2005. (*See also section 5.3 below.*) Discrimination and forcible displacement are, moreover, encouraged by the state of Israel through tolerance of racist public campaigns, headed by members of the political establishment in Israel, that call for the "transfer" (i.e., expulsion) of Palestinian citizens.

b) The Rights to Return and Citizenship/Residency

Palestinians, including IDPs, who remained in Israel after the 1948 war were issued citizenship under the *Citizenship and Entry into Israel Law* (1952) by administrative decision and in line with the policy to exclude claims to refugee and IDP rights. This law effectively excludes all Palestinians displaced outside the borders of the state in 1948 from returning and acquiring citizenship in Israel. The law does not entitle Palestinian citizens, including IDPs, to unite with family members residing abroad. Palestinian citizens, including IDPs, who marry a Palestinian resident of the 1967-occupied Palestinian territories cannot obtain permission for family reunification and may face difficulties in retaining their citizenship and residency status in Israel. In contrast, all Jewish people, regardless of their national origin or citizenship, have the right to residency and citizenship in Israel under the *Law of Return* (1950).

c) The Right to Housing and Property

Palestinian citizens, including IDPs, have the right to own property. However, Israel



Palestinian girls demand access to their school; West Bank, 2004. (Christian Peacemaker Teams)

has adopted a series of land laws to facilitate the confiscation and transfer of immovable property owned by Palestinians to the state and the Jewish National Fund (JNF).²⁰ Property held by the state and the JNF is administered by the Israel Land Authority (ILA) and may not be transferred by sale or in any other manner.²¹ Palestinian refugees and IDPs displaced in 1948 are considered “present absentees” under Israeli law with regard to property owned or used before 1948, and cannot repossess such property, which was transferred to the Custodian of Absentees’ Property and is now held by the ILA. Israeli land laws have little effect on Jewish citizens, who do not usually own private land, and Jews may repossess property managed by the Custodian.

d) The Right to Education and Public Services

Palestinian citizens, including IDPs, have the right to public education free of charge. Israel’s public education system has two separate education streams, state secular and state religious (Jewish). Secular elementary and secondary education is conducted in separate schools for Palestinians and Jews. Schools serving the Palestinian public receive fewer resources and are obliged to present a curriculum that aims to advance Jewish culture and Zionist ideology.²² Public religious schools serve Jewish citizens only; there are no public religious schools for Palestinian Muslims and Christians. No Arabic-language university education is available, and Palestinians, including IDPs, are thus disadvantaged when taking university entrance exams. They also face difficulties with meeting payment of university fees in Israel. In general, Palestinian citizens, including IDPs, have unequal access to public services in Israel. This is mainly as a result of informal discrimination, and also because they are excluded from services provided by agencies of the World Zionist Organization (WZO). These operate as private agencies abroad, but carry parastatal status in Israel.

e) The Right to Work

Palestinian citizens, including IDPs, have the same right to employment as Jewish nationals of Israel, and discrimination with regard to employment is prohibited. However, Palestinians experience informal discrimination in both the public and private sectors.²³ (See Chapter Three.)

f) Developments in 2004-2005

Forcible displacement in Israel has continued in Galilee and the Naqab (Negev) in 2004-2005 (see Chapter One). Forced transfer of population is implemented through house demolitions and land confiscation and by spraying Bedouin crops with toxic chemicals. Approximately 60,000 Palestinian homes in the Naqab (Negev), and 40,000 homes in Galilee were declared unlicensed, and are threatened with demolition as a result.²⁴

In May 2005, the Israeli Knesset extended the ban on granting residency and citizenship status to Palestinian residents of the occupied Palestinian territories married to Palestinian citizens of Israel. According to the new amendment to the 1952 *Citizenship and Entry into Israel Law*, only Palestinian men aged 35 and older, and women aged 25 and older will be eligible to request Israeli citizenship through family unification.

In July 2005, the Knesset passed a new amendment to the 2002 Civil Wrongs Law. This renders lawsuits for damage caused since September 2000 by occupation forces, or their agents, almost impossible to prosecute in Israeli courts. The law prohibits an individual considered a national of an enemy state, a member of a terrorist organization or a person injured in a conflict zone during wartime actions from seeking compensation in an Israeli court for harm inflicted by state agents. Wartime actions are defined very broadly, and include any action involved in combating terror, hostile actions or insurrection, and also actions undertaken with the stated intent to prevent terror, hostile acts and insurrection committed in circumstances of danger to life and limb. Moreover, the law grants wide discretion to the Minister of Defense to determine whether or not a claim is located in a conflict zone.

5.2.2 Protection Practice Regarding Refugees and IDPs in the 1967-occupied Palestinian Territories

At least 2.8 million refugees and IDPs live in the 1967-occupied Palestinian territories under Israel's military control. They are among the 3.8 million Palestinians living in these territories. Under international humanitarian law, their protection is the responsibility and duty of the occupying power, Israel, and not the Palestinian Authority (PA), which is a non-sovereign entity under occupation that lacks the power to protect. In practice, the status and rights of Palestinian refugees and IDPs in the 1967-occupied territories are partially regulated by Palestinian Authority civil law, but this is restricted by Israel's military orders and occupation policies. Following the model of Israel's domestic laws, Israeli military regulations exclude Palestinian refugees and IDPs, including 1967 refugees, from the right to return. Israel's military occupation also violates the rights of Palestinian residents, including 1948 refugees and IDPs, under international humanitarian and human rights law. Israel does not apply its military law to Jewish settlers in the occupied Palestinian territories. In

violation of the principle of non-discrimination, their status and rights are regulated according to Israel's civil regime.

In the occupied Palestinian territories, protection of civilians remains a serious concern due to Israel's unwillingness to protect Palestinian civilians. Between September 2000 and December 2005, 3,772 Palestinians were killed, including 689 children.²⁵ A total of 29,365 Palestinians were injured, mainly due to bomb fragmentation and shrapnel.²⁶ Although accurate figures cannot be established, it is estimated that approximately half of those killed or injured are refugees.

a) The Right to Protection from Persecution and Forcible Displacement

Israel causes ongoing displacement among Palestinian residents, as well as repeated displacement of refugees and IDPs both inside the occupied territories and across the regional borders. Forcible displacement is caused by violations of international humanitarian and human rights law, including: failure to distinguish between civilians and combatants; unnecessary and disproportionate damage inflicted on the civilian population; and violation of Article 49 of the Geneva Convention prohibiting the transfer of civilians (Jewish settlers) by the occupying power into occupied territory. Additional factors include restrictions on movement, revocation of residency rights, denial of family reunification, confiscation of Palestinian land and the construction of the Wall since 2002 (see below) in violation of international humanitarian and human rights law, UN Resolutions, and the 2004 advisory opinion of the International Court of Justice (ICJ).

b) Freedom of Movement

Freedom of movement is severely restricted between occupied West Bank districts and largely non-existent between the occupied West Bank and Gaza Strip, and between the occupied West Bank and occupied eastern Jerusalem. Restriction of movement by means of military closures, roadblocks, the permit system, curfews and the construction of the Wall in the occupied West Bank, are major factors limiting the exercise of other protected rights by the Palestinian population, including refugees and IDPs.

c) Residency Rights and Right to Family Life

Palestinian refugees and internally displaced persons in the 1967-occupied Palestinian territories (except occupied eastern Jerusalem) have the same residency status as non-refugee Palestinians, as part of Israel's policy to enforce integration of refugees into the host country. Under Israeli military law, they are considered permanent resident aliens. Israel, and not the Palestinian Authority, retains overall control of the regulation of residency status in the occupied Palestinian territories.²⁷ Forcible displacement due to revoking of resident status by Israel was common until the 1995 *Taba Agreement* between Israel and the PLO, which, for the first time, protected the right of Palestinians to reside in the occupied West Bank and Gaza Strip. However, Israel continues to treat the occupied West Bank and the Gaza Strip as separate entities with regard to residency, and Palestinians are not permitted to change their domicile from one area to the other. Israel's procedure for the unification of Palestinian families in the occupied Palestinian territories was arbitrary and restricted between 1967 and 2000, and has come to a complete halt since then. This encourages Palestinian residents, refugees in particular, to leave the country in order to live with their families.



Israeli road block. Abu Dis, Jerusalem, 2005. (Nathalie Bardou/BADIL)

Since 1967, Israel has unilaterally annexed occupied eastern Jerusalem in violation of international law.²⁸ As a result, Israel's domestic civil regime is applied to the Palestinian inhabitants of the city, but without the protection deriving from citizenship. Palestinians, including refugees and IDPs, in occupied Jerusalem are considered "permanent residents" under the *Citizenship and Entry Into Israel Law (1952) and Regulations (1974)*. Their residency rights can be and are being revoked under this legislation.²⁹

d) *The Right to Property*

Palestinian refugees and IDPs in the 1967-occupied Palestinian territories have the right to own property. This right, however, is violated by Israel's occupation, in particular by excessive and arbitrary destruction of property during military operations, which are especially frequent in Palestinian refugee camps. More significant, however, are military orders which have enabled Israel to confiscate vast areas of Palestinian land and property, including refugee property.³⁰ Property in the occupied Palestinian territories held by the state of Israel and the Jewish National Fund may not be transferred by sale or in any other manner.³¹ The construction of the Wall in the occupied West Bank, beginning in 2002, has imposed further restrictions on the right to property.

e) *The Right to Work and Public Services*

Palestinian refugees and internally displaced persons in the 1967-occupied Palestinian territories have the same right to work and public services as non-refugee Palestinians, but not the same rights as Jewish settlers in these territories. Refugees displaced by the 1948 war have the right to free elementary and secondary education, [irrespective

of whether they attend public or UNRWA-operated schools. Access to work and public services, however, is severely restricted by Israel's occupation, particularly the restrictions on movement and the precarious physical environment. (See also Chapter Four.)

f) The Right to a Travel Document

Like non-refugee Palestinians, refugees and IDPs in the 1967-occupied Palestinian territories may obtain a "Palestinian Passport" that functions as a travel document.³² Refugees and IDPs who held Jordanian passports before July 1988³³ are also eligible for a five-year renewable Jordanian passport which functions as a travel document. Those who hold both a Palestinian passport and a passport from a second state must enter and exit the occupied Palestinian territories on their "Palestinian Passport". Palestinian residents of Jerusalem who hold Jordanian passports and wish to travel via land to Jordan must obtain a permit from the Israeli Ministry of Interior; a *laissez-passer* is required for travel via Israel's international airport. Since January 2002, holders of Palestinian passports from the occupied West Bank and Gaza Strip, including Palestinians with dual citizenship, have not been permitted to exit or enter Israel through Ben Gurion International Airport in Tel Aviv.³⁴

g) Recent Developments

Since 2002 construction of the Wall and its associated regime has created a new category of IDPs, while no international organization is providing protection to Palestinian IDPs in the occupied Palestinian territories. Among those likely to become displaced by the Wall are also 1948 refugees. In the area of occupied and unilaterally annexed eastern Jerusalem, 1948 refugees living in the Shu'fat camp are threatened not only with renewed displacement, but also with the loss of their residency rights in the city. The approximately 11,000 UNRWA registered refugees in the Shu'fat camp hold Jerusalem ID cards.³⁵ The camp and its environs also provide accommodation to an additional 15,000 to 20,000 Jerusalem residents who cannot find accommodation or afford the cost of housing elsewhere in the city.³⁶ These people have moved to the camp in order to maintain their place of permanent residence within the Jerusalem municipal boundary, a condition imposed by the Israeli centre-of-life test. The Wall has now cut off the residents of the camp, excluding them from the city. The "gate" in the Wall is open on the occupied West Bank side only,³⁷ a situation that directly threatens refugees' right to residency and freedom of movement in Jerusalem.

UNRWA anticipates that the Wall will "strongly impac[t] resident's access to education and health care services in town,"³⁸ and that "some common services enjoyed by Jerusalem residents may also start being denied to Shu'fat camp dwellers."³⁹ By 2005, residents were trying to move out of the camp in order to stay closer to Jerusalem and preserve their Jerusalem ID cards. As noted by John Dugard, UN Special Rapporteur, "the wall in the Jerusalem area is being constructed to transfer many Palestinians with Jerusalem identity documents to the West Bank."⁴⁰ A similar population transfer is visible in the "Seam Zone" (closed military area next to the Wall) and in the Jordan Valley. (See Chapter Two.)

Moreover, "it is likely that West Bank ID holders, whose place of residence is being included 'inside' [Jerusalem] will be classified as illegal residents, and required to move out."⁴¹ The Wall may therefore have the effect of pushing refugees with Jerusalem ID

cards away from the city and to the occupied West Bank, while expelling West Bank ID holders who find themselves on the “Jerusalem side” of the Wall.

Restrictions on freedom of movement have increased in communities affected by the Wall in 2004-2005. In the “Seam Zone” (between the Wall and the Green Line), 55% of the Palestinian inhabitants were separated from their immediate family or relatives, compared to 21% on the occupied West Bank side of the Wall. Fifty-three per cent of the people affected reported difficulties with getting married to a partner resident on the other side of the Wall.⁴² Almost 89% of households affected by the Wall, and having at least one member of the family attending university or college, have had to use detour roads in order to reach their academic institution.⁴³ Israel’s unilateral withdrawal from the occupied Gaza Strip in the summer of 2005 resulted in the lifting of movement restrictions inside the occupied Gaza Strip and increased restriction of movement between the occupied Gaza Strip and the West Bank.

Since 2004, Israel has also deported some Palestinians from the occupied West Bank to the Gaza Strip.⁴⁴

Harassment and attacks from Jewish settlers continue to force Palestinians in the 1967-occupied Palestinian territories to relocate. In the southern Hebron hills in the occupied West Bank, in an area called Masafer Yatta (villages surrounding the town of Yatta), close to 1,000 Palestinians live in caves. The residents of these caves have been subject to Israeli expulsion orders, and the state of Israel has been actively trying to expel them since 1999. Jewish settlers residing in nearby colonies (“settlements”) and outposts also attack and abuse the residents, including children on their way to school. Settler violence has affected 88% of the residents since 2003.⁴⁵ Settlers have also poisoned the grazing land of their animals on repeated occasions in 2005, killing sheep and goats and risking contaminating the water. The Israeli authorities have failed to protect the residents and to enforce the law against the settlers. It can be concluded that Israeli policy aims to expel these residents in order to annex the area and expand colonies.⁴⁶

5.3 Protection in Arab Host States

5.3.1 Instruments and Mechanisms of the League of Arab States

Outside the global framework of the 1951 *Refugee Convention* and lacking a regional refugee convention, the League of Arab States (LAS) has provided a form of temporary protection to Palestinian refugees in member states for almost six decades. This has included the adoption of non-binding regional standards for the treatment of Palestinians in Arab states, and the establishment of a number of bodies to oversee Palestinian affairs in member states.

The LAS was established in 1945 with the “purpose of [...] draw[ing] closer the relations between member States and coordinat[ing] their activities with the aim of realizing a close collaboration between them.”⁴⁷ The League comprises three main bodies: the Council of Ministers, the General Secretariat and the Permanent Committees for each field of co-operation between members.

The PLO and Refugee Protection

In 1974, the United Nations recognized the Palestine Liberation Organization (PLO) as the legitimate representative of the Palestinian people, most of whom are refugees and displaced persons. Although not a state party, the PLO has provided some protection for Palestinian refugees in host countries while working to advance a just and durable solution based on their right to return. Historically, the PLO has protected Palestinian refugees through diplomatic interventions and political pressure on relevant state authorities, and by offering access to health care, education and employment in its broad network of economic and service institutions.

In the 1960s, for example, the PLO appealed to the Kuwaiti government to increase the number of Palestinians admitted into government schools. The situation improved until the 1967 war, when additional refugees arrived in the country. The PLO later concluded an agreement that enabled Palestinians to run their own schools in Kuwait, a programme which lasted until 1976. The 1969 *Cairo Agreement* with the LAS regulated the status and freedom of the PLO in Lebanon and provided substantial protection to Palestinian refugees. In the 1980s, the PLO intervened when Egypt proposed new legislation under which Palestinians in that country would no longer be permitted to own agricultural land. When US-led sanctions triggered a humanitarian crisis in Iraq in the 1990s, the PLO approached UNRWA, UNHCR and other international organizations about the possibility of registering Palestinian refugees in Iraq with UNRWA in order to improve levels of assistance.

Protection provided by the PLO, however, has been susceptible to political developments in host countries. In 1982, for example, the PLO was forced to leave Lebanon as part of a US-brokered cease-fire agreement with Israel, leaving behind Palestinian refugees who lacked physical and political protection. During the late 1970s, and again in the 1980s, relations between Egypt and the PLO declined, leaving Palestinians with less effective protection in that country. In the 1990s, Kuwait severed relations with and funding to the PLO in response to PLO support for the Iraqi invasion in Kuwait, and some 300,000 Palestinians were forced to leave the country. As a result of the Oslo process, the PLO worked to protect Palestinians being expelled from Libya, and who were stranded in camps on the Libyan border.

The 1993 Oslo Accords with Israel resulted in mutual recognition and the relocation of the PLO from exile to the Israeli-occupied West Bank and Gaza Strip. Throughout the 1990s, PLO resources were mainly invested in building a non-sovereign Palestinian Authority, which – pending a final peace agreement with Israel – was to become the government of a sovereign and independent state. The *de facto* merger of the PLO with the PA resulted in the weakening of the PLO, which subsequently lost its ability to protect Palestinian refugees in exile.

Palestinian refugees in the 1967-occupied Palestinian territories came under the combined protection of the PA and the PLO, which viewed the occupied West Bank and Gaza Strip as a host country for Palestinian refugees. However, the ability of national authorities to protect its population, including refugees and IDPs, was limited from the beginning as a result of the limited sovereignty and powers conveyed to them under the terms of the interim political agreements with Israel. The destruction of PA infrastructure by Israel after the collapse of the political negotiations in 2001, and its economic dependence on Israel and international donors, have severely curtailed the ability of the PA and the PLO to protect Palestinians living in the occupied territories, including refugees and IDPs.

The LAS Council and the Council of Arab Ministers of the Interior have adopted a series of resolutions concerning the status and treatment of Palestinian refugees in their territories. Resolutions are based on proposals and suggestions submitted to the League by the permanent Palestinian representative, the General Administration for Palestine Affairs at the General Secretariat, and the Supervisory Council on Palestinian Refugees Affairs in Arab host states.

The primary resolution concerning the status and treatment of Palestinian refugees in Arab states is the 1965 *Protocol on the Treatment of Palestinians (Casablanca Protocol)*. Under this Protocol, Palestinians have the right to employment on a par with nationals of the host country,⁴⁸ the right to leave and enter host states,⁴⁹ freedom of movement,⁵⁰ the right to a travel document,⁵¹ and the right to the same treatment as LAS nationals with regard to visas and residency applications.⁵² While the *Casablanca Protocol* is narrower in scope than the 1951 *Refugee Convention*, some of its provisions provide greater rights in theory than those set out in the *Refugee Convention*. In the arena of self-employment and employment in the liberal professions, the *Casablanca Protocol* provides for the same treatment as nationals, whereas the *Refugee Convention*

only provides for treatment as favourable as possible, and not less than that accorded to resident aliens. Article 26 of the 1951 *Refugee Convention* provides for freedom of movement within the host country, whereas Articles 2 and 3 of the *Casablanca Protocol* also provide for freedom of movement between Arab states. The *Casablanca Protocol*, however, is not a Convention and is not legally binding.

Other LAS resolutions have addressed the reunification of divided families (e.g., Resolution 424, 14 September 1954) and the issuance of a standard travel document (e.g., Resolution 18, 9 April 1953). No uniform identity paper or travel document, however, has ever been designed or issued by the LAS. Travel documents are issued by individual member states. In 1970, the Supervisors Conference adopted Resolution 2600, stating that the acquisition of another nationality would not trigger the cessation of refugee status in LAS member states. In 1977, the PLO proposed that a Palestinian passport be issued which would be recognized beyond the Arab region. The proposal was never implemented, however, due to the absence of a Palestinian state and lack of sufficient Arab political will.

The LAS has established a number of bodies to oversee Palestinian affairs in member states. These include the Conference of Supervisors of Palestinian Affairs (“Supervisors Conference”), which is comprised of heads of government departments in host countries that administer Palestinian refugee affairs. The Supervisors Conference was established in 1964 to succeed the Heads of Departments of Palestine Affairs, which was set up in 1959 to study all aspects of the Palestinian problem.

The Supervisors Conference meets bi-annually. Attendance is limited to supervisors of Palestinian refugee affairs. Issues of concern include follow-up on UNRWA assistance activities, issues related to refugee travel, residency, education and employment, and discussion of all matters related to general developments concerning the Palestinian issue. Delegations from Jordan, Syria, Lebanon, Egypt, the PLO and the League General Secretariat usually attend.

During the 1991 Gulf war, the LAS adopted Resolution 5093, which authorized states to treat Palestinian refugees in accordance with domestic law rather than under the provisions set forth in the *Casablanca Protocol*.⁵³ (For the impact of this resolution, see section 5.3.2 below.)

While LAS efforts to contribute to the search for durable solutions have remained unsuccessful, largely due to Israel’s denial of the right of refugees to return and the lack of international political will, the LAS and member states have provided protection to Palestinian refugees through relief and assistance (see *Chapter Four*). With regard to international protection and assistance, the Arab League emphasizes the importance of continued support for UNRWA until such time as the refugee issue is resolved on the basis of Resolution 194(III), as a sign of international responsibility for the Palestinian refugee issue. The LAS and UNHCR signed a co-operation agreement that provides for periodical consultation, mutual representation, exchange of documents and information, and co-operation with UNRWA.⁵⁴

The LAS and member states have not encouraged a role for UNHCR in protecting Palestinian refugees, due to concern that UNHCR involvement might result in a decrease of international donor support of UNRWA, and also for political reasons. The LAS and UNHCR have signed a memorandum of understanding, which reaffirms the

support of both parties to maintain UNRWA and its services to Palestinian refugees in its five areas of operation until a just solution for the problem of refugees is found on the basis of United Nations Resolutions.

5.3.2 Protection Practice in Arab Host States

More than two-thirds of Palestinian refugees reside in Arab host states and in the 1967-occupied Palestinian territories.⁵⁵ Jordan, Syria, Lebanon, Saudi Arabia, Iraq and Egypt host the majority of Palestinian refugees in the Arab world.

Jordan, Algeria, Sudan, Iraq, Syria, Egypt, Yemen, Kuwait, *Lebanon* and Libya have ratified the *Casablanca Protocol*. Kuwait, Lebanon and Libya have endorsed the *Casablanca Protocol*, but with reservations.⁵⁶ Saudi Arabia, Morocco and Tunisia are not signatories. Investigations conducted by the LAS Supervisors Conference have concluded that implementation of LAS standards for the treatment of Palestinians in member states is poor, and LAS monitoring and enforcement initiatives have not produced significant or lasting improvements.

Despite LAS standards, which provide for the same treatment as nationals in the areas of employment, rights on entry and departure, travel documents and visas, and residence, treatment accorded to Palestinian refugees in Egypt, Lebanon, Libya, Kuwait and other Gulf states, in particular, is often similar to protection standards accorded to foreigners. In contrast, Palestinian refugees in Jordan, Syria, Iraq, Algeria, Morocco and Tunisia have generally enjoyed relatively favourable treatment by host country authorities.

National and regional political considerations often over-ride international and regional protection standards and result in very partial protection of Palestinian refugees. Adherence to LAS standards has decreased, particularly since 1991, when, in response to the PLO's stand on the Iraqi invasion of Kuwait, the LAS authorized states to treat Palestinian refugees in accordance with domestic law. Several states, including Kuwait, Lebanon and Libya, which had lifted some restrictions after LAS interventions, re-imposed restrictions on Palestinian refugees. Concerns among Arab states about international pressure for a permanent resettlement of Palestinians in their territory has led to further erosion of regional and national protection regimes, especially since the 1993 Oslo Accords between the PLO and Israel. Since 1991, moreover, US-led sanctions, war, regime change and occupation have resulted in the demise of the system of national protection previously available to Palestinian refugees in Iraq. (*See below.*)

a) The Right to Protection from Persecution and Forcible Displacement

The US/UK-led occupation of Iraq has continued to affect the situation of Palestinian refugees in 2004-2005. The US/UK forces and the Iraqi authorities are unable or unwilling to protect Palestinian refugees in Iraq. Violations of the rights of Palestinian refugees, notably the rights to life and property, have led to ongoing forced displacement. Most Palestinian refugees are internally displaced in Iraq, while small groups have crossed the borders and are now in Jordan and Syria.

b) The Right not to be Expelled (non-refoulement)

Arab host states have frequently violated the principle of non-*refoulement*, either



by expelling Palestinian refugees to the frontiers of territories where their lives and freedoms were threatened, or by denying entry to Palestinian refugees fleeing persecution by another host state. Examples include the massive expulsion of Palestinians from Kuwait in the context of the 1991 Gulf War, the expulsion of Palestinian refugees and the cancellation of their residency rights by Libya during 1994-1995, and the refusal of Arab host states to admit Palestinian refugees fleeing war, occupation and persecution in Iraq.

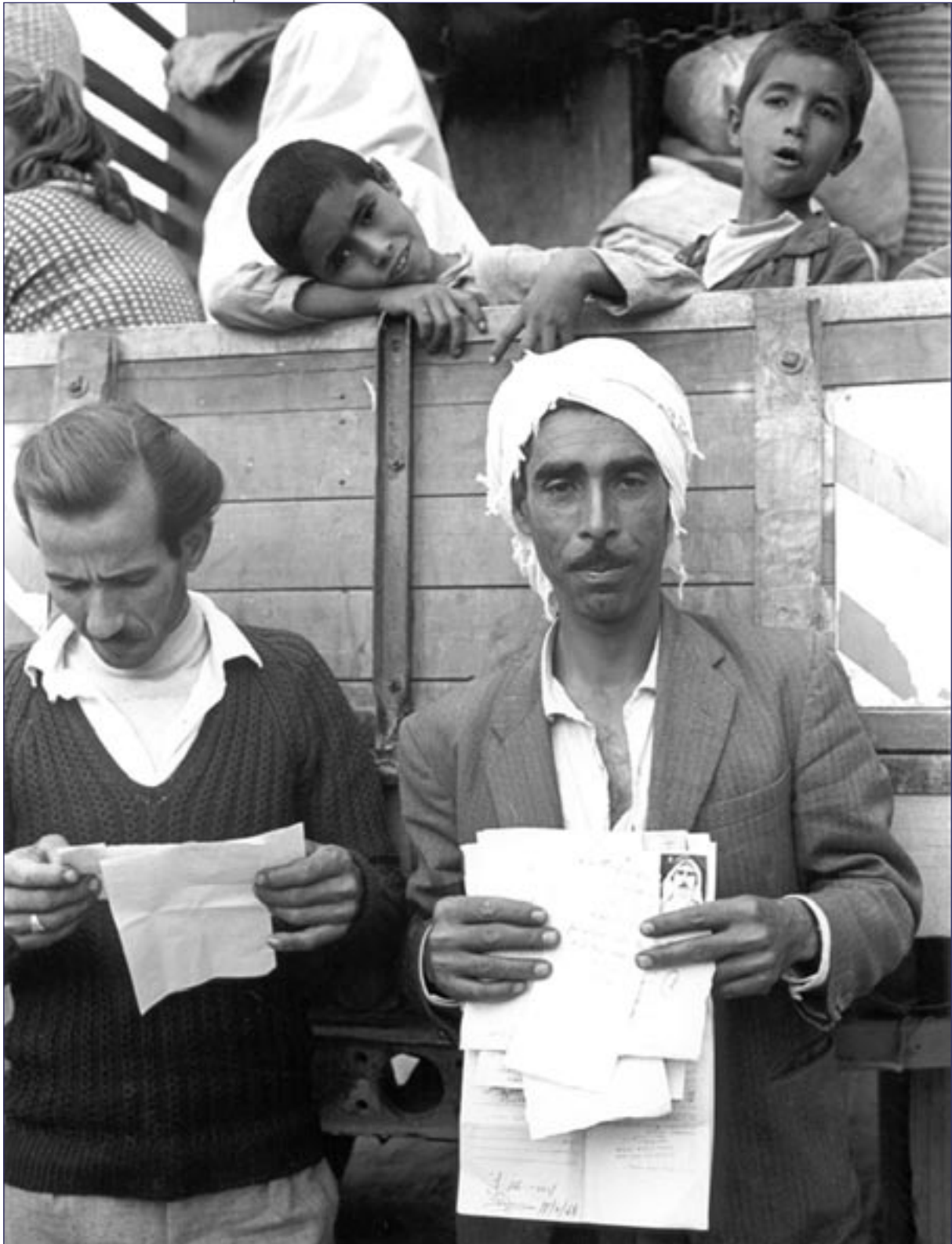
Failure by Arab states to protect against *refoulement* has resulted in repeated and protracted emergency situations in which large numbers of Palestinian refugees have been stranded on borders between countries in the region, most recently in Iraq, where Palestinian refugees have remained stranded in camps on the border with Jordan. At the end of 2005, there were still 148 Palestinians in the Ruwayshed camp and around 150 in No-Man's-Land on the border with Jordan. Nineteen Palestinian refugees who had been waiting to enter Syria were finally allowed to enter in December 2005.

c) Right to Residency and to Leave and Re-enter

Arab states generally grant residency permits to Palestinian refugees. However, residency status varies. LAS standards and international law do not require that host states grant citizenship, and few Palestinian refugees have acquired citizenship in Arab host states (with the exception of refugees in Jordan). Dual nationality is generally not recognized by LAS member states.

In Jordan, Palestinian refugees present on 16 February 1954 were granted citizenship by administrative decision, conditional upon the achievement of a permanent solution

Humanitarian aid in the context of armed conflict; the UNRWA office in Burj al-Barajneh Camp, Lebanon, 1978. (UNRWA Archives)



Palestinian refugees on their way across the Allenby Bridge to Jordan during the 1967 War. (UNRWA Archives)

in the region in the future.⁵⁷ Those who arrived from the occupied West Bank and took up residence in Jordan before 1 June 1983 are eligible for, but not automatically granted citizenship. This does not apply to the some 100,000 Palestinian refugees who fled the occupied Gaza Strip during or after the 1967 war and found shelter

in Jordan, and their descendants. They are required to renew temporary residency permits.⁵⁸ The same applies to Palestinian refugees from the occupied West Bank who entered Jordan after 1 June 1983.⁵⁹

In Egypt, Palestinian refugees are eligible for three types of residency: special (valid for ten years), ordinary and temporary.⁶⁰ Most Palestinians residing in Egypt hold temporary residency permits, which are valid for one to three years. Since the Gulf crisis in the early 1990s, and the displacement of Palestinians from Kuwait (many of whom held Egyptian travel documents), renewal of residency permits in Egypt has become more difficult.

In Syria, and (pre-war) Iraq, residency permits to Palestinian refugees were issued in accordance with the *Casablanca Protocol*. Palestinian refugees in Iraq were granted preferential treatment with regard to naturalization.⁶¹ Palestinians are not generally eligible for Syrian citizenship;⁶² however, they enjoy most of the residency, social and civil rights of Syrian nationals. Palestinian refugees in Syria may acquire Syrian citizenship if they are women married to Syrian men, had Syrian citizenship before 1948, or by special dispensation from the Ministry of the Interior.⁶³

In Lebanon, only those Palestinian refugees who took direct refuge in Lebanon in 1948 are eligible for residency;⁶⁴ their legal status is that of a special category of foreigners. Palestinian refugees who arrived later, including refugees displaced in 1967, are not eligible for residency and are considered to be residing illegally in Lebanon.⁶⁵ Fear of working or venturing beyond camp perimeters in case of arrest or detention has seriously affected the lives and freedom of movement of unregistered refugees in Lebanon.⁶⁶ A small number of Palestinian refugees have acquired citizenship in Lebanon.⁶⁷

The number of Palestinians residing in the Gulf States has fluctuated greatly, mainly as a result of political and military crises, in particular the 1991 Gulf War.⁶⁸ Palestinians are considered migrant workers and their residency status is closely related to employment status; all foreigners have to leave the country upon termination of their employment. Return to the first country of refuge is often impossible for Palestinians who, in their absence, are likely to have lost their residency status there.⁶⁹ Since 2002, Arab citizens or residents from non-Gulf Co-operation Council states, including Palestinian refugees, have not been allowed to stay in Kuwait for more than three months.⁷⁰ Ten years of residence are required before they become eligible for citizenship.

Prior to 1994, Palestinians residing in Libya generally enjoyed the same residency rights as Libyan nationals, although many Palestinians have had to live in specially designated areas. In response to the 1993 Oslo Accords between the PLO and Israel, the Libyan government expelled Palestinians from its territory, causing a humanitarian crisis on its border and a political crisis with Egypt. The crisis was resolved in 1998 following international intervention. Expelled Palestinians were eventually re-admitted, but residency rights have not been reinstated to their previous level.

d) The Right to a Travel Document

Most Palestinian refugees and internally displaced are stateless persons (see box below: “Status of Palestinian Refugees under the Statelessness Conventions”) and require travel documents in order to move across international borders. Most Arab host states issue

travel documents in accordance with provisions in the *Casablanca Protocol*. Refugees residing in states that signed the 1951 *Refugee Convention* and who are recognized as “Convention Refugees” are eligible for Convention travel documents. Some states, including Iraq and Syria, require all persons, including citizens and Palestinian refugees, to obtain special permission to travel abroad.

Palestinian refugees displaced to Jordan in 1948 hold Jordanian citizenship and regular passports; they do not require travel documents. Palestinian refugees in Syria are issued identity cards and six-year travel documents similar to Syrian passports. Refugees in Egypt and Iraq are eligible for a five-year travel document.⁷¹

Most refugees in Lebanon receive a single-year travel document; unregistered refugees, however, are only eligible for a document valid for three months with a stamp indicating “Not Valid for Return”. Palestinian refugees in Lebanon registered with UNRWA receive a travel document that can be renewed three times. The same applies to refugees who are not registered with UNRWA, but who have been registered with the League of Red Crescent Societies (LRCS) since 1948. Their travel document is distinguished from the one issued to UNRWA-registered refugees by a stamp indicating “Valid for Return”. Refugees who are not registered with either UNRWA or the LRCS are eligible only for a three-month travel document.⁷²

Egypt and Jordan are among the few LAS member states that require Palestinian refugees holding travel documents to obtain an entry or transit visa prior to entry into or transit via their territory,⁷³ including certain groups of refugees holding Egyptian travel documents. Among them are a substantial number of holders of Egyptian travel documents who no longer have legal residency in Egypt. Among them are also Palestinian refugees from the occupied Gaza Strip who entered Jordan during and after the 1967 war; they do not have Jordanian citizenship, but usually hold expired Egyptian-issued travel documents⁷⁴ and require a return visa to re-enter Jordan.

e) The Right to Work

Implementation of the *Casablanca Protocol* with respect to the right to employment on a par with host state nationals is subject to numerous restrictions. Most Palestinian refugees in Syria, Jordan and (until recently) Iraq have the right to employment on a par with host state nationals, although they may experience informal discrimination.⁷⁵ A smaller number of unregistered refugees, including those who subsequently entered Syria from other Arab states, and refugees from the occupied Gaza Strip who entered Jordan during or immediately after the 1967 war, do not have full access to employment.⁷⁶

Palestinian refugees in Egypt have the same right to employment as other foreign aliens, and find it difficult to obtain work permits.⁷⁷ Refugees wishing to practice a profession must hold Egyptian residence and obtain a permit issued by the Ministry of Labour and Training.⁷⁸ Employment in the civil service is based on reciprocal rights for Egyptian nationals in the foreigner’s state of citizenship.⁷⁹ Due to the fact that most Palestinian refugees in Egypt are stateless, there is no possibility of reciprocal agreements and therefore no possibility of public sector employment. Holders of Egyptian travel documents endorsed with a visa other than for a tourist visit, however, are formally exempt from the requirement that national workers be given priority for employment.⁸⁰

In Lebanon and Kuwait, Palestinian refugees do not have the same right to employment as other foreign aliens.⁸¹ Both countries reserve the right to restrict access to employment under the *Casablanca Protocol*.⁸² Only naturalized citizens are eligible for civil service employment. 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.”⁸³ They cannot seek employment without a work permit, which is difficult to obtain.⁸⁴ Until recently, Palestinians were barred from employment in over 70 different skilled and semi-skilled professions in Lebanon, including pharmacy, journalism, medicine, law, education and engineering.⁸⁵ Entry into professional associations and employment is based on the individual having held Lebanese nationality for a minimum of ten years and reciprocal rights for Lebanese citizens in the foreigner’s state of citizenship.⁸⁶ Due to the fact that most Palestinian refugees are stateless, there is no possibility of reciprocal agreements and no possibility of entry into professional associations. Work permits are not required for work in agriculture, construction and day labour; however, work in these fields is irregular and poorly paid. Foreigners must leave Kuwait upon termination of employment. Non-Kuwaitis are not permitted to join professional associations and Palestinian refugees are excluded from employment in private business on par with Kuwaiti citizens.⁸⁷

On 27 June 2005, the Lebanese Ministry of Labour enacted Decision No.1/67, which excludes Palestinians born in Lebanon and registered with the Ministry of Interior from the provisions of Article 1 of Decision No.1/79 (2 June 2005) restricting certain professions to Lebanese citizens. The Decision opens the way for Palestinian refugees to work in a number of previously restricted jobs. Conditions for employment in certain skilled professions remain unchanged (Lebanese citizenship for 10 years and reciprocity). Palestinians who are eligible to benefit from this amendment must still obtain a work permit and pay the required fees.

f) The Right to Education

Most Arab host states provide Palestinian refugees with access to public elementary, secondary and post-secondary education.⁸⁸ Access may be restricted due to limited spaces available for foreigners, including Palestinian refugees, and for financial reasons.

Jordan, Syria and Iraq accord most Palestinian refugees access to all levels of education on a par with host state nationals. Palestinian refugees from the occupied Gaza Strip who entered Jordan during and after the 1967 war, however, must compete for a limited number of spaces available to students from other Arab countries for post-secondary education; fees must be paid in a foreign currency, and candidates must have a clean security record.⁸⁹

Palestinian refugees in Egypt, Lebanon, and Kuwait are treated as other foreigners.⁹⁰ This includes quotas for admission of foreigners into public schools and universities.⁹¹ Like ex-Gaza refugees in Jordan, Palestinian refugees in Egypt are required to pay university fees in a 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 90% of school and university fees. Since 2000, Palestinian students at Egyptian schools have been exempt from paying fees due to the economic

Status of Palestinian Refugees under the 1951 Convention relating to the Status of Refugees

The primary instrument governing the status of refugees in international refugee law is the 1951 *Convention Relating to the Status of Refugees*. The Convention requires states to grant refugees certain rights, including freedom of religion, rights in movable and immovable property, access to courts, freedom from undue restrictions on employment, primary education and identity papers.

Palestinian refugees have a unique status under the *Refugee Convention*.¹⁰⁰ The majority of Palestinian refugees are *prima facie* refugees (i.e., refugees in the absence of evidence to the contrary). The factual “trigger” for the inclusion of Palestinian refugees displaced in 1948 as “Convention refugees” is different to that applied to other refugees. Generally, refugees are considered to be Convention refugees according to the criteria set forth in Article 1A(2) of the Convention. This includes any individual who:

[...] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Palestinian refugees displaced in 1948 and 1967, however, fall under the scope of the *Refugee Convention* according to the criteria set forth in Article 1D, which states:

This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees [UNHCR] protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

Article 1D was inserted into the 1951 *Refugee Convention* to address: (1) the factual circumstances of Palestinian refugees at the time of the drafting of the Convention; and (2) possible developments relative to the protection of this particular refugee population in the future.

Due to the fact that Palestinian refugees displaced in 1948 were already receiving protection or assistance from the United Nations (i.e., the UNCCP and the UNRWA, respectively), the international community decided to *suspend* application of the Refugee Convention (see the first clause of Article 1D) in order to avoid overlapping and potentially conflicting mandates between the UNCCP and the UNHCR. A number of states also felt at the time that Palestinian refugees should not be placed in a more general category of refugees, considering that the UN itself was partially responsible for the refugee crisis due to the recommendation to partition Palestine into two states (UNGA Resolution 181), against the express wish of the majority of the indigenous inhabitants of the country. Moreover, there was a concern that Palestinian refugees would be relegated to a position of minor importance within the global refugee regime. Palestinian refugees displaced for the first time in 1967 fall within the provisions set out in Article 1D (see the first clause of Article 1D). UNRWA has

provided assistance to this group of refugees since 1967 by special request of the UN General Assembly (Resolution 2252 ES-V, 4 July 1967).

In the event that UNCCP protection or UNRWA assistance might cease to exist for any reason, however, the international community included a provision (i.e., a “trigger”) in the 1951 *Refugee Convention* (see the second clause of Article 1D) to activate the application of the Convention and inclusion of Palestinian refugees as “Convention refugees.”

Palestinians displaced in 1948 and 1967 who reside outside UNRWA’s area of operations are thus included in UNHCR’s mandate. They do not have another UN agency to provide protection or assistance. Others hold that this trigger was activated already in the early 1950s, when the UNCCP ceased to provide effective protection for Palestinian refugees. (See: Susan Akram and Guy Goodwin-Gill, “Brief Amicus Curie”, Board of Immigrations Appeal, Falls Church, Virginia, 1999.) The trigger for the application of the *Refugee Convention* (see the second clause of Article 1D) to Palestinian refugees displaced for the first time in 1967 has been activated by the “cessation” of protection for this group of refugees – i.e., the international community has never provided systematic international protection to Palestinian refugees displaced for the first time in 1967. The intent and purpose of Article 1D is to ensure comprehensive international protection and assistance for Palestinian refugees until their situation is resolved according to the relevant UN General Assembly Resolutions.

Palestinian refugees who are neither 1948 or 1967 refugees, are outside the Palestinian territories occupied by Israel since 1967, and are unable to return due to revocation of residency rights, denial of family reunification, deportation, and

so on, or unwilling to return owing to a well-founded fear of persecution, fall under Article 1A of the *Refugee Convention*. Article 1D of the *Refugee Convention* does not apply to this group of Palestinian refugees as they do not receive protection or assistance from other organs or agencies of the United Nations.

The *Refugee Convention* also includes specific criteria concerning the cessation of refugee status. Generally, the cessation of refugee status is governed by the six conditions set out in Article 1C. These include the acquisition of effective protection, reacquisition of a lost nationality or the acquisition of a new nationality.¹⁰¹ It is important to note that cessation of refugee status under the *1951 Refugee Convention* does not extinguish the right of a refugee to return to his home of origin. The right to international protection and the right to return are two different rights under international law. A refugee who acquires a new nationality is thus still entitled to exercise his/her fundamental human right of return.

difficulties facing Palestinians as a result of the second *intifada*.⁹² Foreigners are allowed to constitute up to 10% of state school classes in Lebanon. (*See also Chapter Four.*)

g) The Right to Housing and Property

In most Arab host states, except Jordan and Iraq, Palestinian refugees are not permitted to own property on a par with host state nationals.⁹³ The *Casablanca Protocol* does not address the right to property. Palestinian refugees from the occupied Gaza Strip who took up residency in Jordan during or immediately after 1967 are not permitted to own, rent or sell immovable property without government permission.⁹⁴

Refugees in Syria and Egypt may own property subject to restrictions. In Syria, refugees may not own arable land; however, they may acquire a single home provided that they are registered with the General Authority for Palestine Refugees. Palestinian refugees in Egypt have the same right to own immovable property as foreign aliens.⁹⁵ 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.⁹⁶

Palestinian refugees in Lebanon and Kuwait are not permitted to own immovable property⁹⁷ and building in and around Palestinian refugee camps in Lebanon is restricted.

h) The Right to an Identity Document

New studies have examined the case of Palestinian refugees in Lebanon who are neither registered with UNRWA, nor the local authorities; they are referred to as “non-ID) Palestinians” (persons without identity document). Their number was estimated at 3,000; most of them arrived in Lebanon in the 1970s as single men.⁹⁸ Some of them were registered with UNRWA in their first host country, but their registration file was not transferred to UNRWA in Lebanon. Field research showed that non-ID Palestinian refugees endure harsh socio-economic conditions, as they often cannot find work due to the lack of personal documents. They are denied or have to pay for health care, educational facilities, and other services or humanitarian assistance.⁹⁹ Non-ID Palestinian children are left without access to higher education, as only primary education is offered in the camps. Children often drop out of school because of lack of identity papers (42.3% of the cases), and if they complete their education, they cannot receive a diploma for the same reason. The Danish Refugee Council currently works with local NGOs, UNWRA and the Lebanese authorities to help non-ID Palestinians acquire some form of registration, either via UNRWA and/or under the Lebanese Legalization Amnesty valid until 5 April 2006.

5.4 Protection in Countries Outside the Middle East ¹⁰²

The large majority of states in Europe, the Americas and elsewhere are signatories to the 1951 *Refugee Convention* and/or the 1967 *Protocol*. A noteworthy exception is the United States, which is a party to the 1967 *Protocol*, but not to the 1951 *Refugee Convention*. Many states are also signatories of the 1954 *Convention Relating to the Status of Stateless Persons*,¹⁰³ and some are party to the 1961 *Convention on the Reduction of Statelessness*. These conventions have been incorporated in varying degrees into domestic legislation. Together with national asylum and immigration law, they form the major instruments of refugee protection used by national authorities, courts, refugee lawyers and NGOs. UNHCR provides assistance and guidance to the former upon request.

More than half a million Palestinian refugees reside outside the Middle East in Europe, the Americas and elsewhere. Most arrived there as a result of either voluntary or forced migration from Arab states of first asylum. National protection provided to them varies among host states, depending on national asylum law and interpretation and application of the relevant international conventions. National protection of Palestinian refugees has generally been ineffective as a result of non-application or misinterpretation of Article 1D of the 1951 *Refugee Convention* (see box above) by national authorities and courts. This has given rise to a “protection gap” and frequent violations of the rights of Palestinian refugees.

a) The Right to Status and Benefits under the 1951 Refugee Convention:

1948 and 1967 Palestinian refugees are entitled to Convention refugee status and benefits by virtue of the inclusion clause in Article 1D. They are thus recognized as refugees upon their arrival in those states that have signed the 1951 *Refugee Convention*, and no additional status determination is required from national authorities. However, most Palestinian refugees seeking protection fail to obtain legal status and related protections because national authorities fail to apply or apply erroneous interpretations of the *Refugee Convention* to their cases.

National authorities have adopted at least three different approaches and eight different interpretations of Article 1D of the *Refugee Convention* relevant to Palestinian refugees.¹⁰⁴ Only few countries, among them Hungary and Finland, apply Article 1D correctly and convey refugee status according to Article 1D. Many countries have not incorporated Article 1D into national legislation (e.g., Canada and the US) or do not apply Article 1D in national asylum practice (e.g., Austria, Belgium and Switzerland).¹⁰⁵ Other countries apply Article 1D, but interpret the meaning of its exclusion and inclusion clauses incorrectly. In practice, this means that Palestinian refugees can obtain Convention refugee status and benefits under Article 1D only if:

- they have not “voluntarily relinquished” UNRWA assistance (Germany);
- UNRWA ceases its functions (Denmark and France);
- they are unable to return to their country of former habitual residence due to a well-founded fear of persecution in that country and cannot invoke UNRWA protection there (Netherlands);



- they come from the West Bank and Gaza Strip, where they lack the protection of a state (Norway);
- they have already obtained a permanent residency permit (Sweden).

Palestinians demanding their right of return. 58th anniversary of the Nakba, San Diego, California, 2006. (al-Awda Coalition)

In other countries, Article 1D is interpreted as not having an inclusion clause that automatically confers the benefits of the 1951 *Refugee Convention* to Palestinian refugees. It is thus interpreted as a provision that excludes Palestinian refugees from the scope of the Convention. They may, however, qualify on grounds of persecution under Article 1A(2), if:

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

All these interpretations lead to the same conclusion: that asylum claims submitted by Palestinian refugees are assessed according to the criteria set out in Article 1A(2) and/or other criteria, for example, protection on humanitarian grounds. Thus, as a result of the particular interpretations adopted by national authorities and courts, Palestinian asylum-seekers have not derived any rights and benefits from the primary provision of the 1951 *Refugee Convention* relevant to their case (i.e., Article 1D) beyond the “right” to not be excluded from applying for asylum.

Palestinians seeking protection outside the Middle East generally have the right to stay in the country of asylum during the determination process. In many (but not all) countries, asylum-seekers are permitted to work and provided with basic housing.

The Status of Palestinian Refugees under the *Stateless Conventions*

A person who is not considered as a national by any state under the operation of its law is called a stateless person. Stateless persons who are refugees are covered by the 1951 *Refugee Convention*. For stateless persons who are excluded from the protection offered by the 1951 *Refugee Convention*, the 1954 *Convention Relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness* provide an additional regime for protection under international law. The Conventions, however, have limited reach, as they have been ratified by very few states.

Palestinians became stateless in 1948 with the end of the British mandate and the creation of Israel in 78% of the territory of historic mandate of Palestine. Palestinian citizenship terminated with the mandate and with the proclamation of the state of Israel on 15 May 1948. Israel's 1952 *Citizenship Law* confirmed the repeal of the Palestine Citizenship Orders (1925-42), retroactively from the day of the establishment of the state of Israel. Israel's 1952 *Citizenship Law* effectively denied Israeli citizenship to the majority of 1948 Palestinian refugees – i.e., they were denationalized. While a significant number of states have recognized "Palestine" as an independent state, following the declaration of independence by the Palestine Liberation Organization (PLO) on 15 November 1988, Palestine as an entity still does not meet the international legal criteria of statehood: a permanent population, a defined territory, government and the capacity to enter into relations with other states. The majority of Palestinians worldwide are both refugees and stateless persons.

The 1954 *Convention Relating to the Status of Stateless Persons* was adopted to regulate and improve the status of stateless persons and assure stateless persons the widest possible exercise of fundamental human rights and freedoms. The 1954 *Convention* provides stateless persons with similar benefits to those that the 1951 *Refugee Convention* provides to refugees. The 1961 *Convention on the Reduction of Statelessness* was drafted to address the gaps left by the 1954 *Stateless Convention*, and to reduce as much as possible or eliminate the phenomenon of statelessness.¹⁰⁶ According to Article 1, a contracting state must grant its nationality to a person born in its territory who would otherwise be stateless at birth, by operation of law, or upon application. It also prohibits, with a number of exceptions, depriving someone of their nationality and categorically prohibits denial of nationality on grounds of race, religion or political opinion.

Similar to the 1951 *Refugee Convention*, the 1954 *Stateless Convention* does not apply to "persons who are at present receiving from organs or agencies of the United Nations other than the UNHCR, protection or assistance so long as they are receiving such protection or assistance" (Article 1). Most Arab states in which the majority of refugees are residing are not signatories to the 1954 *Convention*. Interpretation of the status of Palestinians as stateless persons varies among and even within those states which are signatories to one or both of the two statelessness Conventions.

Successful Palestinian applicants are usually not granted asylum/citizenship status, but are recognized as refugees and afforded protection in accordance with the standards of the 1951 *Refugee Convention*. The large majority of Palestinian refugees, however, fail to qualify for *Convention* refugee status as explained above.

Alternative mechanisms of protection, i.e., protection under the 1954 *Stateless Convention* and complementary forms of protection are not available for most Palestinian refugees seeking a legal status in third countries. Only in Poland, Spain and Sweden, may Palestinians from the occupied Palestinian territories be granted residence permits on humanitarian grounds. This includes a formal legal status with defined rights. Few countries possess a specialized procedure designed for examining an applicant's claim of statelessness. In most countries in which statelessness claims are examined, no practice has developed with regard to recognition of Palestinians as stateless persons. In Belgium, France, Germany and Spain, some Palestinians have been recognized as stateless persons and granted the benefits of the *Stateless Convention*. (See box below: "The Status of Palestinian Refugees under the *Stateless Conventions*.")

Like other asylum-seekers, Palestinians who receive a final negative decision in their asylum application, and are not granted a complementary form of protection, are requested to leave the host country. As stateless persons, however, they often have nowhere to go because no state will allow them to (re-)enter their territory. They are therefore at risk of being caught in a state of legal limbo.

In many countries, including Austria, Belgium, France, Germany, Switzerland, Sweden and the UK, rejected asylum-seekers who cannot be returned or removed are allowed to stay in the host country, but without legal status. In some countries, such as Denmark and the Netherlands, rejected asylum-seekers who cannot be returned may receive some legal status, at least after a period of time, and often in the framework of complementary forms of protection.

b) The Right not to be Expelled (non-refoulement) or Arbitrarily Detained

Rejected Palestinian asylum-seekers usually hold temporarily suspended deportation orders. In the UK, Palestinians are treated as removable; if a negative asylum decision is issued, they will be removed as and when conditions permit. In Australia, Spain, Sweden and the US, rejected asylum-seekers may be kept in detention until deportation to the country of former habitual residence can be enforced. While in Spain, such detention may never exceed 40 days; in Australia and the US, persons may be held in custody indefinitely.

5.5 International Protection

International protection is required when states are unable or unwilling to protect refugees and internally displaced persons. In the absence of effective protection by the refugee-generating state and host states in the Middle East, Palestinian refugees and IDPs are both entitled to international protection. The rights and duties of refugees and the obligations of states are set forth in the 1951 *Convention Relating to the Status of Refugees*. The Convention includes special provisions governing the status of 1948 and 1967 Palestinian refugees. The 1998 *Guiding Principles on Internal Displacement* set out the rights of internally displaced persons.

International protection of refugees under the 1951 *Refugee Convention* covers the gamut of activities through which the rights of refugees are secured, including the implementation of durable solutions. International protection can be said to encompass two intertwined components: the immediate, day-to-day protection of basic rights; and the search for durable solutions in accordance with international law.

Basic protection aims at providing refugees with a dignified life and involves supervision of the implementation of international conventions in host countries. It involves the intervention of an international agency, usually UNHCR, on behalf of refugees to ensure physical security, access to territory and asylum procedures, as well as respect for the principle of *non-refoulement* (which prohibits states from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened).¹⁰⁷ Once refugees are admitted to a territory, an international agency or the host country will ensure that shelter, water, food and medical care is provided. Protection also means that the authorities, sometimes in co-operation with UNHCR or another UN agency, register refugees and issue them individual documentation.

Protection also means advocating to the host country that it improves the lives of refugees and shows respect for their basic human rights. Promoting a proper legislative framework for refugee status determination within states is also a component of



The quest for protection and durable solutions under international law (BADIL)

protection. Protection thus entails advocating against *refoulement* and promoting respect for civil and political rights, economic, social and cultural rights, the rights of vulnerable groups, legal protection, including legal status and documentation, and the search for durable solutions.¹⁰⁸

Durable solutions refer to the three possible solutions that will restore refugees' rights, i.e., voluntary repatriation (return), local integration in the host country and resettlement in a third country. The preferred solution for refugees is voluntary repatriation, the only option constituting a fundamental right (i.e., the right of return) that can be implemented by individuals independently of the international search for durable solutions. (See Chapter Six.)

International protection is comprised of both "partnership" and "confrontation" between states and international agencies mandated to protect refugees.¹⁰⁹

Internally displaced persons (IDPs) are not covered by the 1951 *Refugee Convention*. The protection regime for IDPs is non-binding and generally less developed than that applicable to refugees. There is no international convention that sets forth the rights and duties of IDPs and concomitant obligations of states. IDPs are not expressly mentioned in any instrument of international humanitarian law, but forcible displacement is clearly prohibited, and IDPs are entitled to the full protection of humanitarian law in both international and non-international armed conflicts.¹¹⁰

Since the beginning of the 1990s, the human rights system has paid increasing attention to the plight of IDPs. The 1998 *Guiding Principles on Internal Displacement*,¹¹¹ adopted by the UN Commission of Human Rights, outlines the specific rights of IDPs and the

obligations of states towards them, under human rights and humanitarian law. These *Principles* affirm the right of IDPs to receive national and international protection and humanitarian assistance, the right of international actors to offer such protection and assistance, and the duty of states to accept such offers.

The United Nations established a separate organ, the UN Conciliation Commission for Palestine (UNCCP), to provide international protection to all persons displaced during the 1948 war in Palestine. The UN did not establish a special organ for Palestinian refugees displaced for the first time in 1967 or for internally displaced Palestinians in the 1967-occupied Palestinian territories. The UNCCP is no longer active.

UNHCR has interpreted its mandate to exclude Palestinian refugees residing in UNRWA areas of operation – i.e., the majority of Palestinian refugees in the occupied West Bank and Gaza Strip, Jordan, Lebanon and Syria. UNHCR does not have an explicit mandate to protect IDPs, including Palestinian IDPs. However, the refugee agency may carry out expanded functions at the request of the UN Secretary-General and the General Assembly.

The international community currently recognizes no international agency as having an explicit mandate to protect 1948 and 1967 Palestinian refugees and IDPs in UNRWA areas of operation. A number of international organizations, however, have provided a limited degree of protection for Palestinian refugees worldwide over the past five decades. These include the International Committee of the Red Cross, UNHCR and UNRWA.

5.5.1 The United Nations Conciliation Commission for Palestine

The United Nations Conciliation Commission for Palestine was established in 1948 to take over the functions of the United Nations Mediator on Palestine, Count Folke Bernadotte, under UN General Assembly Resolution 194(III).¹¹² The Resolution instructs the UNCCP to “facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees.”¹¹³ In Resolution 394(V), 1950, the General Assembly authorized the Commission to “continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees.”¹¹⁴ The UNCCP only had a mandate to provide protection to 1948 Palestinian refugees, and not other categories of refugees or IDPs. The Commission was comprised of representatives of the United States, France and Turkey and empowered to create sub-organs in order to fulfill its mandate. Today, the Commission has no budget and no staff. The secretary of the UNCCP is a staff member of the UN Department of Political Affairs.

When the United Nations established the UNCCP in 1948, it was assumed that the refugees in question would return to their places of origin within a short period of time. The Commission was provided with neither the machinery nor the resources to protect Palestinian refugees in the context of a protracted conflict. The ability of the Commission to fulfill its mandate, moreover, was compromised by the lack of international political will.

By the early 1950s, the UNCCP had reached the conclusion that it was unable to fulfill its mandate. The UN General Assembly decision to merge refugee

protection with the larger task of Arab-Israeli conciliation ultimately compromised the Commission's ability to protect and promote the legal rights of the refugees. The rights affirmed in Resolution 194(III) were often deferred in light of what the Commission came to view as the practicalities on the ground – i.e., Israel's opposition to the return of the refugees.¹¹⁵

5.5.2 The Office of the UN High Commissioner for Refugees

The United Nations General Assembly established the Office of the UN High Commissioner for Refugees – Resolution 319(IV) – in 1949. It is the primary international body mandated to provide protection to refugees worldwide. This includes persons considered to be refugees under the 1951 *Convention relating to the Status of Refugees*. UNHCR is also the primary body mandated to provide protection to stateless persons.¹¹⁶

UNHCR recognizes 1948 and 1967 Palestinian refugees outside UNRWA areas of operation as *prima facie* “Convention refugees” under Article 1D of the 1951 *Refugee Convention*.¹¹⁷ In other words, they do not need to prove individual persecution under Article 1A. Descendants of 1948 and 1967 refugees are also entitled to protection under the Convention, even if they have never lived in one of UNRWA's areas of operation.

Other Palestinians displaced after 1967, who are neither 1948 or 1967 refugees, and are considered refugees according to Article 1A of the Convention, also fall within the protection mandate of UNHCR. As of 2004, UNHCR statistics indicate that an estimated 350,600 Palestinian refugees or 5% of the total Palestinian refugee population (not including IDPs), fall within the UNHCR mandate.¹¹⁸

UNHCR's approach to 1948 and 1967 Palestinian refugees may be explained by a variety of factors, including: the absence of an inclusion clause for Palestinian refugees in the 1950 Statute of the UNHCR, similar to the second clause of Article 1D of the 1951 *Refugee Convention*; the perception that the “political character” of the Palestinian refugee case is incompatible with the “neutral character” of UNHCR protection activities; financial concerns related to the inclusion of millions of additional refugees in UNHCR programmes; and combined Western and Arab opposition to the inclusion of all Palestinian refugees within the protection mandate of the UNHCR.

5.5.3 The UN Relief and Works Agency for Palestine Refugees

The UN Relief and Works Agency for Palestine Refugees (UNRWA) is the primary international body mandated to provide assistance to Palestinian refugees. UNRWA does not have an explicit mandate to provide international protection. UNRWA officials have made repeated interventions to the United Nations and relevant officials concerning the protection of Palestinian refugees in the 1967-occupied Palestinian territories and in Lebanon.

UNRWA provides limited day-to-day protection through general assistance programmes guaranteeing the basic needs and rights of Palestine refugees through education and health programmes, and emergency appeals aimed at alleviating the



UNRWA car crushed by Israeli tanks, Jenin refugee camp, West Bank, 2002. (UNRWA Archives)

effects of humanitarian crises. The provision of services that guarantee basic economic, social and cultural rights, particularly in emergency humanitarian crises, may also be considered as a type of protection – i.e., “relief protection”. Occasionally, UNRWA also provides limited protection through monitoring, reporting and a limited degree of intervention.

UNRWA cannot, however, provide comprehensive physical or legal protection, or participate in the search for durable solutions, including repatriation of Palestinian refugees. UNRWA’s protection activities are thus constrained to limited short- and medium-term activities, excluding the search for a durable solution based on relevant UN resolutions and international law. *(For more on UNRWA, see Chapter Four.)*

5.5.4 International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is the main body responsible for promoting respect for international humanitarian law. Over the course of almost six decades of conflict in the Middle East, the ICRC has provided basic protection to Palestinian refugees in co-operation with the League of Red Crescent Societies and, more recently, the Palestinian Red Crescent Society (PRCS). The ICRC maintains a permanent presence in the occupied Palestinian territories and also monitors conditions of detention, family visits to detainees in Israel and the occupied Palestinian territories, and training courses in international humanitarian law.

During the 1948 war in Palestine, ICRC civilian programmes focused on physical protection, prevention of forced expulsion, tracing of missing persons, family reunification and facilitation of the return of refugees to their places of origin. The



ICRC staff talk to members of a family who have lost their home and belongings. (Carina Appel/ International Red Cross)

ICRC established refugee camps and undertook several census operations to register Palestinian refugees. It also attempted to ensure protection for those refugees who had spontaneously returned to their homes inside Israel. Since 1967, the ICRC has continued to provide protection to Palestinian civilians, including refugees, in the occupied Palestinian territories. The ICRC co-operates with UNRWA regarding provision of relief and assistance during periods of political crisis and popular unrest.

5.5.5 The UN Collaborative Response to Situations of Internal Displacement

No single UN agency has been identified as the sole agency responsible for offering assistance and protection to the large number (some 23 million) of IDPs worldwide. A collective approach, i.e., the Collaborative Response, has been adopted since 2002, in order to improve the international response to situations of forced displacement. The Collaborative Response spells out a clear Action Plan to assess the type of protection and assistance required by IDPs. The Response also includes setting up a Country Team responsible for the implementation of the Action Plan. The Plan puts protection as a core objective; all UN agencies with a protection mandate should pursue activities reinforcing the protection of internally displaced persons' fundamental rights, and work with the country team to monitor, report, manage information and advocate to the authorities.

A large set of actors at the international and local levels are involved, on the basis of their expertise and mandate in implementing the Collaborative Response, including governmental and non-governmental organizations. An Emergency Relief Co-ordinator (ERC) is mandated by the General Assembly to ensure inter-agency co-ordination of protection and assistance to IDPs and, when necessary, to raise issues with the Secretary-General and the Security Council.¹¹⁹ The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons has been mandated to address the complex problem of internal displacement, while

the Inter-Agency Steering Committee (IASC) stands as the inter-agency forum for consultation on all matters regarding IDPs. In addition, the Inter-Agency Internal Displacement Division (within UNHCR) has been established to promote a predictable and concerted response, and to assist country teams. The ICRC and Red Crescent Movement may also be involved. The Collaborative Response, however, has so far failed to meet expectations.¹²⁰

Early Protection Efforts by the United Nations Conciliation Commission for Palestine

During its early years of operation, the UNCCP attempted to provide legal, diplomatic and physical protection for refugees displaced during the 1948 war. The newly-established state of Israel assumed responsibility for Jews displaced during the war. UNCCP protection activities therefore focused on stateless Palestinian refugees. The UNCCP established several subsidiary bodies, including a Technical Committee and an Economic Survey Mission, to investigate and recommend immediate measures that might be taken to safeguard the rights and property of the refugees.

Immediate efforts were made to persuade Israel to permit the return of certain categories of refugees (without prejudice to the right of all refugees to return to their homes), based on humanitarian considerations. For example, the UNCCP attempted to facilitate the return of owners of citrus groves and their labourers, in order to reduce the total number of persons in need of relief. Similar efforts were made to establish access for Palestinian farmers who had been cut off from their lands by the 1949 armistice lines.

The UNCCP also attempted to reunite separated Palestinian families. This programme focused on repatriating dependents (i.e., children and female spouses) of breadwinners who had remained in the territory that became the state of Israel. The Commission also appealed to Israeli officials to allow religious leaders and other clergy to return to their places of origin. At the same time, the Commission urged Israel to allow freedom of worship and to respect the sanctity of mosques and churches.

Finally, the UNCCP engaged in various activities to protect the legal status and rights of refugees. It drafted a refugee definition to identify those persons in need of international protection.¹²¹ It also worked with Israeli officials to facilitate refugee access to blocked savings accounts and assets in banks inside Israel. Appeals were also made to Israeli officials to abrogate discriminatory laws adopted in the aftermath of the displacement of the Palestinian population, and initial efforts were begun to identify and document refugee property inside Israel.

UNCCP efforts met with mixed success. The UN General Assembly adopted the recommendations drafted by one of the Commission's sub-organs, the Economic Survey Mission, for short- and long-term economic relief, including the creation of UNRWA. The Commission also succeeded in facilitating the release of blocked accounts and assets. The Israeli government and the Israeli Custodian of Absentees' Property retained a significant proportion of the monetary value of accounts and assets, however, through the imposition of taxes and administration fees.

Through the family reunification programme, a small number of refugee dependents were able to return. In late 1949 and early 1950, for example, approximately 800 dependents who had been displaced to Jordan and Lebanon were able to rejoin family members inside Israel. In February 1950, 115 refugee dependents were able to cross into Israel from the Gaza Strip. Palestinian inhabitants of two villages cut by the armistice lines were permitted to cultivate their land in territory held by Israel.

At the same time, however, Israel refused to permit the immediate return of owners of citrus groves and their labourers. Israeli officials rejected UNCCP appeals to abrogate discriminatory property laws and refused to release religious property, particularly that belonging to the Muslim community. The UNCCP was also unable to significantly advance political negotiations between Israel and the Arab states.

In light of the ongoing stalemate in political negotiations, the UN Secretary-General recommended that the UNCCP focus its protection activities on the identification and evaluation of Palestinian property. The General Assembly accepted this recommendation, and the UNCCP budget was reduced to conform to the Commission's limited protection activities. As of 1952, the Commission has taken the view that the governments concerned are primarily responsible for the settlement of their outstanding differences, including the plight of the refugees.¹²²

Since this period, the UNCCP has not provided Palestinian refugees with the basic international protection accorded to all other refugees. Today, the UNCCP exists in name only, and produces an annual one-page report on its activities stating that it has "nothing new to report".

5.5.6 International Protection Activities

Since the demise of the UNCCP, no international agency has had an explicit mandate to protect Palestinian refugees or IDPs. Limited mandates and a lack of international support have had a particularly detrimental effect on the ability of international agencies to effectively intervene with Israel (the refugee-generating state) and to engage in a search for durable solutions.

a) Intervention with Israel to End Forcible Displacement and to Respect Humanitarian and Human Rights Law During Armed Conflict

During the 1967 Israeli-Arab war, the ICRC focused on physical protection, prevention of forced expulsion and the tracing of missing persons. It succeeded, in 1968, in facilitating the return of some 200 refugee children who had been displaced to Jordan during the war. The ICRC also made numerous appeals to Israeli officials concerning the destruction of Palestinian homes and villages, calling upon Israel to cease demolition operations and assist in the reconstruction of the homes or pay compensation to the owners. When Israel began systematic and widespread demolition of refugee shelters in Gaza camps in the 1970s, the ICRC appealed to the Israeli government to cease the demolition programme. Following complaints by refugees, Red Cross officials requested that Israel close down offices located in refugee camps that were offering subsidies to “voluntary emigrants” as a way of facilitating the continuing transfer of the Palestinian population.

International protection activities vis-à-vis Israel were subsequently downgraded to monitoring, reporting and limited intervention regarding humanitarian law.¹²³ ICRC protection activities have included intervention concerning special cases seeking family reunification, and intervention with the Israeli authorities in response to violations of humanitarian law, including expropriation of land, deportation and house demolition. In the late 1980s, UNRWA recruited additional international staff to provide protection through monitoring, reporting and a limited degree of intervention during the first Palestinian *intifada* in the 1967-occupied territories. The Refugee Affairs Officer (RAO) Program, as it was called, was eventually phased out, first in the occupied Gaza Strip (1994) and then in the occupied West Bank (1996), following the redeployment of the Israeli military and establishment of the Palestinian Authority in the mid-1990s. Since the beginning of the second *intifada* in 2000, UNRWA has operated an “Operations Support Program”, which aims to protect Agency installations and humanitarian access.

For the period of July 2004 – June 2005, UNRWA reported that “[n]otwithstanding Security Council Resolution 1544 (2004) in which the Council specifically called on Israel to respect its obligations not to carry out house demolitions contrary to international humanitarian law, the IDF continued extensive house demolitions in the Gaza Strip until the end of 2004.”¹²⁴ In 2004, in the occupied Gaza Strip alone, violations of humanitarian and human rights law by Israel have destroyed 721 homes and left 1,123 families homeless.¹²⁵ Since the beginning of the *intifada*, the Israeli army has demolished 2,521 refugee shelters in the occupied Gaza Strip, rendering 24,151 persons homeless. Despite UNRWA’s shelter rehabilitation and rebuilding programmes, by June 2005, more than 16,000 refugees in the occupied Gaza Strip were homeless.



On numerous occasions, the Agency has protested to the Israeli authorities that “actions [] that kill or injure UNRWA staff and students, or that interfere with UNRWA installations violate Israel’s international legal obligations under general principles of international law, the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations, and, in many cases, the Fourth Geneva Convention and applicable international human rights conventions, particularly the Convention on the Rights of the Child.”¹²⁶ UNRWA has also expressed concern that Israeli military operations have been carried out in densely populated civilian areas, causing a high number of civilian injuries and fatalities.

In its 2004 Annual Report, the ICRC called on Israel to “ensure the welfare and protection of the civilian population living under its occupation” by easing restrictions on the movement of people and goods and expressed concern to Israel regarding “the destruction or expropriation of Palestinian property and land and the forced displacement and isolation of Palestinian communities” as a result of the construction of the Wall and its regime.¹²⁷

The Palestinian Red Crescent estimates that 50% of physicians are either delayed or denied access to work, and that upon construction of the Wall, 71 clinics will be isolated by the Wall. The Wall will seriously impede the right to health of Palestinians, as an estimated 680,000 Palestinians living in 200 communities will be denied access to free health care.¹²⁸

In 2005, the *Committee on the Elimination of All Forms of Discrimination Against Women* (CEDAW) expressed concerns over participation, health and education of Palestinian women in Israel, Bedouin women in particular. A specific recommendation

ICRC staff pleading with an Israeli soldier for humanitarian access. (Alan Meier/International Red Cross)

was made “to eliminate discrimination against Bedouin women and [...] enhance respect for their human rights through effective and proactive measures [...] in the field of education, employment and health.” On family reunification, the Committee expressed concern about the Israeli Citizenship and Entry into Israel Law, which effectively prohibits family reunification for Palestinians. The Committee called on Israel to “balance its security interests with the human rights of persons affected by such policies” and provide periodic reports on the situation, with the aim of facilitating family reunification for all citizens and permanent residents. Recommendations regarding the occupied Palestinian territories urge Israel to implement the CEDAW principles to all persons under its jurisdiction, including women.¹²⁹

John Dugard, the *UN Special Rapporteur*, observed that in the massive destruction of (mainly refugee) houses in the occupied Gaza Strip in 2004, the Israeli army sometimes destroyed the homes of suspected militants for punitive reasons or destroyed homes for strategic purposes, such as the construction of a buffer zone, but that the destruction often seemed wanton. Dugard concluded that “there has been a total lack of concern for the people affected.”¹³⁰

*International Court of Justice, State Responsibility, and UN Register on the Wall: The most important and potentially far-reaching obligation of the International Court of Justice (ICJ) 9 July 2004 Advisory Opinion, for the international community and the United Nations, is to ensure that Israel complies with international humanitarian law. Article 1 of the Fourth Geneva Convention stipulates that states shall “[...] undertake to respect and to ensure respect for the present Convention in all circumstances.”¹³¹ The Court calls on the General Assembly and the Security Council to “[...] consider what further action is required to bring to an end the illegal situation [...]”¹³² The Court also insists on the fact that the violation of the right to self-determination, which is a right *erga omnes*, entails certain obligations for states, which should “promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples [...]”¹³³ Of particular relevance for Palestinian refugees and IDPs is the affirmation by the ICJ of restitution and compensation as the appropriate remedy for unlawful taking of private property (see also Chapters One and Six).*

On 20 July 2004, the UN General Assembly adopted Resolution ES-10/15 with 150 votes in favour and six against (United States, Israel, Australia, Marshall Islands, Micronesia and Palau).¹³⁴ This Resolution demands that Israel and all member states comply with the legal obligations stipulated in the Advisory Opinion, and requests the Secretary-General to establish a register of damage caused to all natural or legal persons concerned.

In early 2005, UN Secretary-General Kofi Annan forwarded a letter to the General Assembly setting out a framework for the creation of such a register. According to this letter, the proposed registry “is not a compensation commission or claims-resolution facility, nor is it a judicial or quasi-judicial body.”¹³⁵ The Secretary-General’s letter describes the proposed registry as “a technical, fact-finding process of listing or recording the fact and type of the damage caused as a result of the construction of the Wall.[...] It thus entails a detailed submission process that would include a statement setting out the alleged damage, eligibility for registration and the causality between the construction of the wall and the damage sustained.”¹³⁶ Both natural and legal persons

who have sustained any form of material damage as a result of the construction of the Wall are eligible to request the inclusion of such damage in the registry.¹³⁷ The registry is to be a subsidiary organ of the UN operating under the authority of the Secretary-General and consisting of a Board, legal and technical experts and a small secretariat, which would remain open for registration for the duration of the Wall in the occupied West Bank, including eastern Jerusalem.¹³⁸ However, more than a year after the General Assembly requested that the Secretary-General establish such a registry, there is still no registry.

b) Intervention with the United Nations for a more Effective International Protection Regime

The UNHCR recognizes the protection gap faced by 1948 and 1967 Palestinian refugees and has issued several calls to remedy the problem. Following the massacre of several thousand Palestinian refugees in Beirut in September 1982 by Israeli-allied Lebanese Phalangist militiamen, for example, the UNHCR Executive Committee, the advisory body to the High Commissioner, “expressed the hope that measures would be taken to protect refugees against such attacks and to aid the victims.”¹³⁹ During the late 1980s and the early 1990s, in the context of the first Palestinian *intifada* in the 1967-occupied Palestinian territories, the UNHCR issued numerous executive committee conclusions that “[e]xpressed concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would be undertaken within the United Nations system to address their protection needs”¹⁴⁰ [emphasis added].

Already in 1967, then Commissioner-General of UNRWA, Lawrence Michelmore, approached the UN Under-Secretary-General seeking international protection for refugees in the occupied Palestinian territories. The initiative failed to attract sufficient support at the United Nations, based on the Under-Secretary’s view that Israel would oppose a protection initiative.

Under international humanitarian law relevant to occupied territories, the parties to a conflict may appoint a “Protecting Power” to safeguard the interests of parties to a conflict, including citizens. No Protecting Power has been appointed for the 1967-occupied Palestinian territories. In 1972, the ICRC offered to act as a substitute Protecting Power in the occupied Palestinian territories. However, Israel rejected the offer. ICRC protection, therefore, is limited to the extent that Israel is willing to co-operate.

UNRWA’s protection role was subsequently expanded. In December 1982, for example, General Assembly Resolution 37/120(J), entitled “Protection of Palestine Refugees”, stipulated that UNRWA, in consultation with the Secretary-General should “undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in the occupied territories.”¹⁴¹ Similar resolutions in 1983, 1988 and 1993 reiterated the need for UNRWA to continue its efforts in preserving the security and human rights of the Palestine refugees in territories under Israeli occupation since 1967.¹⁴² In practice, however, UNRWA has limited capacity and room for manoeuvre, as it noted with regard to the need for international protection by refugees in Lebanon in the early 1980s: “The only means

at the disposal of [UNRWA] is [...] to report, to warn and to make representations to the authorities responsible.”

2004 Conference: Meeting the Humanitarian Needs of the Palestine Refugees in the Near East – Building Partnerships in Support of UNRWA: A large UNRWA donor-initiated conference took place in Geneva in June 2004. The conference aimed to “enhance the level of engagement between the Agency and the international community and to increase support for the refugees’ needs.”¹⁴³ The conference made numerous recommendations, most significant among them a recommendation to UNRWA to adopt a rights-based approach to its humanitarian assistance programmes and operations. UNRWA was requested to apply the Convention on the Rights of the Child and to give special consideration to the protection needs of vulnerable groups, in particular children, women, and elderly and disabled persons.¹⁴⁴ UNRWA was also requested to improve its planning, data collection, analytical capacity and the quality of its services, and was asked to ensure follow-up with donors, host authorities and other service providers.¹⁴⁵

In 2005, the UN General Assembly reiterated its support for the work of UNRWA, and called on the international community to continue supporting the needs of the Agency.¹⁴⁶ The General Assembly also encouraged UNRWA to consider the needs and rights of Palestinian refugee children in its operations in accordance with the Convention on the Rights of the Child.¹⁴⁷ In 2005, UNRWA added to its staff a Senior Protection and Policy Adviser mandated to study ways in which UNRWA could increase its protection work for Palestinian refugees, in particular refugee children, based on humanitarian and human rights law.

In August 2005, the UN *Sub-commission on Human Rights* adopted the United Nations *Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles)*, which re-affirm the right to be protected against arbitrary displacement, the right of refugees and displaced persons to return to their homes, lands or places of habitual residence, and the right to housing and property restitution. The *Pinheiro Principles* also call on states to ensure that no one is subjected to forced displacement.¹⁴⁸

In 2005, UNHCR has taken a greater role in providing protection to IDPs in the framework of the Collaborative Response through a new “cluster-lead system”.¹⁴⁹ UNHCR has been appointed the cluster lead for camp co-ordination and management, emergency shelter and protection.¹⁵⁰ The new cluster lead role of UNHCR has yet to become relevant for Palestinian IDPs.

c) Humanitarian Relief and Assistance

In the absence of an effective protection regime, UNRWA continues to implement its regular assistance programme (*see Chapter Four*). Over the past six decades, it has [administered several emergency programmes in response to the acute and immediate needs of the refugee community, including programmes in Lebanon and in the 1967-occupied Palestinian territories. In 2000, UNRWA began providing emergency assistance in response to rapidly deteriorating conditions in the occupied Palestinian territories as a result of Israel’s attempt to suppress the second Palestinian *intifada* through military force.



Palestinian women submitting a prison visit form. (Alan Meier/International Red Cross)

Since 2003, UNRWA has been engaged in co-ordination with UNHCR, and has participated in delivering emergency assistance to Palestinian refugees fleeing conflict and persecution in Iraq, in addition to providing assistance to Palestinian refugees in its regular area of operations.

The ICRC continued to work alongside UNRWA in the occupied territories and in Lebanon to provide protection and assistance (relief kits, food parcel and water distribution, rehabilitation projects) to refugees during periods of political crises and popular unrest. Following the outbreak of the second Palestinian *intifada* in September 2000, and Israel's military response to the uprising, for example, the ICRC deployed additional delegates in the 1967-occupied Palestinian territories. Such delegates



Palestinian refugee family on the border between Iraq and Syria, May 2004. (Christian Peacemakers Teams)

monitor developments and work closely with the Palestinian Red Crescent Society (PRCS) to ensure safe passage for emergency medical services.

d) Ensuring Respect of the Principle of Non-Refoulement by Arab Host States: Facilitation of Access to Asylum in Third Countries

UNHCR protection activities for Palestinian refugees have included assistance concerning travel documents, renewal of registration cards for refugees outside the areas of UNRWA operations, facilitation of interim solutions for Palestinian refugees in cases of forced departure from Arab host countries and legal aid for stranded Palestinian refugees seeking asylum. After the PLO was forced to leave Lebanon in 1982, for example, UNHCR intervened with the Lebanese authorities on behalf of Palestinian refugees who were experiencing difficulty in obtaining the renewal of Lebanese travel documents.

During the 1990-91 Gulf War, UNHCR extended protection services and provided material assistance to several hundred thousand Palestinian refugees in the Gulf States who were confronted with detention and forced departure. Between 1995 and 1997, UNHCR provided assistance to Palestinian refugees stranded on the Libyan-Egyptian border after being expelled from Libya in 1995.

UNRWA also handles requests for confirmation of refugee status from Palestinians and from governmental and non-governmental organizations worldwide.

UNHCR has provided limited protection and material assistance to Palestinian refugees displaced as a result of the 2003 war in Iraq. In Iraq, the UNHCR is working with refugees, including Palestinian refugees, while the International Organization for Migration (IOM) is working with internally displaced Iraqis. UNHCR is monitoring respect for the principle of *non-refoulement*, ensuring basic rights for refugees stuck in camps, searching for durable solutions and lobbying the Ministry of Displacement and Migration to increase protection for Palestinian refugees.¹⁵¹ The UNHCR also pays for the accommodation of some 500 families as a limited form of assistance. However, UNHCR's ability to protect Palestinian refugees is extremely limited due to the security situation.

e) Legal Aid and Counselling for Palestinian Refugees

During 1991 and 1994/1996 in the occupied Gaza Strip/West Bank, UNRWA protection activities included a legal aid scheme run by the Agency with the purpose of helping "refugees deal with a range of problems of life under occupation", including "sustained follow-up in cases of deaths, injuries and harassment; bureaucratic difficulties in obtaining various permits; discrimination in access to courts of law, welfare benefits, etc.; travel restrictions; and various forms of collective punishment." UNRWA has also offered legal advice and assistance to refugees applying for family reunification.

f) Registration of Palestinian Refugees

While no comprehensive registration system for Palestinian refugees is in place yet, UNRWA has registered the majority of 1948 refugees and updates their records for the purpose of assistance (*see Chapter Four*). UNHCR maintains partial registration of Palestinian refugees outside UNRWA's area of operations, and 350,600 are currently listed as being of concern to the Agency.

UNRWA is aware that its registration guidelines are discriminatory, as they prevent women who marry non-registered men and their children from registering with the Agency and gaining access to UNRWA services. UNRWA has presented the problem of these families to its stakeholders with a view to bringing gender-neutral language and gender-equitable practice into its registration guidelines.¹⁵²

g) Promotion of Respect for Basic Human Rights and Protection Standards

Recent UNHCR efforts have included drafting the 1992 *Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World*, and the 2002 *Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*.

In 2004, the *Committee for the Elimination of Racial Discrimination* (CERD) urged Lebanon to ameliorate the situation of Palestinian refugees with regard to the enjoyment of all rights stipulated in the *Convention for the Elimination of Racial Discrimination*, such as access to work, health care, housing and social services, as well as access to effective legal remedies. The Committee requested that Lebanon minimally "remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens."¹⁵³

Endnotes

- ¹ See Protecting and assisting internally displaced persons in situations of armed conflict, 56th session of the Executive Committee of the High Commissioner's Programme, United Nations High Commissioner for Refugees, Address by the International Committee of the Red Cross, official statement, Geneva, 3-7 October 2005.
- ² Rome Statute of the International Court of Justice, A/CONF.183/9, 17 July 1998 (entered into force 1 July 2002), Article 8 (vii), (viii).
- ³ Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2/1998, principle 6, para. 2(a).
- ⁴ *Ibid*, principle 9.
- ⁵ Article 2(7), Charter of the United Nations, 26 June 1945. "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."
- ⁶ James Hathaway defines persecution as "the sustained or systemic failure of state protection in relation to one of the core entitlements which has been recognised by the international community." *The Law of Refugee Status*. Toronto: Butterworths, 1991, p. 112.
- ⁷ Convention Relating to the Status of Refugees (Refugee Convention), effective 22 April 1954, 28 July 1951, 189 UNTS 137.
- ⁸ *Protecting Refugees: A Field Guide for NGOs*, produced by UNHCR and NGO Partners, United Nations Publications Sales Number G.V.E.99.0.22 [note that I've deleted ISBN no – this is unnecessary, also inconsistent], May 1999 and Reprint December 2001, p. 18-19. James Hathaway lists fundamental non-derogable human rights as: "freedom from arbitrary deprivation of life, protection against torture or cruel, inhuman, or degrading punishment or treatment, freedom from slavery, the prohibition on criminal prosecution for ex post facto offences, the right to recognition as a person in law, and freedom of thought, conscience, and religion." *Supra*, note 6, p. 109. In addition, the 1951 Refugee Convention includes non-discrimination (Article 3), the right to work (Article 17), the right to housing (Article 21), the right to education (Article 22) and the right to be protected against forcible return (Article 33).
- ⁹ Protocol Relating to the Status of Refugees, adopted 31 January 1967, 19 UST 6223, 606 UNTS 267 (entered into force 4 October 1967).
- ¹⁰ Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen are signatories but host only small numbers of Palestinian refugees. According to UNHCR statistical reports for 2004, there were 4,000 Palestinian refugees of concern to UNHCR in Algeria, 70,200 in Egypt, 810 in Morocco and 440 in Yemen. Table of Estimated number of Palestinians of Concern to UNHCR at the end of 2004, statistics provided by UNHCR. Israel is a signatory of the 1951 Refugee Convention.
- ¹¹ During the 1990s, Arab human rights and refugee law experts in the region participated in a joint process with the UNHCR and the San Remo Institute for Humanitarian Law, resulting in the draft 1992 Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World. The draft Cairo Declaration delineates principles for the protection of refugees and displaced persons in the Arab world, but does not have the legal status of a Convention. The declaration emphasizes the need to ensure international protection for Palestinian refugees, encourages Arab states that have not done so to accede to the 1951 Refugee Convention, and calls upon Arab states to provide the League of Arab States with relevant information concerning the status of Palestinian refugees in host countries. It also calls upon Arab states to adopt an Arab convention on refugees that includes, among others, broad definitions of "refugee" and "displaced person".
- ¹² Protocol on the Treatment of Palestinians, 11 September 1965 (Casablanca Protocol). Available at: <http://www.badil.org/Documents/Protection/LAS/Casablanca-Protocol.htm>.
- ¹³ Kuwait, Lebanon and Libya endorsed the Protocol, but with reservations. Saudi Arabia, Morocco and Tunisia are not signatories.
- ¹⁴ Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention), effective 20 June 1974, 10 September 1969, 1001 UNTS 1945, Article 1.
- ¹⁵ These states include Algeria, Egypt, Libya, Mauritania, Sudan and Tunisia. According to UNHCR statistical reports for 2004, there were 4,000 Palestinian refugees of concern to UNHCR in Algeria, 70,200 in Egypt and 8,900 in Libya. Table of Estimated number of Palestinians of Concern to UNHCR at the end of 2004, statistics provided by UNHCR.
- ¹⁶ For further discussion of this concept, see Chapter Two, note 1.
- ¹⁷ International consensus affirms the de jure applicability of the Fourth Geneva Convention to the 1967-occupied Palestinian territories. Israel argues that because Jordan's annexation of the West Bank and Egyptian control of the Gaza Strip never received international recognition, these territories do not meet the requirements for application of the Geneva Convention, as they were not the territory of a High Contracting Party.
- ¹⁸ Citizenship Law (1952).
- ¹⁹ The Jewish character of the state is defined by three inter-related components: (1) that Jews form the majority of the state; (2) that Jews are entitled to certain preferential treatment (for example, the Law of Return); and (3) that a reciprocal relationship

- exists between the state and Jews outside of Israel. *Ben Shalom vs. Central Election Committee*, 43 P.D. IV 221 (1988), in 25 *Israel Law Review* 219 (1991); *Legal Violations of Arab Minority Rights in Israel*, Shafr Amr: Adalah – The Legal Center for Arab Minority Rights in Israel, 1998, pp. 44-45.
- ²⁰ Land (Acquisition for Public Purposes) Ordinance (1943); Defense (Emergency) Regulations (1945); Abandoned Areas Ordinance (1948); Emergency Regulations Concerning Absentee Property (1948); Emergency Regulations (Security Zones) (1949); Emergency Regulations (Cultivation of Waste [Uncultivated] Lands) (1949); Absentees' Property Law (1950); Development Authority (Transfer of Property) Law (1950); Absentees' Property (Amendment) Law (1956); State Property Law (1951); Prescription Law (No. 38) (1958); Absentees' Property (Amendment No. 3) (Release and Use of Endowment Property) Law (1965); Absentees' Property (Compensation) (Amendment) Law (1976); and Negev Land Acquisition (Peace Treaty with Egypt) Law (1980).
- ²¹ The Jewish National Fund (JNF) was established by the fifth Zionist Congress (1901) to purchase land in Palestine and Syria for Jewish colonization. The JNF was incorporated as an Israeli company in 1953. According to its Memorandum of Association, the JNF is forbidden to sell national land to non-Jews. For further discussion, see Lehn, Walter, *The Jewish National Fund*. London: Kegan, Paul, 1988. All land classified as "Israel Lands" under the 1960 Basic Law: Israel Lands (Section 1) may not be transferred either by sale or in any other manner.
- ²² State Education Law (1953). Also see Compulsory Education Law (1949). For more details, see *Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools*. New York: Human Rights Watch, 2001.
- ²³ Basic Law: Freedom of Occupation (1992). Also see Employment (Equal Opportunities) Law (1981) and Equality of Opportunities in Labour Law (1988).
- ²⁴ Arab Association for Human Rights (HRA), *Weekly Review of the Arabic Press in Israel*, No. 243, 7-14 December 2005, Nazareth: HRA.
- ²⁵ Palestinian Red Crescent Society (PRCS), *Total daily numbers of deaths and injuries: West Bank and Gaza during the period 30 September – 31 December 2000*; and *Conflict Deaths by Age and Gender, 2005*, PRCS: Al-Bireh, Palestine.
- ²⁶ *Ibid.*
- ²⁷ Under the Oslo agreements, residency issues are handled jointly between the Israeli District Coordination Office (DCO) and the Civil Affairs Committee of the Palestinian Authority (CAC). Agreements between Israel and the PLO eliminated extended residence abroad as criteria for revocation of residency rights, and provided for a joint Israeli-Palestinian committee to find solutions for those persons from the occupied West Bank and Gaza Strip whose residency rights were revoked by Israel. This committee was never established and the issue remains unresolved. For more discussion, see Jamal, Manal and Darwish, Buthaina, *Exposed Realities: Palestinian Residency Rights in the "Self Rule Areas" Three Years After Partial Israeli Redeployment*. Bethlehem: BADIL Alternative Information Center, 1997. This process broke down at the beginning of the second intifada in September 2000.
- ²⁸ On 28 June 1967, Israel annexed the Old City of Jerusalem on the decision of the Ministry of Interior. On 30 June 1980, the Knesset [Israeli Parliament] adopted the "Jerusalem Basic Law", officially annexing the pre-1967 Palestinian eastern part of the city of Jerusalem and additional occupied West Bank areas.
- ²⁹ For eastern Jerusalem, see *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 occupied Gaza Strip. Only those Palestinians registered in the 1967 Israeli census and their descendants are considered to be legal residents of the 1967-occupied Palestinian territories. Jordan and Egypt regulated the residency status of Palestinians in the West Bank (including eastern Jerusalem) and the Gaza Strip respectively, until 1967, when relevant legislation was replaced by Israeli military law in the West Bank and Gaza Strip and civilian law in eastern Jerusalem. Palestinians in the occupied West Bank and Gaza Strip hold green ID cards which must be approved by Israel. Palestinians residing in occupied eastern Jerusalem hold blue Israeli-issued ID cards. Between 1967 and 1994, Israel revoked the residency status of some 100,000 Palestinian residents of these territories. Kadman, Noga, *Families Torn Apart: Separation of Palestinian Families in the Occupied Territories*. Jerusalem: Btselem – Israeli Center for Human Rights in the Occupied Territories, 1999, 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. Table III, "Confiscation of Jerusalem ID Cards, 1967-1998", *Eviction from Jerusalem: Restitution and the Protection of Palestinian Rights*. Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 1999, p. 19.
- ³⁰ Military Order No. 25 Concerning Transactions in Real Property (1967); Military Order No. 58 Concerning Abandoned Property (Private Property) (1967) (the Gaza version of the military order is identical but differently numbered); Military Order No. 59 Concerning Government Properties (1967); Military Order No. 150 Concerning Abandoned Property of Private Individuals [in the West Bank] (Additional Provisions) (1967); Military Order No. 321 Regarding the Lands Law (Acquisition for Public Needs) (1969) (amending the 1953 Jordanian Land Law – Acquisition for Public Needs, Law No. 2 for 1953); Military Order No. 364 Concerning Government Properties (Amendment No. 4) (1969); Military Order 569 Concerning the Registration of Special Transactions in Land (1974); Military Order No. 949 Regarding the Lands Law (Acquisition for Public Needs) (1981); Military Order 1060 Concerning Law on Registration of Unregistered Immovable Property (Amendment No. 2) (1983). In addition, Israeli military commanders have at times issued orders for the requisition of privately owned Palestinian land for military needs.

³¹ See note 21.

³² Article VI(1)(d), Agreement on the Gaza Strip and the Jericho Area, 4 May 1994. The front cover of the “passport” includes the phrase “travel document”. The passport is issued jointly by the Palestinian Authority and the Israeli military administration. However, restrictions on freedom of movement in the 1967-occupied Palestinian territories may prevent Palestinians from reaching exit crossings in the occupied West Bank and Gaza Strip. For further discussion of these changes, see Jamal, Manal and Darwish, Buthaina, *supra*, note 24.

³³ 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 occupied Gaza Strip were able to travel abroad on special travel documents issued by the All Palestine Government until 1960, when they were replaced with Egyptian travel documents. After 1967, they also required special Israeli-issued permits.

³⁴ Palestinians seeking to leave and return via land crossings with Jordan and Egypt face frequent restrictions and delays upon exit and entry.

³⁵ UNRWA, *Camp Profile, Profile of Shu’fat Refugee Camp*, Reports on the West Bank Wall/Barrier, January 2004, p. 1.

³⁶ BADIL, “Shu’fat Camp”, *Article 74*, No. 25, Bethlehem, September 1998, p. 8.

³⁷ UNRWA, *Update: New Barrier Construction*, Reports on the West Bank Barrier, June 2004, p. 3.

³⁸ *Ibid*, p. 1: “Jerusalem town is an important centre for the provision of health care services to refugees. Construction of the barrier will directly affect access to the UNRWA Jerusalem Health Centre; two other UNRWA Health Centres and two Sanitation stores will be separated from surrounding areas (Shu’fat and Kalandia Camps); also access to secondary and tertiary care in Jerusalem hospitals will be severely hampered.” UNRWA, *Town Profile, Impact of the Jerusalem Barrier*, Reports on the West Bank Wall/Barrier, January 2004, p. 3.

³⁹ *Camp Profile, supra*, note 118, p. 1.

⁴⁰ Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, on the Situation of Human Rights in the Palestinian Territories Occupied by Israel since 1967, Israeli Practice affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, E/CN.4/2005/29, Sixtieth session, 18 August 2005, p. 12, para. 32.

⁴¹ “Some early warning signs of such policy could be noticed in Nu’man village, where an IDF night-time operation gathered all young men from the locality and asked them to give up their title deeds to their land.” *Town Profile, supra*, note 121, p. 5.

⁴² *Impact of the Expansion and Annexation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Wall Passes Through in the West Bank*, August 2005, Press Conference on the Survey Results, Ramallah: Palestinian Central Bureau of Statistics, February 2006, p. 6.

⁴³ *Ibid*.

⁴⁴ According to the Palestinian Centre for Human Rights, since the beginning of the *intifada* until 2004, Israel has deported around 50 Palestinians from the occupied West Bank to the Gaza Strip to “assign residence”. *The Annual Report for 2004, Gaza Strip*: Palestinian Center for Human Rights, May 2005, p. 40.

⁴⁵ *Means of Expulsion: Violence, Harassment and Lawlessness against Palestinians in the Southern Hebron Hills*, Jerusalem: B’Tselem, July 2005, p. 23.

⁴⁶ *Ibid*, p. 39.

⁴⁷ Pact of the League of Arab States, effective 10 May 1945, 22 March 1945, 70 UNTS, 248, 252. The 21 members of the League of Arab States are Algeria, Bahrain, Djibouti, Egypt, Jordan, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen.

⁴⁸ *Supra*, note 12, Article 1. “Whilst retaining their Palestinian nationality, Palestinians currently residing in the land of [...] have the right to employment on par with its citizens.”

⁴⁹ *Ibid*, Article 2. “Palestinians residing at the moment in [...] in accordance with the dictates of their interests, have the right to leave and return to this state. Their right of entry only gives them the right to stay for the permitted period and for the purpose they entered for, so long as the authorities do not agree to the contrary.”

⁵⁰ *Ibid*, Article 3. “Palestinians residing in other Arab states have the right to enter the land of [...] and to depart from it, in accordance with their interests. Their right of entry only gives them the right to stay for the permitted period and for the purpose they entered for, so long as the authorities do not agree to the contrary.”

⁵¹ *Ibid*, Article 4. “Palestinians who are at the moment in [...] as well as those who were residing and left to the Diaspora, are given, upon request, valid travel documents. The concerned authorities must, wherever they be, issue these documents or review them without delay.”

⁵² *Ibid*, Article 5. “Bearers of the travel documents residing in LAS states receive the same treatment as all other LAS state citizens, regarding visa and residency applications.”

- ⁵³ For discussion, see Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press, 1998, p. 149
- ⁵⁴ Co-operation Agreement between the League of Arab States and the United Nations High Commissioner for Refugees, 27 June 2000. (On file at BADIL.)
- ⁵⁵ The 1967-occupied Palestinian territories are included as an Arab host state due to the fact that Palestinian refugees residing there originate from areas inside the state of Israel. While there is no *de jure* international border, the 1949 armistice line (“Green Line”) constitutes a *de facto* international border between Israel and the occupied West Bank.
- ⁵⁶ Kuwait reserves the right to interpret Article 1 of the Protocol on the basis that it excludes the right to conduct “private business” on par with Kuwaiti citizens. Lebanon reserves the right to interpret Article 1 of the Protocol in accordance with prevailing social and economic conditions in Lebanon and the right of Palestinians to maintain their nationality. It further reserves the right to interpret Article 2 with the added phrase “on equal terms with Lebanese citizens and in accordance with the laws and regulations in operation”; and Article 3 with the added phrases “whenever their interests demand it” and “allowing Palestinians into Lebanon is conditional upon their obtaining an entry visa issued by the concerned Lebanese authorities.” It has also submitted reservations on Articles 4 and 5. Libya submitted reservations to Article 1 “since dealing with Palestinian citizens in Libya is on par with and equal to dealing with other Arab citizens residing in Libya.” Shiblak, Abbas, *The League of Arab States and Palestinian Refugees’ Residency Rights*. Monograph 11. Ramallah: Palestinian Diaspora and Refugee Centre Shaml, 1998, pp. 35-36.
- ⁵⁷ *Nationality Law* (No. 6) (1954). Jordanian law, however, does not provide automatic citizenship to Palestinians who took up residency in Jordan after 1954.
- ⁵⁸ *Passport Law* (No. 2) (1969). In 1968, Jordan issued ex-Gazans a one-year temporary passport, which serves as a residency card. At the beginning of the 1980s, the government issued a three-year passport to ex-Gazans. This regulation was revoked after the failure of the 1985 *Amman Agreement*. In 1990, the government issued 80,000 two-year passports. More restrictive measures were introduced after the signing of a peace agreement between the PLO and Israel. See al-Abed, Oroub, *Stateless Gazans: Temporary Passports in Jordan*, unpublished manuscript on file at BADIL. It is estimated that 3% (approximately 150,000 persons) of the total refugee population in Jordan originates from the Gaza Strip. See Arneberg, Marie, *Living Conditions Among Palestinian Refugees and Displaced in Jordan*. Oslo: FAFO, Institute for Applied Social Science, 1997, p. 16.
- ⁵⁹ On 1 June 1983, the Jordanian government created a dual card system to facilitate distinction between Palestinian citizens living in Jordan and Palestinians living in the occupied West Bank. Palestinians who were living in and citizens of Jordan on that date were provided with a yellow card, which represents full residency and citizenship status. Green cards were provided to Palestinians living in the occupied West Bank and to those who left the occupied West Bank after 1 June 1983. Green card holders have no right of residence in Jordan. They are, however, entitled to visit Jordan for short periods.
- ⁶⁰ Law No. 89 (1960) as amended by Law No. 49 (1968), Law No. 124 (1980) and Law No. 100 (1983).
- ⁶¹ *Nationality Law* (No. 43) (1963).
- ⁶² *Nationality Law* (No. 98) (1951).
- ⁶³ *Ibid.*
- ⁶⁴ Decree No. 319 (1962). Between 1969 and 1987, residency status was regulated by the *Cairo Agreement* between the PLO and the Lebanese government; the agreement was unilaterally abrogated by the Lebanese parliament in 1987. After the expulsion of the PLO from Lebanon in 1982, the right of Palestinian refugees to reside in Lebanon was severely curtailed. It is estimated that 12,000 refugees who were assumed to have acquired residency or citizenship abroad were removed from the population registry. Natour, Suheil “The Legal Status of Palestinians in Lebanon,” 10 *Journal of Refugee Studies* 3, 1997, pp. 12-16.
- ⁶⁵ Decree No. 136 (1969).
- ⁶⁶ Danish Refugee Council, *Focus on Legal Aid*, Lebanon Newsletter, March 2006, p. 2.
- ⁶⁷ This includes mostly Christian refugees who were granted citizenship in the 1950s under the presidency of Camille Chamoun to keep the balance between Christians and Muslims in Lebanon. Takkenberg, *supra* note 38, p. 164.
- ⁶⁸ Prior to the 1991 Gulf War, an estimated 700,000 Palestinians lived in the Gulf States, including 400,000 in Kuwait. See also Hallaj, Muhammad, *The Palestinians and the War in the Gulf*. Washington, DC: The Center for Policy Analysis on Palestine, February 1991, p. 17.
- ⁶⁹ Many Palestinians residing in the Gulf States with Egyptian travel documents had not managed to renew their residence permits. 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).
- ⁷⁰ *Nationality Law* (1959) as amended by Decree No. 40 (1987), Statute No. 1 (1982), Decree No. 100 (1980) and Statute No. 30 (1970). Palestinian refugees are eligible for residency, which can only be obtained at the request of a Kuwaiti national through the Ministry of the Interior or the Ministry of Social Affairs and Labour. Brand, Laurie, *Palestinians in the Arab World, Institution Building and the Search for State*. New York: Columbia University Press, 1988, p. 113. “Kuwait Restricts Stay of Non-GCC Arabs,” 4 *Middle East New Line* 472, 12 December 2002. Under the new regulations, Jordanians, Palestinians, Sudanese and Yemenis are given one-month visas for family visits in Kuwait. These visas may be extended for up to three months. These nationals arriving

on business trips are issued one-month non-renewable visas.

- ⁷¹ In Egypt, 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. Between 1960 and 1967, Egypt also issued travel documents to Palestinians in the Gaza Strip, which was then under Egyptian administration (Decision No. 28 (1960)). Takkenberg, *supra* note 38, p. 153; Brand, *supra* note 55, pp. 50-52. Until 2003, Palestinian refugees in Iraq were allowed to leave the country twice a year, once for purposes of pilgrimage (*haj*), and once for purposes of a personal visit. Refugees were required to obtain an exit visa. *Flight from Iraq: Attacks on Refugees and other Foreigners and Their Treatment in Jordan*. New York: Human Rights Watch, 2003, p. 17.
- ⁷² See Takkenberg, *supra* note 38, p. 16
- ⁷³ Between 1995 and early 1999, Palestinian refugees were required to obtain a re-entry visa from a Lebanese Embassy prior to returning to Lebanon. In most cases, visa applications were rejected. It is estimated that as many as 100,000 Palestinians were unable to return to Lebanon as a result of this procedure. Takkenberg, *supra* note 38, p. 153.
- ⁷⁴ See note 56.
- ⁷⁵ This includes Palestinian refugees who entered Syria and Jordan as a result of the 1948 and 1967 wars, excepting those refugees from the Gaza Strip who entered Jordan during and after the 1967 war. For Syria, see Law No. 260, 10 July 1956. Refugees in Syria are exempt from legislation that requires civil servants to hold Syrian nationality for at least five years prior to government service (Decree No. 37 (1949)). Also see Law No. 65 (1950), Law No. 119 (1951), Law No. 162 (1952) and Law No. 250 (1952), cited in *Annual Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, covering the period 1 July 1951 – 30 June 1952. UN GAOR, 7th Sess., Supp. No. 13 (A/2171), 30 June 1952. Palestinian refugees displaced in 1948 hold Jordanian citizenship and have the same right to employment as Jordanian nationals. The Iraqi government upgraded the status of Palestinian refugees vis-à-vis public sector employment in 1965, except with regard to retirement benefits (Decision 15108 (1964)). Since 1969, Palestinian refugees employed in the public sector have received retirement benefits (Decree No. 336 (1969)). *Palestinian Refugees in Iraq*. Jerusalem: PLO Refugee Affairs Department, 1999. (On file at BADIL.)
- ⁷⁶ There are an estimated 40,000 unregistered Palestinian refugees in Syria. In addition, there are an estimated 15,000 additional Palestinian refugees who entered Syria, primarily from Jordan and Lebanon in the 1970s, and from Kuwait in the early 1990s. Jacobsen, Laurie Blome, *Finding Means, UNRWA's Financial Crisis and Refugee Living Conditions. Volume I: Socio-economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip*. Oslo: FAFO, Institute for Applied Social Science, 2003, p. 198. Palestinian refugees who entered Jordan during or immediately after 1967 must obtain approval from state security officials for employment. al-Abed, *supra*, note 43. al-Abed cites a figure of 150,000 Gazans in Jordan.
- ⁷⁷ During the early years of exile in Egypt, Palestinian refugees were forbidden to work for or without wages, based on the assumption that refugees would soon return to their homes of origin, and because of the serious unemployment situation in Egypt. Egyptian President Gamal Abdel Nasser introduced more favourable employment laws in the 1950s. For further discussion and relevant legislation, see Brand, *supra*, note 55, pp. 52-53.
- ⁷⁸ Law No. 48 (1978). The present restrictions on employment in professions were put in place after the death of Egyptian President Gamal Abdel Nasser. al-Abed, Oroub, *The Palestinians in Egypt: An Investigation of Livelihoods and Coping Strategies*. Cairo: Forced Migration Studies Program, American University of Cairo, 2003, p. 8.
- ⁷⁹ Law No. 137 (1981). Palestinian refugees had the same right to state employment as Egyptian nationals under the Abdel Nasser regime. *Ibid.*
- ⁸⁰ Decree No. 657 (1954). Also see Law No. 137 (1981) and Decree No. 25 (1982).
- ⁸¹ The *Law Regarding Entry to, Residency in and Exit from Lebanon* (1962) prohibits non-Lebanese from engaging in work in Lebanon without a license from the Ministry of Labour and Social Affairs. Also see Law No. 17561 (1964) as amended by Decision No. 289/2 (1982) and Decision No. 621/1 (1995)). Under the 1969 *Cairo Agreement* between the PLO and the Lebanese government, Palestinian refugees were accorded the right to work; this agreement was unilaterally abrogated by the Lebanese parliament in 1987. For an overview of the situation in Lebanon, see Natour, Suheil "The Legal Status of Palestinians in Lebanon," *10 Journal of Refugee Studies* 3, 1997. The government of Kuwait maintains strict control over foreign employment. Employers must obtain work permits for foreign employees through the Ministry of the Interior or the Ministry of Social Affairs and Labour. Takkenberg, *supra*, note 38, pp. 158-59.
- ⁸² Kuwait reserves the right to exclude Palestinian refugees from employment in private business on a par with Kuwaiti citizens.
- ⁸³ Shiblak, *supra*, note 41, p. 36.
- 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).
- ⁸⁵ Decree No. 621/1 (1995). For a list of these professions, see Aasheim, Petter, "The Palestinian Refugees and the Right to Work in Lebanon," A Minor Field Study. Graduate Thesis, Faculty of Law, University of Lund (September 2000). (On file at BADIL.) Some refugees may receive special exemption under the law. This includes persons residing in Lebanon since birth, of Lebanese

origin in cases of mixed marriage, or persons married to a Lebanese woman.

- ⁸⁶ Law No. 8/79 (1970). Also see Decree No. 1658 (1979), which permits foreigners to practice medicine, pharmacy and engineering if they are nationals of states that apply reciprocal treatment to Lebanese nationals. *Ibid.*
- ⁸⁷ Shiblak, *supra*, note 41, p. 36.
- ⁸⁸ According to the Arab Ministers of Education, Palestinian students are to be treated the same as children of the host state. Brand, *supra* note 55, p. 119.
- ⁸⁹ Decision No. 28 (1960), al-Abed, *supra* note 43.
- ⁹⁰ Palestinians were treated on a par with Egyptian nationals until 1978, when the Egyptian government required that all Palestinian students 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 to universities was restricted. al-Abed, *supra* note 43, p. 9. Palestinian refugees were treated on par with Kuwaiti nationals until the 1960s, when the government introduced a quota system to address overcrowding as a result of increased migration and budgetary problems. Brand, *supra* note 55, p. 118.
- ⁹¹ In Lebanon, foreigners are allowed to constitute up to 10% of state school classes. Few Palestinian refugees can afford private schools, which are considered to offer a better education than state institutions. The 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. Natour, *supra* note 49, p. 45. In Kuwait, the government limited the number of non-Kuwaitis in government schools in 1965 to 25%; however, it allowed the 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 included 22 schools and lasted until 1976, when they were closed for financial and political reasons, and the students incorporated into government schools. In the 1980s, due to overcrowding, the government decided that only children of expatriates who had been in Kuwait since 1 January 1963 would be permitted to register in government schools. Other children would have to enrol in private schools. The government subsequently moved to subsidize tuition by 50% for children affected by this ruling. Ten per cent of spaces in Kuwait University are available for foreign students. Brand, *supra* note 55, pp. 119-121.
- ⁹² al-Abed, *supra* note 43, p. 10.
- ⁹³ For Jordan, see Law No. 40 (1953) as amended by Law No. 12 (1960), Law No. 20 (1970), Law No. 31 (1977), Law No. 29 (1980) and Law No. 2 (1980). Also see Law No. 25 (1968). Natour, Suheil, *The Palestinians in Lebanon: New Restrictions on Property Ownership* (2003), p. 19. (On file at BADIL.) Palestinian refugees who entered Iraq between 1948 and 1950 are excluded from 1994 legislation (Decision No. 23) that annulled all laws allowing foreigners to possess real estate, or invest in companies inside Iraq (Decision No. 133 (1997)). Mus'ab, Jamil, *Palestinian Diaspora in Iraq*. A study presented at the conference "Future of Expelled Palestinians," Amman, Jordan, 11-13 September 2000, p. 10, Natour, *idem.*, p. 19. In early 2000, the Iraqi government announced that Palestinians who had resided in the country since 1948 would be granted the right to own property in Baghdad. However, many refugees stated that legal restrictions prohibiting them from registering homes, cars or telephone lines in their own name remained in force. *Flight from Iraq*, *supra*, note 56, p. 18.
- ⁹⁴ Law No. 40 (1953). Also see Cassation Court Decision No. 1930/1966 (30 March 1997), confirming that Palestinian holders of two-year passports were non-Jordanian citizens and could not rent or sell immovable property without a permit from the Ministerial Council.
- ⁹⁵ 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)). al-Abed, *supra* note 43, p. 11.
- ⁹⁶ At least 51% of a business investment must be Egyptian-owned, with government approval. Total area of the business is limited to 3,000 m² (Law No. 56 (1988)). *Guarantees and Investment Incentives Law* (No. 8) (1997). On agricultural and desert land see Law No. 104 (1985).
- ⁹⁷ In Kuwait, see Law No. 74 (1979). Arab citizens from other Arab states may only own a single piece of real estate with government approval. The person must have resided in Kuwait for a minimum of ten years, and possess sufficient income and a clean security record. The property must not exceed 1,000 m². It is also based on reciprocal treatment. The land must not be under joint ownership with a Kuwaiti. Natour, *supra* note 78, p. 20. In Lebanon, see Decree No. 296 (2001). Palestinians are prevented from buying real estate, registering real estate and passing property on to heirs.
- ⁹⁸ Danish Refugee Council, *Survey report on the situation of non-ID Palestinian refugees in Lebanon compared to registered and non-registered refugees residing in camps and gatherings*, Beirut, March 2005.
- ⁹⁹ Non-ID refugees can receive medical care if they can afford to pay for health services from the Palestine Red Crescent Society.
- ¹⁰⁰ Analysis is based on Akram, Susan M. and Goodwin Gill, Guy, *Brief Amicus Curaie*, Board of Immigration Appeals, Falls Church, Virginia, published in 11/12 *Palestine Yearbook of International Law* (2000/2001), pp. 185-260; and Takkenberg, *supra*, note 38, p. 16.

- ¹⁰¹ Under Article 1(C), refugee status ceases if the refugee (1) has voluntarily re-availed him- or herself of the protection of the country of his or her nationality; (2) having lost his or her nationality, s/he has voluntarily re-acquired it; (3) s/he has acquired a new nationality, and enjoys the protection of the country of his or her new nationality; (4) s/he has voluntarily re-established him- or herself in the country which s/he left or outside which s/he remained owing to fear of persecution; or (5) s/he can no longer, because the circumstances in connection with which s/he has been recognized as a refugee have ceased to exist, continue to refuse to avail him- or herself of the protection of the country of his or her nationality.
- ¹⁰² This section is based on *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*. Preface by Guy Goodwin-Gill; lead author Elna Sondergaard. BADIL August 2005.
- ¹⁰³ *Convention Relating to the Status of Stateless Persons* (1954 Stateless Convention), effective 6 June 1960, Sept 28, 1954, 360 UNTS 117.
- ¹⁰⁴ See BADIL *Handbook on Protection*, pp. 336-343.
- ¹⁰⁵ This may also include Mexico, Nigeria and South Africa, but the small numbers of cases do not permit assessment of application by national authorities.
- ¹⁰⁶ *Convention on the Reduction of Statelessness* (1961 Statelessness Convention), effective 13 December 1975, 30 August 1961, 989 UNTS 175.
- ¹⁰⁷ Article 33 of the *1951 Refugee Convention* prescribes that no refugee should be returned to any country where his or her life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. This provision constitutes one of the basic Articles of the 1951 Refugee Convention, to which no reservations are permitted. The principle of non-*refoulement* is broader than Article 33, and also encompasses non-*refoulement* prohibitions deriving from human rights obligations, including Article 3 of the United Nations *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and Article 7 of the *International Covenant on Civil and Political Rights*.
- ¹⁰⁸ European Council for Refugees and Exiles (ECRE), *The Way Forward: Europe's Role in the Global Refugee Protection System*. Presentation given in Geneva, 2nd October 2005.
- ¹⁰⁹ Goodwin-Gill, Guy, *The Refugee in International Law*. 2nd Ed. Oxford: Oxford Press, 1998, p. 221.
- ¹¹⁰ See *Protecting and assisting internally displaced persons in situations of armed conflict*, 56th session of the Executive Committee of the High Commissioner's Programme United Nations High Commissioner for Refugees, Address by the International Committee of the Red Cross, official statement, Geneva, 3-7 October 2005.
- ¹¹¹ UN Doc. E/CN.4/1998/53/Add.2/1998.
- ¹¹² "Establishes a Conciliation Commission consisting of three States members of the United Nations which shall have the following functions: (a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948; (b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council; (c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated." UNGA Resolution 194(III), 11 December 1948, para. 2.
- ¹¹³ UNGA Resolution 194(III), 11 December 1948, para. 11.
- ¹¹⁴ UNGA Resolution 394(V), 14 December 1950, A/RES/394(V), para. 2(c).
- ¹¹⁵ For more details. see Rempel, Terry, *The United Nations Conciliation Commission for Palestine (UNCCP) and a Durable Solution for Palestinian Refugees*. Information and Discussion Brief No. 5. Bethlehem: BADIL Resource Centre for Palestinian Residency and Refugee Rights, 2000.
- ¹¹⁶ UNHCR's interpretation of the status of Palestinian refugees does not provide clear legal analysis of the status of Palestinian refugees as "stateless persons." The lack of clarity on this matter has negative implications concerning additional provisions for international protection under the 1961 *Convention on the Reduction of Statelessness*.
- ¹¹⁷ See "Note on the Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees." Office of the United Nations High Commissioner for Refugees (UNHCR), October 2002.
- ¹¹⁸ See Chapter Two.
- ¹¹⁹ At the local level, there should be a Humanitarian and/or Resident Co-ordinator (HC/RC) who strategically ensures protection and assistance to IDPs. More precisely, some of the HC/RC responsibilities are to consult with national and local authorities in order to evaluate their capacity to respond to the needs of IDPs; suggest to government and local authorities the appointment of a focal point within their structures on issues of internal displacement; lead the process of full consultation between different agencies in order to establish a procedural road map so as to avoid gaps; oversee the implementation of the Action Plan by the country team; and emphasize protection. As a support to the HC/RC, the Office for the Co-ordination of Humanitarian Affairs (OCHA) is usually deployed. OCHA is responsible for gaining access to IDPs and other vulnerable groups; collecting, analysing

and disseminating IDP-relevant information; supporting the development of the Common Humanitarian Action Plan and Consolidated Appeal, and ensuring the inclusion of IDP concerns therein; organizing and participating in inter-agency assessments; and convening co-ordination forums.

- ¹²⁰ Despite agreements on putting the Collaborative Approach into practice, the results failed to match expectations, marked as they were with large gaps in delivery of essential goods and services combined with some areas of duplication, and an ad hoc approach by the system as a whole to the level and comprehensiveness of response. In 2003, an IDP protection survey and response matrix found that there were systematic gaps in protection and some other sectors, that agencies took unilateral and mandate-based decisions on their involvement and lacked accountability, and that Humanitarian Co-ordinators were not clear on their responsibilities or accountability to assess and co-ordinate a comprehensive response. At a workshop hosted by Canada in February 2004 on the future of the international response to internal displacement, frustration was expressed by many at the failings of the Collaborative approach, the unpredictability of response, and the apparent inability of agencies to collectively overcome mandate gaps and turf battles.” UNHCR, UNHCR’s Role in IASC Humanitarian Reform Initiatives and in the Strengthening of the Inter-Agency Collaborative Response to Internally Displaced Situations, Discussion Paper, 20 September 2005, p. 1.
- ¹²¹ Addendum to Definition of a “Refugee” Under Paragraph 11 of General Assembly Resolution of 11 December 1948 (Prepared by the Legal Advisor), UN Doc. W/61/Add.1, 29 May 1951.
- ¹²² See, UNGA Resolution 394(V), 14 December 1950. On the reduction in the UNCCP budget, see UNGAOR, 6th Sess., Annexes, Agenda Item 24(a), UN Doc. A/2071 (1952), para. 1.
- ¹²³ The United Nations has also recommended various types of monitoring activities in the 1967-occupied Palestinian territories to enhance protection of the Palestinian population. Other UN organs have also addressed the issue of international protection for Palestinians. In 1987, at the beginning of the first *intifada* in the 1967-occupied Palestinian territories, the UN Security Council (Resolution 605, 22 December 1987) called upon the Secretary-General to submit recommendations on the “ways and means for ensuring the safety and protection of Palestinian civilians under Israeli occupation.” The recommendations specifically suggested that the UN Relief and Works Agency (UNRWA) add additional international staff; that the UN consider the appointment of an ombudsman for the occupied Palestinian territories; and that the High Contracting Parties to the Fourth Geneva Convention use all means at their disposal to persuade Israel to respect the Convention in all circumstances. In 1990, the UN Security Council (Resolution 681, 20 December 1990) requested the Secretary-General to monitor the situation of Palestinians under Israeli occupation and submit a tri-annual report to the General Assembly. The initiative was suspended in 1991 at the request of the United States, which argued that the programme might interfere with the political process started in Madrid in 1991. The UN General Assembly has also issued numerous resolutions calling for the protection of Palestinian refugees and cessation of attacks on refugee camps.
- ¹²⁴ *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 30 June – 1 July 2005. UN GAOR, Sixtieth Session, Supp. No. 13 (A/60/13), 2005, para. 214, p. 51.
- ¹²⁵ *Ibid.*
- ¹²⁶ *Ibid.*, para. 261, p. 62.
- ¹²⁷ International Committee of the Red Cross, Annual Report 2004, ICRC: Geneva, p. 285.
- ¹²⁸ Palestinian Red Crescent Society (PRCS), *The Wall...A Humanitarian Disaster*, PRCS: Al-Bireh, Palestine.
- ¹²⁹ UN Committee on the Elimination of All Forms of Discrimination Against Women, Concluding Comments: Israel, CEDAW/C/ISR/CO/3, 22 July 2005, paras. 24,34,36,38,40.
- ¹³⁰ Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in the Palestinian Territories Occupied by Israel since 1967, Israeli Practice affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, E/CN.4/2005/29, Sixty-first session, 7 December 2004, p. 9, para. 11.
- ¹³¹ International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, para 158.
- ¹³² *Ibid.*, para. 156.
- ¹³³ *Ibid.*
- ¹³⁴ Abstaining were Cameroon, Canada, El Salvador, Nauru, Papua New Guinea, the Solomon Islands, Tonga, Uganda, Uruguay and Vanuatu.
- ¹³⁵ Letter dated 11 January 2005 from the Secretary-General to the President of the General Assembly, UNGA Doc. A/ES-10/294, 13 January 2005, section I, para. 1.
- ¹³⁶ *Ibid.*
- ¹³⁷ The types of damage eligible for registration will include: “destruction and requisition of properties, seizure or confiscation of land, destruction of orchards, citrus groves, olive groves and wells and the seizure of other immovable property. Material damage sustained as a result of the construction of the Wall will not be limited to lands and crops, but will also include impeded access to means of subsistence, urban centres, work place, health services, educational establishments and primary source of water in areas between the green line and the Wall itself. The categories of such material damage and their eligibility for registration will be

elaborated in greater detail by the members of the Board. A decision when and if it would be appropriate to engage in a process of verifying the fact and extent of the damage will be taken at a subsequent stage." *Ibid*, paras. 11-12.

- ¹³⁸The Board will be responsible for establishing the rules and regulations governing the work of the registry, and for its establishment and maintenance. It will establish eligibility criteria, categories of damage and the process of registration. On the recommendation of the experts, the Board will have the ultimate authority in determining the inclusion of damage in the register. The secretariat will service the members of the Board and the experts. It will be responsible for the administration of the registry and the compilation of the database. See Letter dated 11 January 2005 from the Secretary-General to the President of the General Assembly, UNGA Doc. A/ES-10/294, 13 January 2005, section II, para. 2.
- ¹³⁹Executive Committee Conclusion No. 27 (XXXIII) – 1982, "Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere."
- ¹⁴⁰Executive Committee Conclusion No. 46 (XXXVIII) – 1987. See also Executive Committee Conclusion No. 50 (XXXIX) – 1988; Executive Committee Conclusion No. 55 (XL) – 1989; Executive Committee General Conclusion on International Protection (XLI) – 1990; Executive Committee General Conclusion on International Protection (XLII) – 1991; Executive Committee Conclusion No. 68 (XLIII) – 1992; and Executive Committee Conclusion No. 71 (XLIV) – 1993. These conclusions ceased following the commencement of the Oslo process in 1993, despite the continued protection gap affecting 1948 and 1967 Palestinian refugees.
- ¹⁴¹UNGA Resolution 37/120(A-K), 16 December 1982, Section J, para.1.
- ¹⁴²See UNGA Resolution 38/83 (I), A/RES/38/83(I), 15 December 1983, UNGA Resolution 48/40(H), A/RES/48/40 (A-J), 10 December 1993.
- ¹⁴³Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 2003 – 30 June 2004. UN GAOR, Fifty-ninth Session, Supp. No. 13 (A/59/13), 19 October 2004, para.108, p. 25.
- ¹⁴⁴*Supra*, note 25, para. 1.26, pp. 6-7.
- ¹⁴⁵Hansen, Peter, "Meeting the Humanitarian Needs of the Palestine Refugees in the Near East: Building Partnerships in Support of UNRWA", Commissioner-General's Closing Remarks, International Conference Centre, Geneva, 8 June 2004.
- ¹⁴⁶*Assistance to Palestine Refugees*, UNGA, A/RES/60/100, Sixtieth Session, 16 January 2006, paras. 1-4.
- ¹⁴⁷Operations of the United Nations Relief and Work Agency for Palestine Refugees in the Near East, UNGA A/RES/60/102, Sixtieth Session, 16 January 2006, para. 6.
- ¹⁴⁸*The Pinheiro Principles*, United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, E/CN.4/Sub.2/2005/17, 28 June 2005, Principles 5(1), 5(4).
- ¹⁴⁹"At the field level, the clusters would provide support to the Humanitarian Co-ordinators who are able to call upon cluster leads for support as required. The cluster lead would not carry out all of the activities itself, but would be responsible for ensuring that these activities are carried out and would act as the provider of last resort. The cluster lead would take all necessary actions to ensure fulfillment of commonly accepted standards for timely, adequate and effective humanitarian action that achieves the required impact in relation to the specific cluster area. [...] The cluster lead would be responsible for: (a) predictable action within the cluster for analysis of needs, addressing priorities and identifying gaps in the cluster area; (b) securing and following up on commitments from the cluster to contribute to responding to needs and filling the gaps; and (c) sustaining mechanisms through which the cluster as a whole, and individual participants, can both assess its performance and deliver effectively". Discussion and Outcomes of the IASC Meeting in New York on Humanitarian Reform and Initiatives, Informal Consultative Meeting, 20 September 2005, para. 6.
- ¹⁵⁰"The protection cluster would also consider the needs of civilians in complex situations who are not displaced, within the context of the discussion on the broader dimensions of protection." Discussion and Outcomes of the IASC Meeting in New York on Humanitarian Reform and Initiatives, Informal Consultative Meeting, 20 September 2005.
- ¹⁵¹"The Iraqi government has recently formed a Ministry of Displacement and Migration Affairs, in order to follow up the affairs of displaced Iraqis abroad. This Ministry has taken over the Palestinian refugee file from the Iraqi Ministry of Social Affairs, but it has not succeeded in addressing their needs. There are repeated promises by the Ministry that Palestinian refugees will regain the status they had before." BADIL Interview with Azzam al-Ahmad, Responsible for the Palestinian Refugee File (Iraq) in the PLO. Interview conducted in July 2005 by Nihad Boqai', Co-ordinator of Research, Information and Legal Advocacy at BADIL, and originally published in Arabic in *Haq al-Awda*, Issue 12, 2005. Translation by Nimr Awaini.
- ¹⁵²*Ibid*, para. 117, pp. 27-28.
- ¹⁵³UN Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination, Lebanon, CERD/C/64/CO/3, 28 April 2004, para. 12.



Children of the 1948 depopulated village of Lifta, Jerusalem.
58th anniversary of the Nakba, 2006. (Ann Paq)

Durable Solutions

Preface

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

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

The Office of the UN High Commissioner for Refugees is the primary international body mandated to facilitate durable solutions for refugees worldwide. The Office works closely with other international and national organizations and states. The United Nations established a separate organ to facilitate implementation of durable solutions for all persons displaced or expelled in Palestine in 1948: the UN Conciliation Commission for Palestine. This is no longer active, and the UN has not established a separate mechanism to facilitate implementation of durable solutions for those Palestinians displaced for the first time in 1967. There is no implementation mechanism for durable solutions for internally displaced Palestinians.

Almost 60 years after their initial displacement, Palestinian refugees and internally displaced are still denied access to durable solutions in accordance with international law, relevant UN resolutions and best international practice. A variety of factors have contributed to this stalemate. These include Israel's refusal to allow Palestinian refugees and internally displaced persons (IDPs) to return to their homes of origin; the protracted Israeli military occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip; and the lack of sufficient international will to enable refugees to exercise their fundamental human rights under international law as affirmed in relevant UN resolutions.

6.1 Durable Solutions

The search for durable solutions is a core component of refugee protection. The three main durable solutions are repatriation to the country of origin, host country integration, and third state resettlement. No state is obliged to accord local integration or resettlement opportunities to refugees. There is thus no such thing as a “right to durable solutions”, other than the right of return, which is a fundamental and inalienable human right. There is, however, a duty of states to protect refugees and internally displaced persons from persecution and *refoulement*.

For refugee solutions to be durable, they must be voluntary. In other words, refugees should be able to make informed choices concerning the solutions to their particular situation. Voluntariness means that states should not take “measures which push the refugee to repatriate, but also [...] [refugees] should not be prevented from returning.”¹

While there is no formal definition of local integration under refugee law, it is based on the assumption that refugees choose, among the various options, to remain in their first country of asylum permanently.² UNHCR defines local integration as:

the grant of a legal status, temporary but renewable, or permanent residence status, access to civil, socio-economic and cultural rights and, to a certain degree, political rights, as well as a viable economic situation, availability of affordable housing and access to land, as well as receptive attitudes within the host community.³

Resettlement is the voluntary relocation of refugees to safe third countries. The decision to resettle is made with the consent of the refugee, UNHCR and the receiving country in situations where the physical and legal protection of the refugee is at risk and no alternative for voluntary repatriation and local integration is available, or when it is considered the optimal solution for the refugee.⁴ Resettlement is a form of international protection to “meet the special needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they sought refuge.”⁵ Resettlement is the least common durable solution.

Voluntary repatriation in safety and dignity, based on the fundamental right to return to one’s home and country, is recognized as the most appropriate solution to refugee flows.⁶ Return should be done in safety and dignity. Safety is defined as legal safety (such as amnesties or public assurances of personal safety, integrity, non-discrimination, and freedom from fear of persecution or punishment upon return), physical security and material security (access to land or means of livelihood). Dignity is based upon the principle that the rights of returnees should be respected. Concretely, elements of dignity include that refugees “are not arbitrarily separated from family members and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights.”⁷

To ensure the sustainability of return, programs of repatriation, reintegration, rehabilitation, and reconstruction are implemented by the UNHCR (termed collectively the “4Rs”). These programmes include receiving returnees, facilitating their reintegration, monitoring the status of the returnees and intervening on their behalf if necessary, and undertaking activities of a legal and judicial capacity-building to help states address the

causes of the refugee movements. UNHCR, however, also has the mandate to “facilitate the voluntary return of refugees when it is taking place spontaneously, even if conditions are not conducive to return.”⁸

Housing and property restitution are integral to voluntary repatriation. UNHCR’s role in negotiations leading to peace agreements includes “ensuring that housing and property aspects of voluntary repatriation are fully taken into account.”⁹ In this context, UNHCR should:

seek to ensure that such agreements explicitly include provisions on the housing and property rights of those choosing to repatriate and that judicial or other mechanisms designed to ensure the implementation of such rights are established.¹⁰

Numerous peace agreements to conflicts involving situations of mass displacement affirm the right of return of refugees and displaced persons, and the right to housing and property restitution. This includes agreements in Macedonia, Kosovo, Croatia, Bosnia-Herzegovina, Tajikistan, Georgia, Burundi, Rwanda, Liberia, Sierra Leone, Mozambique, Cambodia and Guatemala. These rights have also been affirmed in scores of resolutions adopted by the UN Security Council, the General Assembly and the Commission on Human Rights.¹¹

The framework for durable solutions for all persons displaced in 1948, including internally displaced persons inside Israel, is set forth in paragraph 11 of UN General Assembly Resolution 194(III), 11 December 1948.¹² Resolution 194(III) affirms three separate rights (the right of return, the right to housing and property restitution, and the right to compensation) and two distinct solutions (return, restitution and compensation *or* resettlement, restitution and compensation) governed by the principle of individual refugee choice.

6.1.1 Durable Solutions for Palestinian Refugees

Paragraph 11(a) of the above resolution delineates the specific rights and the primary durable solution for persons displaced in 1948. The General Assembly, “[r]esolves that refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid [...] for loss of or damage to property [...]” In other words, the primary durable solution for these refugees is return, housing and property restitution, and compensation for loss of or damage to property. Resolution 194(III) does *not* “resolve” that the refugees should be resettled.

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



Resolution 194(III) also provides a general timetable for the implementation of the return of the refugees. The debate during the drafting process of the resolution indicates that the Assembly “agreed that the refugees should be allowed to return when stable conditions were established. It would appear indisputable that such conditions were established by the signing of the four Armistice Agreements.”¹³ The Assembly also rejected an amendment that included the phrase, “after the proclamation of peace between the contending parties in Palestine, including the Arab States.”¹⁴

58th anniversary of the Nakba, San Diego, California, 2006. (al-Awda Coalition)

The framework for durable solutions for Palestinian refugees and IDPs displaced in 1967 is set forth in paragraph 1 of UN Security Council Resolution 237, 14 June 1967.¹⁵ The resolution calls upon Israel to facilitate the immediate return of all persons “who have fled [the West Bank, eastern Jerusalem, and the Gaza Strip] since the outbreak of the hostilities.” No conditions are attached to the implementation of the right of return. The United Nations has also affirmed the right of Palestinians in refugee-like situations due to expulsion, deportation and denial of residency rights to return to their places of origin.¹⁶

For almost six decades, the United Nations has affirmed the right of Palestinian refugees and IDPs to return to their places of origin and the right of refugees and IDPs to repossess their homes and properties. In 1976, the United Nations prepared a comprehensive two-stage peace plan, including durable solutions for Palestinian refugees.¹⁷ The first stage of the plan provided for the immediate return of refugees displaced in 1967. The second stage included the return of 1948 refugees. The plan addressed issues concerning implementing mechanisms, peacekeeping and monitoring, refugee registration and legal reform inside Israel to facilitate return and financing.

In 1983, the United Nations convened an International Conference on the Question

of Palestine in Geneva. Representatives of 137 states attended the Conference. The Conference reiterated the obligation of all member states, under the *Charter of the United Nations*, to facilitate “the implementation of the right of return of the Palestinians to their homes and properties.”¹⁸ “In the event of Israel’s persistent non-compliance with the relevant United Nations resolutions which embody the will of the international community,” the Conference called upon the UN Security Council to take “appropriate measures in accordance with the Charter of the United Nations, to ensure Israel’s compliance with these resolutions.”¹⁹

The conformity of the framework delineated by the United Nations for durable solutions for Palestinian refugees and IDPs with international legal principles and practice over the past five decades, lends further weight to its value as a normative framework for a resolution of the Palestinian refugee and IDP situation today.

Voluntariness (Refugee Choice)

Refugee choice or voluntariness is the cornerstone of UNHCR repatriation programs and is dealt with extensively in the Office’s 1996 *Handbook on Voluntary Repatriation: International Protection*. The UNHCR notes that refugee choice is affected both by conditions in the host country and by conditions in the country of origin. “Voluntariness means not only the absence of measures which push the refugee to repatriate,” states the UNCHR *Handbook*, “but also means that he or she should not be prevented from returning, for example, by dissemination of wrong information or false promises of continued assistance” [emphasis added].

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

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

The UNHCR *Handbook* further provides a list of the type of information to be provided to refugees. This includes a description of the conditions in the country of origin in general, as well as details of the situation in specific area(s) of return, including the level of security. Refugees should be further informed about what type of protection will be provided upon their return, in addition to what kind of assistance to expect (such as infrastructure rehabilitation projects). Prior to making choices, refugees should receive written guarantees or assurances from the government of the country of origin, including explanations of their content and scope.

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

General Assembly Resolution 194(III) affirms the principle of individual refugee choice. The UN General Assembly intended to confer upon individual refugees the “right of exercising a free choice as to their future.”²⁰ The principle of individual refugee choice is repeatedly emphasized in documents prepared by the UN Mediator in Palestine, whose recommendations formed the basis for Resolution 194(III). According to the Mediator, the “unconditional right [of the refugees] to make a free choice should be fully respected.”²¹ “The verb ‘choose’ indicates that the General Assembly assumed that [...] all the refugees would be given a free choice as to whether or not they wished to return home.”²²

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



Keys of return. 58th anniversary of the Nakba, Ramallah, 2006 (Anne Paq)

6.1.2 The Right of Return

The right of return is anchored in several bodies of international law: the law of nationality as applied upon state succession, humanitarian law, human rights law and refugee law (a subset of human rights law which also incorporates humanitarian law).²⁵ The right of return has also been affirmed in numerous UN resolutions relating to other refugee and IDP cases.

Under the law of nationality, as applied upon state succession, newly emerging successor states are obligated to accord nationality status to all habitual residents of the territory undergoing the change in sovereignty and to allow them to exercise their right of return to their homes or place of origin, regardless of where they may have been on the actual date of succession. Also under the law of nationality, states may

not denationalize their own nationals in an attempt to cast them out. Specifically, states are required to re-admit their own nationals. The 2005 *Pinheiro Principles* clearly affirm that the return of refugees and displaced persons “cannot be abridged under conditions of State succession, nor can it be subject to arbitrary or unlawful time limitations.”²⁶

Under humanitarian law, there is a general right of return, which applies to all displaced persons, irrespective of how they came to be displaced during the period of conflict. A military occupant must let the occupied population continue its normal existence with a minimum of interference. This includes a requirement that the local population be permitted to remain in, or return to, their place of origin following the cessation of hostilities. Deliberate, forcible expulsion – especially when carried out on a mass scale – is expressly prohibited under humanitarian law. The *Fourth Geneva Convention relative to the Protection of Civilians* specifically states, with regard to the permissible transfer of detainees to a Contracting Party, that this provision: “shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.”²⁷ The Protocol Additional to the Geneva Conventions stipulates: “the High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts” and further mentions that “unjustifiable delay in the repatriation of prisoners of war or civilians shall be regarded as grave breaches of this Protocol if committed willfully and in violation of the Conventions or Protocol.”²⁸

The right of return is also a customary norm of international human rights law and is found in a vast array of international conventions, including the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Convention on the Elimination of all Forms of Racial Discrimination*, as well as regional human rights treaties.²⁹ For instance, the *International Covenant on Civil and Political Rights* stipulates that “no one shall be arbitrarily deprived of the right to enter his [or her] own country.”³⁰ Human rights law also incorporates the general prohibition against forcible expulsion.

Finally, the right of return exists as a special subset of human rights law known as refugee law. The principle of refugees’ absolute right of return to their place of origin (including their homes) is central to the implementation of durable solutions. According to UNHCR Executive Conclusion No. 40, for example, “The basic rights of persons to return voluntarily to the country of origin is reaffirmed and it is urged that international co-operation be aimed at achieving this solution and should be further developed.”³¹

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

General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to return to their homes of origin. Paragraph 11(a) states: “refugees wishing to return to their homes [...] should be permitted to do so.” By 1948, the right of refugees and displaced persons to return to their places of origin had already assumed



customary status in international law.³² Arbitrary denationalization and mass expulsion were prohibited under international law.

The UN Mediator in Palestine, whose recommendations formed the basis of Resolution 194(III), explicitly noted that the right of return should be *affirmed* (rather than recognized) by the United Nations. Correspondence and reports of the UN Mediator repeatedly affirm the right of Palestinian refugees to return to their homes as a remedy to the involuntary character of their displacement. According to the American Representative to the UN in 1948, Resolution 194(III), paragraph 11, “endorsed a generally recognized principle and provided a means for implementing that principle [...]”³³

The resolution also affirms the right of refugees to return to their *homes* of origin. The General Assembly resolution clearly meant the return of each refugee to “his[her] house or lodging and not to his[her] homeland.”³⁴ The Assembly rejected two separate amendments that referred in more general terms to the return of refugees to “the areas from which they have come.”³⁵

6.1.3 The Right to Housing and Property Restitution

The right to housing and property restitution is also anchored in four separate branches of international law: the law of nations, humanitarian law, human rights law and refugee law.³⁶ Restitution is the name of a specific legal remedy designed to

View of Lifta, Jerusalem, one of more than 530 Palestinian villages and towns depopulated in 1948. (Ann Paq)



The mosque of al-Ghabsiya, the only structure remaining of this 1948 depopulated village. A sign and fence erected by the Israel Land Administration prohibit access. (BADIL)

correct the illegal taking of private property from its rightful, original owner through restoring the wrongfully taken private property back to the ownership and possession of the original owner. The right to restitution has also been affirmed in numerous UN resolutions relating to other refugee and IDP cases.

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

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

Human rights law also includes the “right to own property free from arbitrary governmental interference.” This right is found in the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on Civil and Political Rights*, and in all three of the regional

human rights conventions (i.e., African, inter-American and European). The right of restitution – which is the logical corollary of its “sister” right to own property – exists as the applicable remedy whenever property has been taken illegally (as determined by international law standards) by a government or with official governmental sanction.

Finally, refugee law also contains the right of restitution. The principle of the refugees’ absolute right to return, on a *voluntary* basis, to their place of origin – including, specifically, to their homes of origin – is central to the implementation of durable solutions designed by the international community to address refugee flows. According to UNHCR Executive Committee Conclusion No. 101, for example, “all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile.”³⁷

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

General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to housing and property restitution. “[The] underlying principle of paragraph 11, sub-paragraph 1 [...] is that the Palestine refugees shall be permitted [...] to return to their homes *and be reinstated in the possession of the property* which they previously held”³⁸ [emphasis added]. The right to restitution for refugee property “wrongfully seized, sequestered, requisitioned, confiscated, or detained by the Israeli government”³⁹ reflected general principles of international law in 1948.

The right to housing and property restitution in Resolution 194(III) should also be read in light of the UN Mediator’s earlier communiqués to the UN Security Council. In June 1948, for example, the Mediator wrote that the residents of Palestine should be permitted both to return to their homes without restriction, and to regain possession of their property.⁴⁰ “There have been numerous reports from reliable sources of large-scale pillaging and plundering, and of instances of destruction of villages without apparent necessity,” wrote the UN Mediator. “It would be an offense against the principles of elemental justice if these innocent victims of the conflict were denied the right to return *to their homes* [...]”⁴¹ [emphasis added].

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

6.1.4 The Right to Compensation

The right of refugees and displaced persons to compensation is anchored in several bodies of international law, including: the law of nations, humanitarian law, human rights law and refugee law.⁴² Compensation refers to a legal remedy by which a person receives monetary payment for harm suffered. Compensation should not be seen as an

alternative to restitution and should only be used when restitution is not practically possible, or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution. The right to compensation has been affirmed in numerous UN resolutions relating to other refugee cases.

Under the Law of State Responsibility, states are responsible for the commission of an internationally wrongful act. Elements of an internationally wrongful act include conduct consisting of an action or omission that is attributable to the state under international law and conduct that constitutes a breach of an international obligation of the state. When a person becomes a refugee, this violates those rights that depend for their full and effective enjoyment on a person's ability to live in his own country. Successor governments remain bound by the responsibility incurred by predecessor governments.

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

Numerous human rights instruments include express provisions relating to the right of every individual to an effective remedy for human rights violations, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*. The *International Covenant on Civil and Political Rights* and all three regional human rights conventions (i.e., African, inter-American and European) recognize an enforceable right to compensation. The *International Convention on the Elimination of All Forms of Racial Discrimination* provides for the right to seek "just and adequate reparation or satisfaction for any damage suffered."

International refugee law also affirms the right of refugees and IDPs to compensation. In 1992, the International Law Commission adopted the *Declaration of Principles of International Law on Compensation to Refugees*. According to UNHCR Executive Committee Conclusion No. 101, which affirms the right of refugees and displaced persons to housing and property restitution "where property cannot be restored, returning refugees should be justly and adequately compensated by the country of origin."⁴³

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

General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to compensation. Paragraph 11 affirms two types of compensation: (1) payment to refugees choosing not to return to their homes; and (2) payment for the loss of or damage to [movable and immovable] property. The General Assembly rejected draft resolutions and amendments that did not include provisions for payment for loss of or damage to property.⁴⁴ The right to compensation applies to all refugees, irrespective of whether they choose to exercise their right of return.



*View of the 1948 depopulated
Palestinian village of Bir'im.
(BADIL)*

The right to compensation for those choosing not to return, and for loss of or damage to property in violation of established rules of warfare reflect recognized principles of international law, which prohibit “looting, pillaging, and plundering of private property and destruction of property and villages without military necessity.”⁴⁵ This includes the right of refugees to demand individual claims irrespective of lump sum or collective payments. Under the Final Act of the 1945 Paris Conference on Reparations, for example, the Allied Governments provided that the method of collective reparations would not prejudice individual claims by refugees.

The adoption of the phrase “loss of or damage to property which under principles of international law or in equity should be made good” during the drafting process

indicates that the General Assembly resolution did not intend to arbitrarily limit claims to compensation for losses and damages.⁴⁶ The reference to international law was also included specifically to include those refugees choosing to exercise their right of return in the event that domestic law in the new state of Israel would not provide equal protection for the right to compensation for Palestinian refugees and IDPs choosing to return to their homes.⁴⁷

Paragraph 11 reflected the recommendations of the UN Mediator in Palestine, who called upon the United Nations to affirm the “payment of adequate compensation for the property of those choosing not to return.”⁴⁸ Compensation also aimed to provide a remedy for “large-scale looting, pillaging and plundering, and of instances of destruction of villages without apparent military necessity.”⁴⁹ “The liability of the Government of Israel [...] to indemnify those owners for property wantonly destroyed,” stated the Mediator, “is clear, irrespective of any indemnities which the Provisional Government may claim from the Arab States.”⁵⁰

6.2 Mechanisms for Implementation of Durable Solutions

The Office of the United Nations High Commissioner for Refugees is the primary international body mandated to facilitate durable solutions for refugees worldwide. The Office works closely with other international and national organizations and states. UNHCR does not consider Palestinian refugees who reside in one of the five areas of UNRWA operations as falling within its mandate. (See Chapter Five.)

The United Nations established a separate organ to facilitate implementation of durable solutions for all persons displaced by the 1948 war (including internally displaced Palestinians). This was the United Nations Conciliation Commission for Palestine (its history and activities are described in detail below). It was composed of representatives from the United States, France and Turkey, and empowered to create sub-organs, as necessary, in order to fulfill its mandate. Today the Commission has no budget and no staff.⁵¹ The United Nations has not established a separate organ to facilitate implementation of durable solutions for those Palestinians displaced for the first time in 1967.

The 1994 *Agreement on the Gaza Strip and Jericho Area*⁵² established a “Quadripartite Committee”, composed of Israel, Palestinian representatives, Jordan and Egypt, to seek durable solutions for Palestinians displaced from the occupied Palestinian territories in 1967. However, this Committee was unable to agree upon a definition of “displaced persons” and also unable to agree upon appropriate modalities for durable solutions for this group of Palestinian refugees.

6.2.1 The United Nations Conciliation Commission for Palestine

General Assembly Resolution 194(III) instructed the UN Conciliation Commission for Palestine, established under Article 2 of the same Resolution, to “facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation.” When the UNCCP was established, the UN General Assembly assumed that “all that would have been necessary was for those refugees who wished to do so to undertake the journey to return and resume their interrupted lives, perhaps with a little financial assistance from the international community.” The



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

Commission was therefore authorized to “facilitate” rather than “assure” the return of Palestinian refugees to their homes.⁵³ In other words, the UNCCP was not given executive functions or powers of arbitration in relation to the implementation of durable solutions. The General Assembly rejected several amendments to Paragraph 11 intended to both limit and expand the functions of the Commission.⁵⁴ In 1950, the Assembly specifically requested the UNCCP (UNGA Resolution 394(V), 14 December 1950) to protect the rights, properties and interests of the refugees. *(See also Chapter Five.)*

a) UNCCP Activities Related to Return

During its early years of operation, the UNCCP attempted to facilitate the return of

Palestinian refugees displaced in 1948 primarily through intervention with Israel and preliminary technical work required to craft the return operation. One of the first steps taken by the Commission was to gather basic information about the refugees (including places of origin, professional and occupational background, and living conditions) and the policies and political positions of Arab host countries and Israel. In June 1949, the Commission established a Technical Committee to investigate methods for determining refugee choices and to collect information related to the issues of return, resettlement, rehabilitation and compensation. The Technical Committee visited refugee camps in the West Bank (Jericho, Hebron and Bethlehem), Lebanon (Homs, Gourard, Wavell and Anjar), and five camps in Gaza, in order to ascertain the wishes and opinions of the refugees. Members of the Committee also consulted with experts from the American University of Beirut, former Mandate officials and other significant persons in the Middle East.

In meetings with the Israeli government, the UNCCP stressed the important role refugee repatriation might play in contributing to an overall resolution of the conflict. Without prejudice to the right of all refugees to return, the Commission also attempted to promote the safe return of specific groups, including divided families and religious officials. The Commission also established a second technical track of mixed working committees, composed of Arab and Israeli representatives, and chaired by individual UNCCP members. Through these committees, the Commission sought to advance agreement on the return of refugees who owned citrus groves, along with the required labourers, in order to prevent crop loss and reduce the number of persons requiring humanitarian assistance.

A small number of Palestinian refugees from the villages of 'Abasan and Khirbet Ikhza'a were permitted to cultivate their land in territory held by Israel, through the creation of a special zone. In addition, a small number of refugees were permitted to rejoin families inside Israel, particularly where the breadwinner remained inside the country. In December and January 1949, for example, a total of some 800 dependents from Lebanon and Jordan rejoined their families in Israel. On 14 February of the same year, 115 persons from Gaza crossed into Israel. These refugees were regarded, however, as new immigrants rather than returnees (i.e., Israel did not recognize their legal title to their properties).

The UNCCP ceased protection activities related to return in the 1950s. The Committee noted that the conditions for return assumed under Resolution 194(III) had changed in the years since the adoption of the resolution. In the early 1960s, the UNCCP appointed a special representative, Joseph E. Johnson, to try to promote a solution to the refugee issue. Defining the fundamental considerations for durable solutions, Johnson noted that the primary focus should be on the refugees as set down in General Assembly Resolution 194(III). Numerous meetings were held with senior government officials in the region, but no progress was made due to Israel's continued obstruction.

b) UNCCP Activities Related to Housing and Property Restitution

The UNCCP also attempted to facilitate restitution of refugee property through calls for reform of Israeli property laws, intervention with relevant authorities, and actual documentation of Palestinian property inside the borders of the new state of Israel. The Commission called upon Israel to abrogate discriminatory legislation, including the



1950 *Absentees' Property Law*, used to confiscate refugee property. The Commission also requested that Israel suspend all measures of requisition and occupation of Palestinian Arab homes, and unfreeze *waqf* (property endowed for religious purposes under Islamic law) property. These requests were ignored.

The key to return. Ein al-Helwah Camp, Lebanon. (Tineke D'haese, Oxfam Solidarity)

The Commission attempted to secure immediate housing and property restitution for especially vulnerable groups of refugees without prejudice to refugee property claims in general. Access to land was particularly critical to refugees in the Gaza sub-district. The mass influx nearly quadrupled the population in the area, while the armistice lines cut most of the rural population off from their lands. The Commission also attempted to facilitate immediate property restitution for owners of citrus groves.

In 1950, the Commission established a sub-office ("Refugee Office") to identify property ownership inside Israel and examine various interim measures by which refugees could derive income from their properties. An initiative to identify Palestinian property, both globally and individually, was conducted based on British mandate records,⁵⁵ in order to establish a comprehensive record of individual Palestinian Arab property and so verify individual property claims. Forms (RP/1) were prepared for each parcel owned by Arabs, including partnerships, companies and co-operative societies. Separate forms (RP/3) were prepared for land owned by the state (including land let to Palestinian Arabs), other public authorities (including religious bodies), Jews and other non-Arab individuals.

According to the global identification process, 16,324 km² of 26,320 km² (the total area of Mandate Palestine) were determined to be private property owned by Palestinian Arabs. The individual identification process was completed in the early 1960s. The UNCCP property database contains some 453,000 records documenting around 1.5 million individual holdings. This database is archived at the United Nations. The

Commission itself, and several independent experts, have noted that the UNCCP records are problematic in several areas.⁵⁶ However, the records provide the most comprehensive database of Palestinian refugee property to date. More recent studies that attempt to compensate for errors in the UNCCP records, for example, estimate the total amount of refugee land inside Israel at 17,178 km².⁵⁷ Digitization of the UNCCP database was completed in the late 1990s.

c) UNCCP Activities Related to Compensation

The UNCCP also examined means and principles for the implementation of compensation. It instructed the Economic Survey Mission,⁵⁸ for example, to prepare a preliminary study of the question of compensation, including recommendations concerning the principles on which compensation should be determined, the procedures for submission and valuation of claims, and the mechanisms for considering and settling compensation claims. Precedents for restitution and compensation examined by the UNCCP included measures by which the Israeli government obtained reparations and compensation from the German government for Jews who were victims of Nazi atrocities.

The Commission emphasized that the Israeli government should be urged to agree to the principle that payment of compensation for property (both movable and immovable) of

Table 6.1: UNCCP Summary Schedule of Land Settled by Cadastral Survey and Non-settled Land (excl. Beersheba sub-district) in Forms RP/1 and RP/3 (in metric dunums)

Sub-district	RP/1		RP/3	
	Settled	Non-settled	Settled	Non-settled
Galilee				
Acre	99,683	408,024	34,763	252,887
Beisan	146,232	935	218,928	-
Nazareth	179,444	68,901	230,365	12,232
Safad	221,815	125,895	240,132	109,017
Tiberias	193,493	946	242,725	1,867
Haifa				
Haifa	352,576	53,004	529,372	37,360
Samaria				
Jenin	35,031	193,376	5,586	23,219
Nablus	-	23,414	-	-
Tulkarem	257,790	74,781	167,875	3,230
Jerusalem				
Hebron	7,506	1,137,302	427	17,101
Jerusalem	6,040	215,442	20,222	55,239
Ramallah	-	6,240	-	-
Lydda				
Jaffa	138,903	1,522	141,762	2,897
Ramle	411,620	158,193	185,557	8,111
Gaza				
Gaza	670,078	5,905	138,770	684
Sub-total	2,720,211	2,473,880	121,817	523,844
Total	5,194,091		2,680,328	

Source: Appendix A/1 to UN Document A/AC.25/W.84 of 28 April 1964.

refugees choosing not to return should be separate from a general peace settlement with the Arab states. The bulk of the refugees from Israeli territory were not citizens of Arab states at the time of their displacement, and therefore their rights to compensation were not be confused with the claims and counter-claims between the contending states and their nationals. The Commission also examined means to “associate the refugees with the determination of any figure, which might be established.” This included, for example, having refugees present during the different stages of the operation “for the purpose of seeing that their interests [were] protected and giving the benefit of their experience to the United Nations bodies entrusted with the operation.”

The UNCCP Refugee Office completed a global and individual evaluation of Palestinian property, described above, for compensation purposes. The evaluation was based on British mandate records, the opinions of the Refugee Office land specialist, and Arab and Israeli experts. The Office assessed the global value of Palestinian Arab land at 100,383,784 Palestinian pounds (or US \$280 million at the dollar-pound exchange rate in 1951). This was divided into 70 million pounds worth of rural property, with the remainder as urban property. The Office also assigned an estimate of 21,570,000 Palestinian pounds to movable lost property. The Office requested information from Israeli authorities regarding expropriated movable property in September 1951, but received no response. Due to political considerations, the Commission decided against releasing information concerning the total value of refugee properties based on the individual valuation process. According to recent research, however, Commission records of the individual assessments as of 29 November 1947 valued total Palestinian Arab land in Israel at 235,660,250 Palestinian pounds, of which 31 million pounds worth of property was owned by Palestinians inside Israel, leaving 204,660,190 pounds worth of refugee land.⁵⁹

Table 6.1: Estimates of Palestinian Refugee Losses (US\$ millions) in 1948

	UNCCP (1951)	Sayigh ⁽¹⁾ (1966)	Kubursi ⁽²⁾ (1996)
1948	484	3,050	2,994 property
1998 ⁽³⁾ adjusted for inflation	3,373	21,259	20,868 property 33,198 property and human capital
1998 ⁽⁴⁾ adjusted for inflation and real rate of return	23,958	150,975	148,203 property 235,769 property and human capital

⁽¹⁾Yusif Sayigh, *The Israeli Economy*. Beirut: PLO Research Center, 1967.

⁽²⁾ Atif Kubursi, *Palestinian Rights and Losses in 1948: The Quest for Precision*. Washington, DC: The Center for Policy Analysis on Palestine, 1996.

⁽³⁾ The original valuations were in Palestinian pounds (LP). Currency and inflation adjustments were made utilizing an exchange rate of LP=\$4.03.

⁽⁴⁾ Based on changes in the U.S. Consumer Price Index for 1947 to 1998

Source: Table compiled by PRRN in the summary of the July 1999 workshop on compensation for Palestinian refugees. Available at: <http://www.prrn.org>.

The Red Cross and Durable Solutions for Palestinian Refugees

The International Committee of the Red Cross sought to facilitate durable solutions for Palestinian refugees, within its limited mandate, following the mass displacement of Palestinians in 1948, and again in 1967. After the 1948 war, ICRC delegations in Tel Aviv (Jaffa), Amman, Cairo and Ramallah facilitated, to the extent possible, repatriation and family reunification for Palestinian refugees. This included, for example, repatriating 1,500 inhabitants of Gerbis near Tulkarem. Because Israel opposed the return of the refugees, however, the ICRC eventually decided to promote resettlement. Many of the refugees that the ICRC assisted to return were again uprooted due to Israeli pressure.

Following the 1967 war, the ICRC proposed and obtained the consent of government representatives of Jordan and Israel for a series of meetings to discuss the repatriation of Palestinian refugees displaced for the first time in 1967. According to an agreement concluded in August 1967, a process was established to facilitate the orderly return of these refugees. Israel, however, retained overall control, including the right to reject applications for so-called security purposes. Narrow time constraints limited the number of refugees able to participate in the repatriation scheme and infringed on the voluntary character of return. Out of more than 35,000 repatriation applications involving 140,000 persons, Israel approved just over 4,500, allowing approximately 20,000 refugees to return to their homes.⁶¹ Refugees displaced in 1948 and again in 1967 were not able to return. Israel rejected appeals by the ICRC to extend the time limit to enable the return of all refugees who wished to do so.

d) UNCCP Activities Related to Resettlement

The UNCCP made several interventions with Arab states to secure resettlement spaces for Palestinian refugees choosing not to exercise their right to return to their places of origin inside Israel. The governments of Jordan and Syria agreed to resettle those refugees choosing not to return to their homes of origin inside Israel, provided that refugees were given the choice to return, which would be implemented under the auspices of the United Nations.⁶⁰ The Egyptian government stated that resettlement would be difficult due to the population density of Egypt and lack of arable land; however, it did not rule out resettlement in the future within the framework of international technical and financial aid. The government of Lebanon also stated that resettlement would be extremely difficult, given the population density of the country.

6.3 Bilateral and Multilateral Negotiations for Durable Solutions

The first round of political negotiations to craft durable solutions for all persons displaced in 1948 lasted from 1949 to 1952. These UN-facilitated talks ended in failure. The issue of 1967 refugees was raised during peace negotiations between Egypt and Israel in the late 1970s, but again no solution was forthcoming. The most recent round of political negotiations began in 2000 in the context of final status talks between Israel and the Palestine Liberation Organization as stipulated in the 1993 *Declaration of Principles*. Internally displaced Palestinians have been excluded from all political negotiations.

The PLO, which was established in 1964, and is recognized as the legitimate representative of the Palestinian people, has consistently called for the return of Palestinian refugees to their homes of origin in accordance with international law, relevant UN resolutions and the choice of each refugee.⁶² The state of Israel has consistently opposed the return of Palestinian refugees displaced in 1948, including internally displaced Palestinians, but has accepted, in principle, the right of those refugees displaced for the first time in 1967 to return to the occupied West Bank and Gaza Strip.⁶³ In practice, several thousand refugees have returned under family reunification schemes.



Graffiti on a wall in Jabalyia Camp, Gaza Strip, 2006. (BADIL)

The primary difference between the two positions – Palestinian and Israeli – is the framework for durable solutions and the starting point in crafting such solutions. For Palestinians, the framework for durable solutions is international law as affirmed in UN General Assembly Resolution 194(III) and Security Council Resolution 237. The starting point in crafting durable solutions is the choice of each individual refugee. For Israel, the framework for a solution is primarily political; the objective is to maintain the Jewish character of the state. The starting point in crafting a solution is the collective desire to maintain Jewish demographic homogeneity and Jewish control of the land (including land confiscated from Palestinian refugees).

6.3.1 Negotiations concerning 1948 Palestinian Refugees

Early negotiations between Israel and the Arab states concerning durable solutions for Palestinian refugees began in 1949 and ended in 1952. Negotiations were facilitated by the UN Conciliation Commission for Palestine and based on UN General Assembly Resolution 194(III). The UNCCP attempted to facilitate negotiations through several conferences, a series of framework proposals and smaller mixed working groups in order to bridge the gap between the Arab position (which demanded an immediate return of Palestinian refugees) and Israel's focus on territorial issues.

Between 1949 and the early 1950s, Israel and the Arab states put forward several proposals to resolve the refugee issue. Israel offered to annex the Gaza Strip along with the resident refugee population, later offering to permit 100,000 refugees to return to areas within the borders of Israel. In both cases, Israeli officials were aware that Arab host states would reject the offers as inconsistent with UN Resolution

194(III). The Arab states proposed that Palestinian refugees from areas included in the proposed Arab state, as set forth in the 1947 *UN Partition Plan*, should be permitted to immediately return to their homes of origin. Subsequent negotiations would then address the process of facilitating a solution for those refugees who came from places inside the borders of the state of Israel as set forth in the 1947 *UN Partition Plan*.

During this period the UNCCP facilitated two conferences, one in Lausanne (1949) and the other in Paris (1951), concerning a comprehensive peace agreement and a solution to the refugee issue. The UNCCP also put forward several frameworks to try to advance negotiations on the refugee issue. In mid-August 1949, for example, the UNCCP submitted a memorandum inquiring whether the parties would be willing to sign a declaration stating that the refugee issue would be resolved by repatriation to Israel and resettlement. Two years later, the UNCCP submitted a series of proposals for discussion at the conference in Paris, including a request that Israel agree to the return of a specified number of refugees and accept the obligation to pay compensation for property of non-returnees. Beginning in 1950, the UNCCP also attempted to advance negotiations by trying to address a subset of issues; for example, they proposed that a mixed working committee should be established to study the issue of refugees in Gaza.

By November 1951, however, the UNCCP had concluded that it was impossible to carry out its mandate and further noted that any solutions to the outstanding issues would have to be found by the parties themselves. In 1961, the UNCCP made one final effort to facilitate durable solutions for Palestinian refugees displaced as a result of the 1948 war. The Commission appointed a special representative, Joseph E. Johnson, then head of the Carnegie Endowment for International Peace, to explore with host governments and Israel, solutions for Palestinian refugees. The mission, however, ended without further progress on the refugee issue.⁶⁴

Political negotiations on the question of Palestinian refugees restarted in the early 1990s. The Madrid-Oslo process, which began in 1991, established two separate tracks to address the refugee issue – a multilateral track and a bilateral track. The multi-lateral track was established in 1992 to address regional issues. This included the issue of Palestinian refugees – internally displaced Palestinians were excluded. Bilateral negotiations on the refugee issue were to begin no later than three years after the beginning of the interim period (focused on self-government) as set forth in Article V of the 1993 *Declaration of Principles on Interim Self-Government Arrangements*.⁶⁵

The Refugee Working Group (RWG), headed by Canada (“gavel holder”), was established during the first round of the multilateral negotiations held in Moscow in January 1992. The RWG was accorded a mandate to: (1) improve the living conditions of the Palestinian refugees and displaced persons without prejudicing the final status deliberations on the refugee issue; (2) ease and extend access to family reunification; and (3) support the process of achieving a viable and comprehensive solution of the refugee issue. Egypt, Israel, Jordan, Lebanon, the Palestinians and Syria are all members of the RWG, although Syria and Lebanon boycotted the RWG meetings.

The Arab League and Durable Solutions for Palestinian Refugees

The League of Arab States (LAS), the primary regional organization in the Middle East and North Africa, has consistently called for the return of Palestinian refugees to their homes and properties. In 1949, LAS member states emphasized that “the lasting and just solution to the problem of refugees would be their repatriation and the safeguarding of all their rights to their properties, lives and liberty, and that these should be guaranteed by the United Nations” (LASC Resolution 231, 17 March 1949). During the 1950s and 1960s, Arab states set out a variety of plans for durable solutions for Palestinian refugees. These included several plans outlining a staged return of the refugees. LASC resolutions taken after 1967 continue to emphasize the right of Palestinian refugees displaced from the occupied Palestinian territories to return to their homes of origin.

The League of Arab States has also affirmed the right of Palestinian refugees to housing and property restitution. In 1955, LAS member states called for the appointment of a neutral custodian or custodial commission to manage properties on the behalf of refugees (LASC Resolution 1030, 14 October 1955). It also called for payment of rent for refugee properties pending any solution, for the sale of refugee properties to cease immediately and for any sales already undertaken to be declared null and void, representation of refugees in the property documentation work carried out by the UNCCP, and for the UNCCP to investigate losses of moveable property. Since 1994, the League has requested that the UN Secretary General advise the UN Conciliation Commission for Palestine to compile a comprehensive list of Palestinian refugees and their properties.

Since 1998, League member states have also called upon the UN to send a fact-finding mission to investigate the state of Palestinian refugee properties, the violation of land ownership rights and the status of revenues accruing from such uses. The League has also called upon the UN to obtain complete copies of all documents and maps held by the Israel Lands Administration (ILA) and has further requested that the UN appoint a custodian for the properties. In 1998, the League also invited member states (LASC Resolution 5279, 25 March 1998) to consider 15 May as an Arab day in solidarity with Palestinian refugees.

The RWG identified seven main themes concerning the refugee issue and assigned a lead country (“shepherd”) to follow up on each of these themes: Databases (Norway); Family Reunification (France); Human Resources Development (US); Job Creation (US); Public Health (Italy); Child Welfare (Sweden); Economic and Social Infrastructure (EU); and the Human Dimension (Switzerland). RWG activities have been conducted at two levels: plenary sessions to review ongoing work and set priorities for the future; and the “inter-sessional” meetings to bring together Arab and Israeli representatives, their extra-regional counterparts and international experts, for more detailed consideration of specific aspects of the refugee issue.

In 1997, the Arab League called for a boycott of the multilateral negotiations in protest against the policies of the Israeli government. No plenary sessions have been held since then. RWG activities have continued at the inter-sessional level. The multilateral process, as well as the format of the formal opening of negotiations in Madrid, were intended to meet Arab desires for enlarged negotiating forums and to address issues that had regional components. It was also understood that the multilateral negotiations would generally operate by consensus and that the chairs of the working groups would act as facilitators rather than exerting any procedural power or direction. While consensus allowed the RWG to continue to operate, it also represented a serious weakness, as difficult issues such as the right of return and housing and property restitution, as well as all the related technical issues, have remained off the table.

The 1994 *Treaty of Peace* between the Hashemite Kingdom of Jordan and the State of Israel also includes provisions concerning Palestinians refugees displaced in 1948 and those displaced in 1967. Article 8 of this agreement specifically mentions that the parties will solve the refugee issue in accordance with international law and “in negotiations, in a framework to be agreed bilaterally or otherwise.”⁶⁶ Following the

passage of the agreement, Israel amended its 1950 *Absentees' Property Law*, declaring that the property of Jordanian residents or citizens would no longer be defined as absentee property. The amendment, however, does not apply retroactively to the agreement, and thus does not allow Palestinian refugees in Jordan to file claims for housing and property restitution.

Official bilateral negotiations between Israel and the PLO did not begin in earnest until 2000, due to a series of delays concerning interim issues. The first round of final status negotiations took place in the United States at Camp David in July 2000. There were no substantive negotiations on durable solutions for Palestinian refugees at Camp David. Neither Israel nor the United States, which hosted and facilitated the talks, were willing to contemplate durable solutions based on international law as set forth in UN Resolution 194(III). American bridging proposals focused on resettlement, rather than return, in order to accommodate Israel's demand to maintain a permanent Jewish majority in the state.

During the last round of final status negotiations at Taba, Egypt, in January 2001, the Palestinian delegation presented a schematic framework for durable solutions for Palestinian refugees.⁶⁷ In general, the Palestinian proposal provided a legal framework for durable solutions that was consistent both with the terms of UN General Assembly Resolution 194(III) and international law and practice relative to durable solutions for refugees. The Israeli response, by contrast, primarily provided a political framework, components of which were inconsistent with Resolution 194(III), as well as international law and practice. In early 2002, the EU Special Representative to the Middle East Peace Process released a paper summarizing the general content of the Taba negotiations and the positions of both parties on the Palestinian refugee issue.⁶⁸

The EU "non-paper" provides several additional details not included in the previously published working papers presented by Israel and the PLO in Taba. Israeli officials suggested a 15-year absorption programme to facilitate a limited return of Palestinian refugees to Israel. According to the EU non-paper, absorption numbers suggested by Israel ranged from 25,000 refugees over three years to 40,000 over five years. These numbers represent less than one per cent of the total Palestinian refugee population. Moreover, the quota system violates the right of the remaining 99% of the refugee population to exercise their individual right of return. Israeli officials also rejected the right of Palestinian refugees to restitution of their properties.

6.3.2 Negotiations concerning 1967 Refugees

Early negotiations concerning a solution to the plight of Palestinians displaced in 1967 began in August 1967 between Jordan, which hosted the majority of refugees displaced in 1967, and Israel, which had military control of the West Bank and Gaza Strip. The International Committee of the Red Cross facilitated the negotiations. Palestinians were not officially represented at these talks. Both parties agreed to a process whereby refugees could submit applications to return to their places of origin in the occupied Palestinian territories. Israel, however, retained overall control concerning the admission of refugees. Few were able to return and re-establish residence under this short-lived process.



Palestinian families crossing the Allenby Bridge to Jordan in 1967 (UNRWA Archives)

More than a decade later, the issue of Palestinian refugees displaced in 1967 was addressed in the context of political negotiations between Israel and Egypt. The 1978 Camp David Accords included provisions for a “continuing committee” to discuss the “modalities of admission of persons displaced from the West Bank and Gaza in 1967.” Egypt and Israel also agreed to work with each other and other interested parties towards a “prompt, just and permanent implementation of the resolution of the refugee problem.”⁶⁹ The Accords did not include provisions for the right of return of Palestinian refugees displaced in 1948. The UN Commission on Human Rights subsequently declared that “the validity of agreements purporting to solve the problem of Palestine requires that they be within the framework of the United Nations and its Charter and its resolutions” and rejected “those provisions of the accords which ignore, infringe upon, violate or deny the inalienable rights of the Palestinian people, including the right of return [...]”⁷⁰

The issue of Palestinian refugees displaced in 1967 was addressed again in the context of the 1994 Jordan-Israel peace agreement.⁷¹ The 1993 *Declaration of Principles* between Israel and the PLO includes provisions for a continuing committee (based on the Camp David Accords) to discuss the admission of persons displaced from the West Bank and Gaza Strip in 1967.⁷² The continuing committee, composed of Israel, the Palestinians, Jordan and Egypt (“Quadrupartite Committee”), was subsequently established under the 1994 *Agreement on the Gaza Strip and Jericho Area*.⁷³ These agreements do not include reference to relevant resolutions of the United Nations, nor do they affirm that the refugee issue should be resolved in accordance with international law. The problem of 1967-displaced Palestinians, which was to be resolved during the interim period of the Oslo process, remains unresolved.

6.4 Developments in 2004-2005

During 2004-2005, the political process focused on Israel's unilateral disengagement plan, the International Court of Justice's advisory opinion, Palestinian elections and the implementation of the *Road Map*. Bilateral and multilateral negotiations on final status issues, including the refugee issue, remained frozen.

6.4.1 The *Road Map*

The "Performance-based *Road Map* to a Permanent Two-State Solution to the Israeli-Palestinian Conflict" endorsed by the Quartet (composed of the United States, European Union, United Nations and Russia) is still the official plan on the international agenda; its goal is the creation of an independent, sovereign and viable Palestinian state living side-by-side in peace and security with Israel. The Road Map includes three phases, which, if followed by the parties to the conflict, could have put an end to the Israeli-Palestinian conflict in 2005. Phase one is ending terror and violence, normalizing Palestinian life, and building Palestinian institutions; phase two is a period of transition towards creating an independent Palestinian state; and, phase

Refugee Participation in the Search for Durable Solutions

For decades, the Palestinian people have been denied the right to participate in key decisions concerning the future of Palestine. They have been talked about, argued over and decided for, but rarely included in such discussions. Likewise, the Middle East Peace Process (which began in the 1990s) provided few opportunities for public participation. The secret Oslo negotiations between Israel and the PLO, the subsequent talks about interim arrangements, final status talks at Camp David and Taba, and the international *Road Map* all failed to provide scope for public participation.

This peacemaking process also shifted from an agenda articulated by Palestinian civil society to one that was subject to regional and international political pressures. This is particularly evident in relation to the question of Palestinian refugees and displaced persons. Refugees have more often than not been viewed as objects of humanitarian assistance rather than as individuals with rights, and as legitimate actors in the peacemaking process. They have been assessed, surveyed, quantified and classified, but few policymakers, diplomats and commentators have asked or listened to the refugees themselves about how they might envision a solution to their plight.

Exclusion of Palestinian refugees and IDPs from the peacemaking process, combined with demands for better representation from their own leadership, gave rise to initiatives of political self-organization among refugee communities in the 1967-occupied Palestinian territories, inside Israel and in exile. These initiatives were as much an expression of concern about the exclusion of refugee rights as they were about a popular demand for better representation and democratization of the peacemaking process.

Popular refugee conferences inside Israel among internally displaced Palestinians, followed by similar conferences among refugees in the occupied West Bank and Gaza Strip in the mid 1990s, set out the basic principles, structures and mechanisms of a popular campaign for refugee rights. Refugees emphasized that such a campaign should be a broad-based, non-sectarian and independent movement comprised of Palestinian popular organizations and initiatives (refugee and non-refugee) in the homeland and in exile to pressure and lobby for the protection of Palestinian refugee rights and durable solutions based on international law as affirmed in relevant UN resolutions. "It should be clear that popular refugee support for parties – elected or not, official or not – and for any negotiating team, will depend on their respect for democracy, national and human rights."⁷⁴

Strategy debates, lobbying and protest activities encouraged not only additional grassroots organizations, but also the PLO-operated Popular Service Committees, elected members of the Palestinian Legislative Council, and activists in Palestinian unions, political parties and national institutions (such as the Palestinian National Council and others) to join the campaign. Community-based right of return initiatives in Palestine connected with similar initiatives in exile, and recruited professional research and media assistance. By 2000, new refugee rights initiatives were launched in Lebanon, Syria, Europe and in North America, and the global right-of-return network organized its first joint activities (including *Nakba* Day, May 2000, and the first joint strategy workshop).

three are Israeli-Palestinian negotiations aimed at a permanent status agreement.⁷⁵ In 2004-2005, the Quartet reiterated that a permanent solution must be reached through negotiations and that “a new Palestinian State must be truly viable, with contiguity in the West Bank and connectivity to Gaza.”⁷⁶ There was, however, no significant diplomatic process based on the *Road Map*.

The Quartet called on Palestinians to stop violence and on Israel to respect international humanitarian law, remove outposts and freeze settlement activities, as well as ending “deportations; attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure...”⁷⁷ The Quartet also expressed concern that the route of the Wall “results in the confiscation of Palestinian land, cuts off the movement of people and goods, and undermines Palestinians’ trust in the road map process as it appears to prejudge the final borders of a future Palestinian State.”⁷⁸

The *Road Map* provides an ambiguous set of guidelines to resolve the refugee issue. It calls for “an agreed, just, fair and realistic solution”, but does not clearly define what is meant by these terms. According to the *Road Map*, negotiations on final settlement issues, including borders and refugees, must be on the basis of “Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), and 1515 (2003), the terms of reference of the Madrid peace process, the principle of land for peace, previous agreements, and the initiative of Saudi Crown Prince Abdullah endorsed by the Beirut Arab League Summit.”⁷⁹ Reference to Resolution 194 is not expressly mentioned, although reference is made to the Beirut Arab League Summit (Beirut Declaration), which calls for a just solution to the Palestinian refugee problem in accordance with UN General Assembly Resolution 194.

As a result of the Sharm-el-Sheikh summit on 8 February 2005, Palestinian President Abbas announced a halt to violence against all Israelis, while Israeli Prime Minister Sharon announced a halt to military violence against all Palestinians. Neither ceasefire has been fully implemented.

6.4.2 The Wall and its Associated Regime

On 9 July 2004, the International Court of Justice ruled that the Wall and its associated regime were illegal. (See Chapter One.) The International Court of Justice subsequently called on all states “not to recognize the illegal situation” and “not to render aid or assistance in maintaining the situation created by such construction [...]”.⁸⁰ Moreover, the Court called on all states to ensure that Israel complied with international humanitarian law. Despite UN resolutions and widespread condemnations, the international community has not yet taken any concrete steps to ensure such compliance by Israel.

The route of the Wall annexes approximately 10% of the occupied West Bank to Israel, but in reality, the colonial regime in the occupied West Bank (“settlements/colonies” and road system) *de facto* annexes 46% of the occupied West Bank to Israel, including 85% of the settler population.⁸¹ The expansion of colonies (“settlements”) in annexed land will continue to change the demographic composition of the occupied West Bank. It will also ensure territorial contiguity between the colonies

(“settlements”) and Israel, while dividing the occupied West Bank into unconnected cantons. Housing for an additional 30,000 settlers was approved in 2005.⁸² Once completed, the Wall will confine Palestinians to less than 12% of historic Palestine.⁸³ The Wall and its regime are thus creating a reality that will make it impossible to establish a viable and contiguous Palestinian state as envisioned by the *Road Map*.

6.4.3 Disengagement from the Gaza Strip

On 6 June 2004, the Israeli cabinet voted in favour of a modified plan for “disengagement” from the occupied Gaza Strip. The plan involves the staged evacuation of 17 Jewish colonies (“settlements”) in Gaza (four in the West Bank) and the redeployment of Israeli military forces outside evacuated areas. Between 15 August and 12 September 2005, Israel removed approximately 8,000 settlers living in colonies (“settlements”) on 40% of the land in the occupied Gaza Strip. The disengagement was described by the Quartet and the international community as a basis for “true partnership”. It was also welcomed by the General Assembly, which further demanded that Israel cease all settlement activities in all occupied Palestinian territory.⁸⁴ While the “disengagement” put an end to the colonial enterprise in the Strip, it did not end the occupation. Israel still has the capacity to exercise effective control on the Gaza Strip.⁸⁵

The Quartet has appointed a Special Envoy, James Wolfensohn, to facilitate discussion on the non-security aspects of the disengagement and the revival of the Palestinian economy. The Quartet has meanwhile urged Israel to “facilitate rehabilitation and reconstruction by easing the flow of goods and people in and out of Gaza and the West Bank and between them” and has also called for an easing of movement restrictions so as to enable economic recovery in the occupied Gaza Strip. Despite these calls, the economic situation in the occupied Gaza Strip has deteriorated, and freedom of movement of workers and traders has been severely restricted, particularly during August, September and October of 2005.⁸⁶ According to the UN Office for the Co-ordination of Humanitarian Affairs, “developments observed in the Gaza Strip after the Israeli disengagement have been largely negative”.⁸⁷

The only international crossing available to Palestinians is the Rafah crossing between Egypt and the occupied Gaza Strip. Rafah crossing was closed in September and October and finally re-opened at the end of November 2005 as a result of an agreement reached between the Israeli government and the Palestinian Authority, aimed at “[...] facilitating the movement of people and goods within the Palestinian Territories and on opening an international crossing on the Gaza-Egypt border that will put the Palestinians in control of the entry and exit of people.”⁸⁸ In practice, Palestinian/Egyptian and European monitors are controlling the Rafah crossing between Egypt and the occupied Gaza Strip. Israel nevertheless retains control over the entry and exit of persons through video surveillance, and the Erez crossing into Israel and the occupied West Bank remains closed to Palestinians.

6.4.4 Israel’s Unilateral Disengagement Plan

It is claimed that disengagement (or redeployment) from the occupied Gaza Strip, and the construction of the Wall and its associated regime, are part of a grand plan to unilaterally impose a permanent border between Israel and the occupied Palestinian



territories by 2010.⁸⁹ Such a plan would involve finishing the construction of the Wall and its associated regime, declare the Wall the “international” border between Israel and the occupied West Bank, declare an end to the occupation, and finally, declare a Palestinian state. This plan is also based on assurances provided by US president George Bush that “in light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949”.⁹⁰

In 2005, Israel’s Prime Minister, Ariel Sharon, established a new political party, Kadima. Kadima’s agenda is to preserve a Jewish majority, keep occupied eastern Jerusalem and large blocks of colonies (“settlements”), and establish a Palestinian state on the remaining land in the West Bank and Gaza Strip.⁹¹ Israel’s disengagement plan categorically rejects the return of refugees or internally displaced persons to their homes of origin in Israel. Prime Minister Ariel Sharon has in fact warned that once the Wall is complete, Israel would begin to expel “illegal Arabs” from Israel, including thousands of Palestinians awaiting determination of family reunification process.⁹²

6.4.5 The United Nations

In 2005, member states of the UN General Assembly reaffirmed the basic rights of the Palestinian refugees, as they have done annually since 1948. The General Assembly expressed its regret that the repatriation of Palestinian refugees had still not occurred and that the UN Conciliation Committee for Palestine had been unable to achieve progress. It especially emphasized the obligation of Israel to facilitate the return of all refugee and displaced women and children to their homes and properties.⁹³ The General Assembly also reaffirmed the right of Palestinian refugees “to their property

A moment for meeting friends and relatives on the Egyptian side of the border; Israeli withdrawal from the Gaza Strip, 2005. (Nathalie Bardou/BADIL)

and to income derived there from.”⁹⁴ However, the United States and Israel, along with the Marshall Islands, Micronesia, Nauru and Palau, continued to vote against UN General Assembly resolutions that reaffirm Palestinian refugee rights.⁹⁵ Israel, the United States, the Marshall Islands, and Palau also voted against the right to self-determination of the Palestinian people.⁹⁶

Of concern to the international community has been the continued construction of Israel’s Wall and its associated regime in the occupied West Bank. The General Assembly demanded that Israel stop the construction of the Wall, including in and around eastern Jerusalem, and abide by the International Court of Justice Advisory Opinion.⁹⁷ Specifically, the General Assembly demanded that “Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion” and called on all states to comply with their legal obligations.⁹⁸ The Security Council and the General Assembly also called on Israel to respect international humanitarian law, in particular not to demolish homes contrary to that law.⁹⁹ The Commission on Human Rights also expressed concern about the settlement policy, including house demolitions, expropriation of land and the expulsion of Palestinians.¹⁰⁰

The Committee for the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) held an international meeting on the implementation of the International Court of Justice Advisory Opinion. They also called on the international community to “adopt measures that would persuade the Government of Israel to comply with international law and the ruling of the International Court of Justice” stating that “a state of scattered territories will not work.”¹⁰¹

6.4.6 Regional Organizations

The European Council maintains that the *Road Map* continues to be a valid reference for negotiations and that a two-state solution remains the only realistic political solution to the conflict. The European Council once again stressed its serious concern at Israeli activities, including house demolitions and construction of the Wall and colonies (“settlements”). The Council concluded that Israeli activities “reduce the possibility of reaching a final status agreement on Jerusalem, threaten to make any solution based on the co-existence of two viable states physically impossible, and are contrary to international law.”¹⁰² An unofficial European Union report, written by the Jerusalem and Ramallah Heads of Mission, noted that “clear statements by the European Union and the Quartet that Jerusalem remains an issue for negotiation by the two sides, and that Israel should desist from all measures designed to pre-empt such negotiations, would be timely.”¹⁰³

The Organization of Islamic Conference (OIC) reaffirmed the necessity of finding a just solution to the problem of Palestinian refugees in accordance UN General Assembly resolution 194. The OIC reiterated its support for the Arab Peace Initiative (Beirut Declaration) and the *Road Map* but warned against “any guarantees or promises undermining the [...] rights of the Palestinian people and rewarding the Israeli occupation which seeks to impose its conditions through the policy of *fait accompli*.”¹⁰⁴ The OIC also affirmed “the illegality of the Israeli laws and practices in East Jerusalem, aimed at annexing, judaizing and changing the demographic make-up of the city.”¹⁰⁵ The Organization invited all states “to impose punitive measures against

the bodies and companies contributing to the construction of the Wall and against settlers, settlement products and all those making profit of any settlement activity on the occupied Palestinian territories, including al-Quds, in implementation of the advisory opinion of the International Court of Justice and the UN General Assembly resolution ES-10/15.”¹⁰⁶

The African Union reaffirmed its support for the Arab Peace Initiative adopted by the League of Arab States in Beirut in 2002 (*Beirut Declaration*), and stated that no peace could be possible unless Israel fully withdrew from occupied territories and enabled the Palestinians to exercise their rights, in particular their right to return to their homes and property. The African Union also affirmed that if completed, the Wall would “hinder the application of two-states solution”.¹⁰⁷ The Non-Aligned Movement also reaffirmed its support for the inalienable rights of the Palestinian people.¹⁰⁸

The League of Arab States has reaffirmed its support for the Arab Peace Initiative (*Beirut Declaration*) and the *Road Map* in accordance with international law and UN resolutions. It has also called for the protection of the Palestinian people and civilians living under occupation.¹⁰⁹

6.4.7 Human Rights Organizations

During 2004-2005, human rights organizations continued to remind state parties of their obligations. Human Rights Watch wrote to President George W. Bush affirming that the settlement/colonial policy of Israel violates fundamental principles of international humanitarian law and urged the United States “to take immediate action to end U.S. support of Israel’s unlawful policies.”¹¹⁰ Human Rights Watch also noted that despite international condemnations of Israel’s settlement/colonial policy, “the international community, including the United States, has failed to hold Israel accountable to its obligations under the Fourth Geneva Convention to cease Israeli settlement activity.”¹¹¹

Amnesty International has called for the international community to guarantee that “human rights are central to all negotiations, interim accords and any final agreement.”¹¹²

6.4.8 Refugee Activist Organizations and Initiatives

In 2004-2005, refugee activists around the world held numerous conferences and launched initiatives to defend and implement the right of return and respect for international humanitarian and human rights law. In 2005, the Occupied Palestine and Syrian Golan Heights Initiative (OPGAI) presented a call for Boycott, Divestment and Sanctions (BDS) against Israel to the Fifth World Forum in Porto Alegre, Brazil.

On 9 July 2005, the first anniversary of the ICJ ruling on Israel’s Wall in the occupied Palestinian territory, over 170 Palestinian networks and organizations in the 1967-occupied Palestinian territory, Israel and exile, issued the *Palestinian Civil Society Call for BDS* against Israel until such time as it abides by international law. It represents a call by political parties, major unions, NGO networks and faith-based institutions for a broad and sustained BDS campaign until three major objectives are achieved:



Palestinian refugees continue to visit their villages of origin. (BADIL)

(1) the end of Israel's occupation and colonization of the West Bank (including eastern Jerusalem) and the Gaza Strip; (2) implementation of the right of return of Palestinian refugees; and (3) the granting of full equality under the law to Palestinian citizens of Israel.

The Palestine Right of Return Coalition held its sixth annual meeting in the Netherlands in November 2005. The participants discussed the Palestinian campaign for Boycott, Divestment and Sanctions (BDS) against Israel until such time as it complies with international law, and preparations for the 60th anniversary of the commemoration of the *Nakba* in 2008. The meeting issued resolutions on both organizational and political levels, confirming the right of Palestinian refugees to return to their homes, affirming commitment to keep coalition work independent and committing to add members to the coalition. The Coalition also issued its work plan, which will include the publication of an educational book for children on Palestinian refugees, commemorating the *Nakba* anniversary in 2008, publishing media brochures, organizing an Arab international conference to support the right of return, organizing a summer camp to be held in Palestine (with the participation of Palestinian refugee children from the Diaspora), and visits to refugee camps and displaced villages.

Palestinian and Jewish civil society organizations inside Israel, including the Association for the Defense of the Rights of the Internally Displaced, held the second "Right of Return and Just Peace" conference in December 2005. The final statement of the conference called on Palestinians not to give up the right of return and also called on the international community to recognize the ethnic cleansing that took place in the 1948 *Nakba*. *Nakba* memorials in the occupied Palestinian territories and around the world included popular marches and rallies.

Endnotes

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- ¹⁹ *Ibid.*, Programme of Action for the Achievement of Palestinian Rights, II.B, para. 5.
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- ²⁷ *Fourth Geneva Convention (IV) Relative to the Protection of Civilians*, 12 August 1949, Article 45. Similarly, the *1990 Turku Declaration* declares in Article 7: “Persons or groups thus displaced shall be allowed to return to their homes as soon as the conditions which made their displacement imperative have ceased” [emphasis added]. *Turku Declaration, Declaration of Minimum Humanitarian Standards*, UN Doc. E/CN.4/Sub.2/1991/55, December 2, 1990 in Sassoli, Marco and A. Bouvier, Antoine. *How Does Law Protect in War?* Geneva: International Committee of the Red Cross, 1999, p. 519.
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- ³⁶ For a detailed legal analysis, see, e.g., Boling, Gail J., "Absentees' Property Laws and Israel's Confiscation of Palestinian Property: A Violation of UN General Assembly Resolution 194 and International Law," 11/12 *Palestine Yearbook of International Law* (2000-2001): pp. 73-130. Also see *Principles on Housing and Property Restitution for Refugees and Displaced Persons*. UN Doc. E/CN.4/Sub.2/2005/17, 28 June 2005.
- ³⁷ *Legal Safety Issues in the Context of Voluntary Repatriation of Refugees*, UNHCR Executive Committee No. 101 (LV), 2004.
- ³⁸ *Historical Precedents for Restitution of Property or Payment of Compensation to Refugees*. UN Doc. W/41, 18 March 1950, para 1.
- ³⁹ *Supra*, note 22.
- ⁴⁰ *Text of Suggestions Presented by the United Nations Mediator on Palestine to the Two Parties on 28 June 1948*, UN Doc. S/863, 3 July 1948.
- ⁴¹ *Supra*, note 21, para. 6.
- ⁴² For a detailed analysis, see, e.g., Lynk, Michael, "Compensation for Palestinian Refugees: An International Law Perspective," 11 *Palestine Yearbook of International Law* (2000-2001): pp. 155-183. Also see *Principles on Housing and Property Restitution for Refugees and Displaced Persons*, *supra*, note 36.
- ⁴³ *Supra*, note 37.
- ⁴⁴ See amendments submitted by the United States (A/C.1.351/Rev. 1 and 2), Guatemala (A/C.1/398/Rev. 1 and 2) and Colombia (A/C.1/399).
- ⁴⁵ *Progress Report of the UN Mediator on Palestine*, *supra*, note 21. Part One: The Mediation Effort, V. Refugees, para. 7.
- ⁴⁶ *Supra* note 33, para 13. A broader set of claims might include compensation for human capital losses and psychological suffering.
- ⁴⁷ *Supra*, note 22.
- ⁴⁸ *Supra* note 41, Part One: The Mediation Effort, VIII. Conclusions, para. 3(e).
- ⁴⁹ *Ibid.*, Part One: The Mediation Effort, V. Refugees, para 7.
- ⁵⁰ *Ibid.*
- ⁵¹ Although the UNCCP is no longer active, it continues to prepare annual reports of its activities. These state that the Commission has nothing new to report. See, e.g., *Fifty-ninth Report of the United Nations Conciliation Commission for Palestine*, Sixtieth Session, UNGA Doc. A/60/277, 19 August 2005. The reports are prepared by the Secretary of the UNCCP, who is a staff member of the UN Department of Political Affairs.
- ⁵² "Pursuant to Article XII of the Declaration of Principles, the two Parties shall invite the Governments of Jordan and Egypt to participate in establishing further liaison and co-operation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote co-operation between them. These arrangements shall include the constitution of a Continuing Committee. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder." Article XVI, paras. 1 and 2, 4 May 1994.
- ⁵³ *Supra*, note 13.
- ⁵⁴ *Ibid.*
- ⁵⁵ These included the microphotographs of registers of title supplemented by the original registers when the microfilm was missing or defective; Registers of Deeds; Tax Distribution Lists and, failing these, taxpayers' registers; Field Valuation Sheets, and, failing these, valuation lists and taxpayers' registers; schedules of rights (in respect of blocks for which no registers of title had been prepared); parcel classification schedules; land registrars' returns of depositions; and village maps and block plans. For a comprehensive study, see Fischbach, Michael, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*. New York: Columbia University Press, 2003.
- ⁵⁶ For a more detailed discussion of the records and associated problems, see Hadawi, Sami, *Palestinian Rights and Losses in 1948*. London: Saqi Books, 1988; and Abdelrazek, Adnan, "Modernizing the Refugee Land Records: Advantages and Pitfalls," *Reinterpreting the Historical Record: The uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis*. Tamari, Salim and Elia Zureik (eds.) Jerusalem: Institute of Jerusalem Studies/Institute of Palestine Studies, 2001, pp. 173-181.

- ⁵⁷ Abu Sitta, Salman, *The Palestinian Right to Return: Sacred, Legal and Possible*. 2nd edition. London: The Palestinian Return Centre, 1999, p. 17.
- ⁵⁸ The UNCCP established the Economic Survey Mission to examine the economic situation in the countries affected by the 1948 war, and make recommendations for an integrated programme to enable governments concerned to: overcome economic dislocations caused by the war; facilitate the repatriation, resettlement and economic and social rehabilitation of refugees; and make payment of compensation and promote economic conditions conducive to the maintenance of peace and security in the region.
- ⁵⁹ Fischbach, *supra*, note 55.
- ⁶⁰ *Historical Survey of Efforts of the United Nations Conciliation Commission for Palestine to Secure the Implementation of Paragraph 11 of General Assembly Resolution 194(III): The Question of Reintegration by Repatriation or Resettlement*, Working Paper Prepared by the Secretariat, UN Doc. A/AC.25/W.82/Rev. 1 2 October 1961, para. 31.
- ⁶¹ *International Review of the Red Cross – 10th Year*, June 1967 – June 1970, p. 449.
- ⁶² The 1968 National Charter of the PLO, for example, affirms the right of all Palestinians to return to their homeland. The Charter is reprinted in *Documents on Palestine: From the Pre-Ottoman/Ottoman Period to the Prelude of the Madrid Middle East Peace Conference*. Vol. II. Jerusalem: PASSIA, 1997, pp. 213-15. On the eve of final status negotiations under the Oslo process, the PLO Department of Refugee Affairs affirmed that a just solution to the Palestinian refugee issue “will be defined as the Israeli acceptance of the Palestinian refugees’ right of return to their homes and to receive compensation, as outlined in UN General Assembly Resolution 194 and subsequently relevant UN resolutions.” Reprinted in *The Palestinian Refugees, FACTFILE*. Jerusalem: PLO Department of Refugee Affairs, 2000, p. 18.
- ⁶³ The decision to prevent the return of Palestinian refugees was taken at a June 1948 Israeli cabinet meeting and confirmed in the *Reply of the Provisional Government of Israel to the Proposal Regarding the Return of Arab Refugees*, 1 August 1948. Annexed to the *Progress Report of the United Nations Mediator on Palestine*, *supra*, note 21. Also see, e.g., Labor and Likud Knesset Members, National Agreement Regarding the Negotiations on Permanent Settlement with the Palestinians, 1 January 1997, reprinted in the *Journal of Palestine Studies*, Vol. XXVI, Issue 103 (Spring 1997), p. 160. The agreement states that Israel has a right to prevent the entry of Palestinian refugees into its sovereign territory; and includes Bill 1220 banning the right of return. English translation in Sultany, Nimer, *Citizens without Citizenship: Mada’s First Annual Political Monitoring Report: Israel and the Palestinian Minority 2000-2002*. Haifa: Mada, 2003, p. 19.
- ⁶⁴ The report of the special representative is annexed to *The Nineteenth Progress Report of the United Nations Conciliation Commission for Palestine for the period 12 November 1960 to 13 October 1961*, UN Doc. A/4921, 13 October 1961.
- ⁶⁵ “It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and co-operation with other neighbours, and other issues of common interest.” Article V(3), *Declaration of Principles on Interim Self-Government Arrangements*, 13 September 1993.
- ⁶⁶ “Recognizing the massive human problems caused to both Parties by the conflict in the Middle East, as well as the contribution made by them towards the alleviation of human suffering, the parties will seek to further alleviate those problems arising on a bilateral level. Recognizing that the above human problems caused by the conflict in the Middle East cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following: In the case of refugees, (i) In the framework of the Multilateral Working Group on Refugees; (2) In negotiations, in a framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations pertaining to the Territories referred to in Article 3 of this Treaty.” Article 8, para. 1(b), Refugees and Displaced Persons, *Treaty of Peace between the Hashemite Kingdom of Jordan and the State of Israel*, 26 October 1994.
- ⁶⁷ Palestinian Proposal on Palestinian Refugees, 21 January 2001. Reprinted as an annex to *Principles and Mechanisms for Durable Solutions for Palestinian Refugees: The Taba Proposals*, Occasional Bulletin No. 10. Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2001.
- ⁶⁸ The full text of the EU “non-paper” concerning refugees (as published in *Ha’aretz*) is reprinted in *al-Majdal*, Issue No. 13 (March 2002).
- ⁶⁹ Section A. West Bank, para. 1(e), *Camp David Accords*, 17 September 1978.
- ⁷⁰ Commission on Human Rights Resolution No. 2 (XXXVI), 14 February 1980.
- ⁷¹ *Supra*, note 66. Article 8, para. 1(a), Refugees and Displaced Persons.
- ⁷² “The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and co-operation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other hand, to promote co-operation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this Committee.” *Supra*, note 65, Article XII.
- ⁷³ “Pursuant to Article XII of the Declaration of Principles, the two Parties shall invite the Governments of Jordan and Egypt to

- participate in establishing further liaison and co-operation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote co-operation between them. These arrangements shall include the constitution of a Continuing Committee. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. *Supra*, note 52, Article XVI, paras. 1 and 2.
- ⁷⁴ Declaration Issued by the First Popular Refugee Conference in Deheishe Refugee Camp, 13 September 1996. [On file with BADIL]
- ⁷⁵ For more information see: A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. Available at: <http://www.un.org/media/main/roadmap122002.html>.
- ⁷⁶ Transcript of Press Conference on the Middle East, by Secretary-General Kofi Annan, Quartet Foreign Ministers, at United Nations Headquarters, SG/SM/10115, New York: Department of Public Information, 20 September 2005.
- ⁷⁷ Letter dated 19 May 2004 from the Secretary-General to the President of the Security Council, Annex, Quartet Statement, New York, 4 May 2004, UNSC S/2004/421, 24 May 2004.
- ⁷⁸ *Ibid.*
- ⁷⁹ *Ibid.*
- ⁸⁰ Advisory Opinion in the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, including in and around East Jerusalem, UNGA ES-10/15, 2 August 2004, preamble and paras. 2 and 3.
- ⁸¹ *Israel's Wall*, Ramallah: Negotiations Affairs Department, Palestinian Liberation Organization, 9 July 2005, p. 5.
- ⁸² These new houses will be primarily built in eastern Jerusalem. *Ibid.*, p. 12.
- ⁸³ *Ibid.*, p. 6.
- ⁸⁴ *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Gaza Golan*, A/RES/60/105, Sixtieth Session, 18 January 2006, para. 3.
- ⁸⁵ Israel retains control over the sea space, air space and borders. It also still controls all goods and persons leaving or entering the occupied Gaza Strip.
- ⁸⁶ *The Gaza Strip: Access Report*, Jerusalem: Office for the Co-ordination of Human Affairs (OCHA), December 2005, p. 2.
- ⁸⁷ For instance, "Erez Crossing in the occupied northern Gaza Strip is the sole access point for Palestinian workers and traders into Israel. In the first seven months of 2005, prior to the disengagement, the average daily number of workers crossing into Israel was 1,787. Prior to the second *intifada*, this number was 21,617." After the disengagement, the average daily crossing of workers was 624 (93 for traders) due to the quasi-permanent closure of the Erez crossing. *The Gaza Strip after disengagement*, Humanitarian Update, Jerusalem: OCHA, November-December 2005, p. 4.
- ⁸⁸ *Ibid.*, p. 1.
- ⁸⁹ Benn, Aluf, "Israel's new frontier", *Ha'aretz*, 25 February 2005.
- ⁹⁰ In an exchange of letters between President Bush and Prime Minister Sharon in April 2004, President Bush confirmed that the United States endorsed the colonial policy "Ariel Sharon and George W. Bush's letters in full", *Ha'aretz*, 7 April 2004.
- ⁹¹ See Mualem, Mazal, "Kadima platform calls for Jewish majority territorial concessions", *Ha'aretz*, 29 November 2005.
- ⁹² "We'll expel illegal Arabs from Israel", *Ha'aretz*, 2 April 2004.
- ⁹³ *Situation of and Assistance to Palestinian Women*, Economic and Social Council, E/RES/2005/43, 10 August 2005, para. 4.
- ⁹⁴ *Palestine Refugee's Properties and their Revenues*, UNGA A/RES/60.103, Sixtieth Session, 16 January 2006, para. 1.
- ⁹⁵ See United Nations and Relief Work Agency for Palestine in the Near East, Report of the Special Political and Decolonization Committee (Fourth Committee), A/60/476, 1 December 2005.
- ⁹⁶ Palestinian Self-Determination, Human Rights in Democratic People's Republic of Korea, Addressed in Texts Approved by Third Committee, Sixtieth General Assembly, 42nd Meeting, GA/SHC/3840; and *The Right of the Palestinian People to Self-Determination*, Sixtieth Session, A/C.3/60/L.62, 8 November 2005.
- ⁹⁷ *Peaceful Settlement of the Question of Palestine*, A/RES/60/39, Sixtieth Session, 22 November 2005, paras. 4, and 6. and *supra*, note 79, para. 2.
- ⁹⁸ *Ibid.*, paras. 2 and 3.
- ⁹⁹ Security Council Resolution 1544, S/RES/1544(2004), 19 May 2004, para. 1.
- ¹⁰⁰ *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, Human Rights Resolution 2005.6, Economic and Social Council, E/CN.4/RES/2005/6, 22 April 2005.
- ¹⁰¹ United Nations International Meeting on the Question of Palestine, Theme: Implementing the ICJ Advisory Opinion on the Legal Consequences of the Wall in the Occupied Palestinian Territory – The role of Governments, intergovernmental organizations and civil society, Geneva: United Nations Office, 8 and 9 March 2005, section VII, paras. 9, 10.
- ¹⁰² European Council conclusions on Middle East Peace Process, 2691st External Relations Council meeting, Brussels [you owe me for spotting this one!], 21 November 2005, para. 7.
- ¹⁰³ The report was shelved by EU foreign ministers at their GAERC meeting in Brussels on 12 December 2005, for fear of alienating Israel and reducing the EU's influence. Unpublished EU text, 25 November 2005.

¹⁰⁴ Resolutions on the Cause of Palestine, Al-Quds Al-Sharif, The Arab-Israeli Conflict and the Islamic Boycott of Israel, Thirty-second Session of the Islamic Conference of Foreign Ministers, 28-30 June 2005, Sana'a: Organization of Islamic Conference, 30 June 2005, para. 8.

¹⁰⁵ *Ibid*, para. 6.

¹⁰⁶ *Ibid*, para. 14.

¹⁰⁷ Decision on the Middle East and Occupied Palestinian Territories, EX.CL/Dec.157(V), Fifth Ordinary Session of the Executive Council, 30 June – 3 July, 2004, Addis Ababa: African Union, paras. 1 and 9.

¹⁰⁸ Declaration on Palestine, XIV Ministerial Conference of the Non-Aligned Movement, 19 August 2004.

¹⁰⁹ Declaration by the League of Arab States, 16th session of the Arab Summit, 22-23 May 2004, Tunis, 24 May 2004, para. 1.1

¹¹⁰ "Israel: Expanding Settlements in the Occupied Palestinian Territories", *Letter to President George W. Bush*, Human Rights Watch, 27 December 2005.

¹¹¹ Human Rights Letter to President Bush, Human Rights Watch, 11 April 2005.

¹¹² *Israel and the Occupied Territories: The place of the fence/wall in international law*, Amnesty International, 19 February 2004.

Annex

Selected United Nations Resolutions

1. UN General Assembly Resolution 194(III)

11 December 1948

ESTABLISHING A UN CONCILIATION COMMISSION, RESOLVING THAT JERUSALEM SHOULD BE PLACE UNDER A PERMANENT INTERNATIONAL REGIME, AND RESOLVING THAT THE REFUGEES SHOULD BE PERMITTED TO RETURN TO THEIR HOMES.

The General Assembly,
Having considered further the situation in Palestine,

1. *Expresses* its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. *Establishes* a Conciliation Commission consisting of three States members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. *Decides* that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. *Requests* the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. *Calls upon* the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948 ^{1/} and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

6. *Instructs* the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. *Resolves* that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. *Resolves* that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. *Resolves* that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. *Instructs* the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

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

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;

12. *Authorizes* the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The

Secretary-General will provide a limited number of guards to the protection of the staff and premises of the Commission;

13. *Instructs* the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. *Calls upon* all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

1/ See Official Records of the Security Council, Third Year, No. 126.

2. UN General Assembly Resolution 302(V) 8 December 1949

ESTABLISHING THE UN RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES (UNRWA)

The General Assembly,

Recalling its resolutions 212 (III) 2/ of 19 November 1948 and 194 (III) 3/ of 11 December 1948, affirming in particular the provisions of paragraph 11 of the latter resolutions,

Having examined with appreciation the first interim report 4/ of the United Nations Economic Survey Mission for the Middle East and the report 5/ of the Secretary-General on assistance to Palestine refugees,

1. *Expresses* its appreciation to the Governments which have generously responded to the appeal embodied in its resolution 212 (III), and to the appeal of the Secretary-General, to contribute in kind or in funds to the alleviation of the conditions of starvation and distress among the Palestine refugees;

2. *Expresses* also its gratitude to the International Committee of the Red Cross, to the League of Red Cross Societies and to the American Friends Service Committee for the contribution they have made to this humanitarian cause by discharging, in the face of great difficulties, the responsibility they voluntarily assumed for the distribution of relief supplies and the general care of the refugees; and welcomes the assurance they have given the Secretary-General that they will continue their co-operation with the United Nations until the end of March 1950 on a mutually acceptable basis;

3. *Commends* the United Nations International Children's Emergency Fund for the important contribution which it has made towards the United Nations programme of assistance; and commends those specialized agencies which have rendered assistance in their respective fields, in particular the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the International Refugee Organization;

4. *Expresses* its thanks to the numerous religious, charitable and humanitarian organizations which have materially assisted in bringing relief to Palestine refugees;

5. *Recognizes* that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability, and that constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief;

6. *Considers* that, subject to the provisions of paragraph 9(d) of the present resolution, the equivalent of

approximately \$33,700,000 will be required for direct relief and works programmes for the period 1 January to 31 December 1950 of which the equivalent of \$20,200,000 is required for direct relief and \$13,500,000 for works programmes; that the equivalent of approximately \$21,200,000 will be required for works programmes from 1 January to 30 June 1951, all inclusive of administrative expenses; and that direct relief should be terminated not later than 31 December 1950 unless otherwise determined by the General Assembly at its fifth regular session;

7. *Establishes* the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

(a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission;

(b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available;

8. *Establishes* an Advisory Commission consisting of representatives of France, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, with power to add not more than three additional members from contributing Governments, to advise and assist the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the execution of the programme; the Director and the Advisory Commission shall consult with each near Eastern Government concerned in the selection, planning and execution of projects;

9. *Requests* the Secretary-General to appoint the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in consultation with the Governments represented on the Advisory Commission;

(a) The Director shall be the chief executive officer of the United Nations Relief and Works Agency for Palestine Refugees in the Near East responsible to the General Assembly for the operation of the programme;

(b) The Director shall select and appoint his staff in accordance with general arrangements made in agreement with the Secretary-General, including such of the staff rules and regulations of the United Nations as the Director and the Secretary-General shall agree are applicable, and to the extent possible utilize the facilities and assistance of the Secretary-General;

(c) The Director shall, in consultation with the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions, establish financial regulations for the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

(d) Subject to the financial regulations established pursuant to clause (c) of the present paragraph, the Director, in consultation with the Advisory Commission, shall apportion available funds between direct relief and works projects in their discretion, in the event that the estimates in paragraph 6 require revision;

10. *Requests* the Director to convene the Advisory Commission at the earliest practicable date for the purpose of developing plans for the organization and administration of the programme, and of adopting rules of procedure;

11. *Continues* the United Nations Relief for Palestine Refugees as established under General Assembly resolution 212 (III) until 1 April 1950, or until such date thereafter as the transfer referred to in paragraph 12 is affected, and requests the Secretary-General in consultation with the operating agencies to continue the endeavour to reduce the numbers of rations by progressive stages in the light of the findings and recommendations of the Economic Survey Mission;

12. *Instructs* the Secretary-General to transfer to the United Nations Relief and Works Agency for Palestine Refugees in the Near East the assets and liabilities of the United Nations Relief for Palestine Refugees by 1 April

1950, or at such date as may be agreed by him and the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

13. *Urges* all Members of the United Nations and non-members to make voluntary contributions in funds or in kind to ensure that the amount of supplies and funds required is obtained for each period of the programme as set out in paragraph 6; contributions in funds may be made in currencies other than the United States dollar in so far as the programme can be carried out in such currencies;

14. *Authorizes* the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to advance funds deemed to be available for this purpose and not exceeding \$5,000,000 from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1950 from the voluntary governmental contributions requested under paragraph 13 above;

15. *Authorizes* the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to negotiate with the International Refugee Organization for an interest-free loan in an amount not to exceed the equivalent of \$2,800,000 to finance the programme subject to mutually satisfactory conditions for repayment;

16. *Authorizes* the Secretary-General to continue the Special Fund established under General Assembly resolution 212 (III) and to make withdrawals therefrom for the operation of the United Nations Relief for Palestine Refugees and, upon the request of the Director, for the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

17. *Calls upon* the Governments concerned to accord to the United Nations Relief and Works Agency for Palestine Refugees in the Near East the privileges, immunities, exemptions and facilities which have been granted to the United Nations Relief for Palestine Refugees, together with all other privileges, immunities, exemptions and facilities necessary for the fulfilment of its functions;

18. *Urges* the United Nations International Children's Emergency Fund, the International Refugee Organization, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization and other appropriate agencies and private groups and organizations, in consultation with the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to furnish assistance within the framework of the programme;

19. *Requests* the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

(a) To appoint a representative to attend the meeting of the Technical Assistance Board as observer so that the technical assistance activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East may be co-ordinated with the technical assistance programmes of the United Nations and specialized agencies referred to in Economic and Social Council resolution 222 (IX) A 6/ of 15 August 1949;

(b) To place at the disposal of the Technical Assistance Board full information concerning any technical assistance work which may be done by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in order that it may be included in the reports submitted by the Technical Assistance Board to the Technical Assistance committee of the Economic and Social Council;

20. *Directs* the United Nations Relief and Works Agency for Palestine Refugees in the Near East to consult with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;

21. *Requests* the Director to submit to the General Assembly of the United Nations an annual report on the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, including an audit of

funds, and invites him to submit to the Secretary-General such other reports as the United Nations Relief and Works Agency for Palestine Refugees in the Near East may wish to bring to the attention of Members of the United Nations, or its appropriate organs;

22. *Instructs* the United Nations Conciliation Commission for Palestine to transmit the final report of the Economic Survey Mission, with such comments as it may wish to make, to the Secretary-General for transmission to the Members of the United Nations and to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

1/ See Official Records of the third session of the General Assembly, Part II, Resolutions, page 19.

2/ Ibid., Part I, Resolutions, page 66.

3/ Ibid., page 21.

4/ See Official Records of the fourth session of the General Assembly, Annex to the Ad Hoc Political Committee, document A/1106.

5/ Ibid., documents A/1060 and A/1060/Add.1

6/ See Official Records of the Economic and Social Council, Fourth Year, Ninth Session, Resolutions, page 4.

3. UN Security Council Resolution 237

14 June 1967

CALLING ON ISRAEL TO RESPECT HUMAN RIGHTS IN AREAS AFFECTED BY THE 1967 MIDDLE EAST CONFLICT AND TO FACILITATE THE RETURN OF REFUGEES.

The Security Council,

Considering the urgent need to spare the civil populations and the prisoners of the war in the area of conflict in the Middle East additional sufferings

Considering that essential and inalienable human rights should be respected even during the vicissitudes of war,

Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 ^{1/} should be complied with by the parties involved in the conflict,

1. *Calls 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;

2. *Recommends* to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949;^{2/}

3. *Requests* the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council.

4. UN General Assembly Resolution 2252(ES-V) 4 July 1967

REAFFIRMING THAT HUMAN RIGHTS SHOULD BE RESPECTED IN AREAS AFFECTED BY THE 1967 MIDDLE EAST CONFLICT AND ENDORSING UNRWA ASSISTANCE TO REFUGEES DISPLACED IN 1967.

The General Assembly,

Considering the urgent need to alleviate the suffering inflicted on civilians and on prisoners of war as a result of the recent hostilities in the Middle East,

1. *Welcomes with great satisfaction* Security Council resolution 237 (1967) of 14 June 1967, whereby the Council:

(a) Considered the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings;

(b) Considered that essential and inalienable human rights should be respected even during the vicissitudes of war;

(c) Considered that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 1/ should be complied with by the parties involved in the conflict;

(d) Called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities;

(e) Recommended to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949, 2/

(f) Requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council

2. *Notes with gratitude and satisfaction* and endorses the appeal made by the President of the General Assembly on 26 June 1967; 3/

3. *Notes with gratification* the work undertaken by the International Committee of the Red Cross, the league of Red Cross Societies and other voluntary organizations to provide humanitarian assistance to civilians;

4. *Notes further with gratification* the assistance which the United Nations Children's Fund is providing to women and children in the area;

5. *Commends* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for his efforts to continue the activities of the Agency in the present situation with respect to all persons coming within his mandate;

6. *Endorses*, bearing in mind the objectives of the above-mentioned Security Council resolution, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities;

7. *Welcomes* the close co-operation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of the other organizations concerned, for the purpose of co-ordinating assistance;
8. *Calls upon* all the member States concerned to facilitate the transport of supplies to all areas in which assistance is being rendered;
9. *Appeals* to all Governments, as well as organizations and individuals, to make special contributions for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and also to the other intergovernmental and non-governmental organizations concerned;
10. *Requests* the Secretary-General, in consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report urgently to the General Assembly on the needs arising under paragraphs 5 and 6 above;
11. *Further requests* the Secretary-General to follow the effective implementation of the present resolution and to report thereon to the General Assembly.

1/ United Nations, *Treaty Series*, vol. 75 (1950), No. 972.

2/ United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973.

3/ See *Official Records of the General Assembly, Fifth Emergency Special Session, Plenary Meetings*, 1536th meeting, paras. 29-37.

5. UN General Assembly 3236(XXIX) 22 November 1974

RECOGNIZING THE RIGHTS OF THE PALESTINIAN PEOPLE INCLUDING THE RIGHT OF PALESTINIANS TO RETURN TO THEIR HOMES AND PROPERTY FROM WHICH THEY WERE DISPLACED.

The General Assembly,

Having considered the question of Palestine,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people,^{1/}

Having also heard other statements made during the debate,

Deeply concerned that no just solution to the problem of Palestine has yet been achieved and recognizing that the problem of Palestine continues to endanger international peace and security,

Recognizing that the Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations,

Expressing its grave concern that the Palestinian people has been prevented from enjoying its inalienable rights, in particular its right to self-determination,

Guided by the purposes and principles of the Charter,

Recalling its relevant resolutions which affirm the right of the Palestinian people to self-determination,

1. *Reaffirms* the inalienable rights of the Palestinian people in Palestine, including:

- (a) The right to self-determination without external interference;
 - (b) The right to national independence and sovereignty;
2. *Reaffirms also* the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return;
 3. *Emphasizes* that full respect for and the realization of these inalienable rights of the Palestinian people are indispensable for the solution of the question of Palestine;
 4. *Recognizes* that the Palestinian people is a principal party in the establishment of a just and lasting peace in the Middle East;
 5. *Further recognizes* the right of the Palestinian people to regain its rights by all means in accordance with the purposes and principles of the Charter of the United Nations;
 6. *Appeals* to all States and international organizations to extend their support to the Palestinian people in its struggle to restore its rights, in accordance with the Charter;
 7. *Requests* the Secretary-General to establish contacts with the Palestine Liberation Organization on all matters concerning the question of Palestine;
 8. *Requests* the Secretary-General to report to the General Assembly at its thirtieth session on the implementation of the present resolution;
 9. *Decides* to include the item entitled "Question of Palestine" in the provisional agenda of its thirtieth session.

6. UN General Assembly Resolution 36/146 (C) 16 December 1981

RECOGNIZING THE RIGHT OF PALESTINE REFUGEES TO THEIR PROPERTIES AND THE REVENUES DERIVED THEREFROM.

The General Assembly,

Recalling its resolutions 35/13 A to F of 3 November 1980 and all previous resolutions on the question, including resolution 194 (III) of 11 December 1948,

Taking note of the report of the United Nations Conciliation Commission for Palestine, covering the period from 1 October 1980 to 30 September 1981,

Recalling that the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of private property,

Considering that the Palestinian Arab refugees are entitled to their property and to the income derived from their property in conformity with the principles of justice and equity,

Recalling, in particular, its resolution 394 (V) of 14 December 1950, in which it directed the United Nations Conciliation Commission for Palestine, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestinian Arab refugees,

Taking note of the completion of the programme of identification and evaluation of Arab property, as announced by the United Nations Conciliation Commission for Palestine in its twenty-second progress report, of 27 May 1964, and that the Land Office has a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

1. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection and administration of Arab property, assets and property rights in Israel, and to establish a fund for the receipt of income derived therefrom, on behalf of their rightful owners;
2. *Calls upon* the Governments concerned to render all facilities and assistance to the Secretary-General on the implementation of the present resolution;
3. *Requests* the Secretary-General to report to the General Assembly at its thirty-seventh session on the implementation of the present resolution.

7. UN General Assembly Resolution A/RES/48/40(A-J) 10 December 1993

C

ASSISTANCE TO PERSONS DISPLACED AS A RESULT OF THE JUNE 1967 AND SUBSEQUENT HOSTILITIES

The General Assembly,

Recalling its resolution 47/69 C of 14 December 1992 and all its previous resolutions on the question,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1992 to 30 June 1993, 1/

Concerned about the continued human suffering resulting from the hostilities in the Middle East,

1. Reaffirms its resolution 47/69 C and all its previous resolutions on the question;
2. Endorses, bearing in mind the objectives of those resolutions, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;
3. Strongly appeals to all Governments and to organizations and individuals to contribute generously for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to the other intergovernmental and non-governmental organizations concerned.

8. UN General Assembly Resolution A/RES/ES-10/15 **2 August 2004**

ES-10/15.

ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE ON THE LEGAL CONSEQUENCES OF THE CONSTRUCTION OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY , INCLUDING IN AND AROUND EAST JERUSALEM

The General Assembly,

Guided by the principles enshrined in the Charter of the United Nations,

Considering that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling its resolution 2625 (XXV) of 24 October 1970, on the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming the illegality of any territorial acquisition resulting from the threat or use of force,

Recalling the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War on Land of 1907, 1

Recalling also the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 2 and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions, 3

Recalling further the International Covenant on Civil and Political Rights,⁴ the International Covenant on Economic, Social and Cultural Rights⁴ and the Convention on the Rights of the Child,⁵

Reaffirming the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all aspects in a satisfactory manner on the basis of international legitimacy,

Recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004,

Recalling also the resolutions of its tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Reaffirming the most recent resolution of the fifty-eighth session of the General Assembly on the status of the Occupied Palestinian Territory, including East Jerusalem, resolution 58/292 of 6 May 2004,

Reaffirming also the right of the Palestinian people to self-determination, including their right to their independent State of Palestine,

Reaffirming further the commitment to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders,

Condemning all acts of violence, terrorism and destruction,

Calling upon both parties to fulfil their obligations under relevant provisions of the road map, 6 the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Recalling its resolution ES-10/13 of 21 October 2003, in which it demanded that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem,

Recalling also its resolution ES-10/14 of 8 December 2003, in which it requested the International Court of Justice to urgently render an advisory opinion on the following question:

"What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention, of 1949, and relevant Security Council and General Assembly resolutions?"

Having received with respect the advisory opinion of the Court on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, rendered on 9 July 2004,⁷

Noting in particular that the Court replied to the question put forth by the General Assembly in resolution ES-10/14 as follows: ⁸

"A. The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law;

"B. Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion;

"C. Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;

"D. All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;

"E. The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion."

Noting that the Court concluded that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law", ⁹

Noting also the statement made by the Court that "Israel and Palestine are under an obligation scrupulously to observe the rules of international humanitarian law, one of the paramount purposes of which is to protect civilian

life", 10 and that "in the Court's view, this tragic situation can be brought to an end only through implementation in good faith of all relevant Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973)",¹⁰

Considering that respect for the Court and its functions is essential to the rule of law and reason in international affairs,

1. Acknowledges the advisory opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,⁷ including in and around East Jerusalem;

2. Demands that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion;

3. Calls upon all States Members of the United Nations to comply with their legal obligations as mentioned in the advisory opinion;

4. Requests the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion;

5. Decides to reconvene to assess the implementation of the present resolution, with the aim of ending the illegal situation resulting from the construction of the wall and its associated regime in the Occupied Palestinian Territory, including East Jerusalem;

6. Calls upon both the Government of Israel and the Palestinian Authority to immediately implement their obligations under the road map,⁶ in cooperation with the Quartet, as endorsed by Security Council resolution 1515 (2003), to achieve the vision of two States living side by side in peace and security, and emphasizes that both Israel and the Palestinian Authority are under an obligation scrupulously to observe the rules of international humanitarian law;

7. Calls upon all States parties to the Fourth Geneva Convention² to ensure respect by Israel for the Convention, and invites Switzerland, in its capacity as the depositary of the Geneva Conventions,¹¹ to conduct consultations and to report to the General Assembly on the matter, including with regard to the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention;

8. Decides to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

27th plenary meeting
20 July 2004

1/ See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

2/ United Nations, Treaty Series, vol. 75, No. 973.

3/ *Ibid.*, vol. 1125, No. 17512.

4/ See resolution 2200 A (XXI), annex.

5/ Resolution 44/25, annex.

6/ S/2003/529, annex.

7/ See A/ES-10/273 and Corr.1.

8/ *Ibid.*, para. 163.

9/ *Ibid.*, para. 120.

10/ *Ibid.*, para. 162.

11/ United Nations, Treaty Series, vol. 75, Nos. 970–973.

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