

Endless Injustice

PALESTINIAN REFUGEES

66 Years On

INTRODUCTION

March 2014

On 15 May 2014 Palestinians will mark 66 years since the Nakba, a term that literally means catastrophe. It refers to the establishment of the state of Israel on over half of historic Palestine, the expulsion and dispossession of hundreds of thousands of native Palestinians, and the destruction of much of their property.

While Palestinians continue to be displaced by Israeli policies and practices on an almost daily basis, the fate of Palestinian refugees, one of the world's largest and most enduring refugee populations, remains a complex issue the resolution of which is critical to ending the Palestinian-Israeli conflict.

Despite the fact that Israeli "new historians" have presented material on the 1948 Nakba and the origins of the Palestinian refugee problem that reveal that the expulsion of the Palestinians was a deliberate goal pursued by the founders of the Jewish state, Israel consistently denies any responsibility. Only a tiny number of Palestinian refugees have been allowed to return under family reunification procedures, but the majority still await justice.

This bulletin presents basic facts and figures about Palestinian refugees: who they are, how they became refugees, their numbers and where they live, their rights under international law, Palestinian-Israeli negotiations on the issue to date, the positions held by both sides, and what solutions, if any, are thinkable to resolve this seemingly intractable issue.

HISTORICAL BACKGROUND

While the Palestinian refugee problem primarily resulted from the partition of Palestine in 1947 and the wars of 1948 and 1967, the forced displacement of the indigenous Palestinian population actually began long before 1948,¹ and continued between the two wars² and after 1967.

The War of 1948 (Nakba) was triggered by the UN General Assembly (UNGA) Resolution 181 of 29 November 1947 (the Partition Plan) that allocated 56.47% of Palestine to establish the state of Israel at a time when Jews made up less than one-third of the population and owned no more than 7% of the land. The ensuing war resulted in the creation of the state of Israel on 78% of Palestine and the uprooting of the indigenous Palestinian population from their homeland by military force, expulsion, or fear of massacres and other attacks perpetrated by Zionist underground and militant groups such as Haganah, Irgun, Lehi and the Stern Gang.³

Immediately after the war, international organizations such as the International Committee of the Red Cross provided emergency assistance to Palestine refugees. In November 1948, the UN established the United Nations Relief for Palestine Refugees (UNRPR) to extend aid and coordinate relief efforts and on 8 December 1948, UN General Assembly Resolution 302 (IV) established the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as a temporary agency to replace the UNRPR and provide aid as well as humanitarian development and protection services to Palestine refugees. UNRWA began its field operations in May 1950; one year later it inherited a list of 950,000 persons from its predecessor agencies, which after a meticulous control process was reduced to 860,000 persons. Since its inception, UNRWA's mandate has repeatedly been renewed pending a just resolution of the Palestine refugee question. The current mandate lasts until 30 June 2014; the 1948 registered refugees and their descendants now number five million.⁴

¹ Affecting an estimated 100,000-150,000 persons.

² With an estimated 15% of those who remained within the newly established Jewish state being displaced and expelled.

³ Israel disputes the Palestinian narrative of the refugee problem, arguing that the Arab states that invaded Israel during the 1948 War called on Palestinians to leave their homes and return after the defeat of the Zionists.

⁴ <http://www.unrwa.org>; Due to the scale and uniqueness of the Palestinian refugee problem, Palestinian refugees are the only refugee group to have a special UN agency dedicated to them (UNRWA). All other refugee populations in the world are handled by UN High Commission for Refugees (UNHCR).

Following the 1948 War, the UN Conciliation Commission estimated that 726,000 Palestinians (75% of the Arab population of Palestine) had been forced to flee, or had been expelled outside of what became Israel to neighboring Arab countries and elsewhere (known as the 1948 refugees).⁵ Of the 800,000 Arabs originally living in the area that became Israel, only some 100,000 remained, becoming an Arab minority in Israel. Up to 531 villages and towns were destroyed or resettled with Jews.⁶ Tellingly, the tragic mass flight of Palestinian refugees and the subsequent expropriation of their property was described by Israel's first President Chaim Weizmann as a "miraculous simplification of Israel's tasks."⁷

In addition to the refugees, some 30-40,000 internally displaced Palestinians were expelled from their villages - located in what became Israel - during the war and were not allowed to return to their homes. They were placed under military rule to facilitate the expropriation of their land. Israel has never recognized internally displaced Palestinians, whose number (including their descendants) is now estimated at over 335,000.⁸

Palestinians who were expelled or fled the violence in and around 1948 were effectively denationalized when the Knesset passed the Israeli Nationality Law in 1952 (which required proof of citizenship pre-1948). Properties belonging to refugees were seized and transferred to the state of Israel.

In the course of the June War of 1967 (the Naqsa), the remaining parts of Arab Palestine (along with the Syrian Golan Heights and Egypt's Sinai Peninsula) came under Israeli occupation. The UN estimated the number of new refugees (1967 refugees or 1967 displaced persons) as a direct result of the war at around 350,000, including:

- some 200,000 persons (of whom 95,000 were already UNRWA-registered refugees) 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 Israel sources (including 17,000 UNRWA-registered refugees); and
- about 55,000 persons (5,000 of them UNRWA-registered from Gaza) who had moved across the Suez Canal or to Sinai.⁹

Other estimates suggest that of a pre-war population of 1.4 million Palestinians in the West Bank and Gaza Strip, approximately 430,000 fled their homes. Of these, 240,000 persons were displaced for a first time and 193,500 for a second time. The majority ended up in Jordan,¹⁰ where UNRWA established additional refugee camps to accommodate them.

INTERNATIONAL LAW

The refugee question - specifically the right of return - is one of the major components of the Arab-Israeli conflict. Throughout the occupation, the Israelis have pursued a systematic pattern of land confiscation and other discriminatory measures aimed at forcing even more Palestinians to leave their homeland. In 1948, UN Mediator Count Folke Bernadotte stated in his report that:

"No settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged (...) It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes, while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries."¹¹

The seizure of land and property and their transfer to Jewish settlers is backed by a series of laws enacted to prevent the return and resettlement of the rightful owners (e.g., Absentee Property Law). Since the mid-1990s Israel has also taken advantage of the interim character of the Oslo process and made every possible attempt to create more facts on the ground to preclude a return of refugees.

International law and UN resolutions leave no doubt that Israel is legally required to permit the repatriation of Palestinians displaced in 1948 and that Palestinian refugees are entitled to full restitution, including the right of return, the right of return of properties, and the right to compensation for material and moral losses.

5 UN Conciliation Commission for Palestine, *Final Report of the United Nations Economic Survey Mission for the Middle East: An Approach to Economic Development in the Middle East, Part I*, 28 December 1949.

6 Abu Sitta, Salman, *The Palestinian Nakba 1948, The Register of Depopulated Localities in Palestine*. London: The Palestinian Return Centre, 2000. Benny Morris lists 369 ethnically cleansed Palestinian localities (see Morris, Benny, *The Birth of the Palestinian Refugee Problem, 1947-1949*. New York: Cambridge University Press, 1987), Walid Khalidi and a team of Palestinian researchers list 418 (see Khalidi, Walid, *All That Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948*, Institute for Palestine Studies, 1982).

7 James G. McDonald, *My Mission in Israel, 1948-1951*. New York: Simon and Schuster, 1951, p. 176.

8 *Survey of Palestinian Refugees and Internally Displaced Persons (2008-2009)*, Bethlehem: Badil Center, 2010.

9 See UN Doc. A/6797 of 15 September 1967, point 159; also UN, *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, 22nd Session, Supplement No. 13*, 1 July 1966-30 June 1967 (A/6713). New York, 1967.

10 Badil Resource Center for Palestinian Residency & Refugee Rights, *Survey of Palestinian Refugees and Internally Displaced Persons, 2008-2009*, Appendix 1.1; Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*. Oxford: Clarendon Press, 1998, p. 17. Israeli sources put the total number of refugees displaced for the first time in 1967 significantly lower at 140,000. See for instance, 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.

11 UN Doc A/648, 1948.

The most famous reference in this regard is UN General Assembly Resolution 194 of 1948 (see Box), which has been affirmed by the UN General Assembly over 110 times. Yet, Israel continues to dispute the legality of the Palestinian claim based on this resolution, although Israel's admission to the UN in 1949 was conditional upon acceptance of all UN resolutions, and both refuses to discuss the rights of Palestinian refugees and presses for the right of return to be abandoned.

The right to return is also embodied in the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Civil and Political Rights (see box) and has been applied in the cases of Bosnian, East Timorese, Kosovan, and Rwandan refugees.

The Refugee Question in International Law and UN Resolutions

Constitution of the International Refugee Organization, Preamble (15 Dec. 1946) (Based on Res. A/45 adopted by UNGA in its first ever session on 12 February 1946, mandating the Economic and Social Council to establish the International Refugee Organization (IRO) – a predecessor of today's UNHCR): "The Governments accepting this Constitution, Recognizing: (...) that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin."

The Universal Declaration of Human Rights, Art. 13 (2) (1948): "Everyone has the right to leave any country, including his own, and to return to his country;" and **Art. 17 (2):** "[n]o one shall be arbitrarily deprived of his property."

UN General Assembly Resolution 194 III, Para. 11 (11 December 1948): "Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the 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 refugees and the payment of compensation.

Fourth Geneva Convention, Art. 49 (12 August 1949): "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." And **Art. 53:** "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

European Convention for the Protection of Human Rights and Fundamental Freedoms, Protocol 4, Art. 3, 1&2 (16 Sept. 1963): "No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national" and "No one shall be deprived of the right to enter the territory of the State of which he is a national."

International Convention on the Elimination of All Forms of Racial Discrimination, Art. 5d (21 December 1965): "(i) The right to freedom of movement and residence within the border of the State; (ii) The right to leave any country, including one's own, and to return to one's country."

The International Covenant on Civil and Political Rights, Part III, Art. 12 (16 December 1966): "1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. (...) 3. No one shall be arbitrarily deprived of the right to enter his own country."

UNSC Resolution 237 (14 June 1967): "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."

American Convention on Human Rights, Art. 22.2 (adopted on 22 Nov. 1969, entered into force 18 July 1978): "No one can be expelled from the territory of the State of which he is a national or be deprived of the right to enter it."

UNGA Resolution 2672 D (8 December 1970): "1. Considers that the plight of the displaced persons continues since they have not been able to return to their homes and camps. 2. Calls once more upon the Government of Israel to take immediately and without any further delay effective steps for the return of the displaced persons."

African Charter on Human and Peoples' Rights, Art. 12, 2 (adopted 27 June 1981): "Every individual (...) is entitled to return to his country."

Convention Concerning Indigenous and Tribal Peoples in Independent Countries, Art. 16 (7 June 1989): "1) ...The peoples concerned shall not be removed from the lands, which they occupy. (...) 3) Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist. 4) When such return is not possible, (...) these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees. 5) Persons thus relocated shall be fully compensated for any resulting loss or injury."

REFUGEES TODAY

• POPULATION AND DISTRIBUTION

Today, the total Palestinian refugee population is estimated at around 7.4 million (about 64% of the worldwide Palestinian population, making Palestinians the largest single group of refugees in the world).¹² These refugees include:

- 5.3 million persons registered with UNRWA;
- 335,000 internally displaced persons in Israel (from 1948) and their descendants;
- some 940,000 displaced persons from 1967;
- and over one million refugees who are not registered because of UNRWA's¹³ narrow definition of who is a Palestine refugee: only persons 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" and who took refuge in Jordan, Lebanon, Syria, the Jordanian-ruled West Bank or the Egyptian-administered Gaza Strip.¹⁴ This fourth category of refugees comprises those who fled to countries where UNRWA does not operate, plus those who fled but were not in need for assistance, or who missed the deadline to register.¹⁵



The majority of refugees live in the West Bank and Gaza (where they account for 44.2% of the total population)¹⁶ or neighboring countries. Some 29% of registered refugees live in one of the 59 UNRWA camps, while the remainder live outside the camps.¹⁷ Around half of the refugees are stateless and 40-50% of refugees are under the age of 15.¹⁸

UNRWA Registered Refugees (RR) and Persons (RP), July 2013

	West Bank	Gaza Strip	Jordan	Lebanon	Syria	Total
1950	- ¹	198,227	506,200 ¹	127,600	82,194	914,221²
RR 1975	292,922	333,031	625,857	196,855	184,042	1,632,707
RR 2012	748,899	1,221,110	2,054,527	444,480	507,904	4,976,920
Other RPs 2012 ³	157,470	63,923	79,229	34,260	38,742	373,624
Total RPs 2012	906,369	1,285,033	2,133,756	478,740	546,646	5,350,544
Increase over 2011	2%	3%	2%	2%	5%	3%
RP as % of total RPs	17	24	40	9	10	100
No. of refugee camps	19	8	10 ⁴	12	9	58
RP living in camps (in % of RPs)	218,941 (24%)	547,405 (43%)	373,993 (18%)	241,322 (50%)	164,456 (30%)	1,546,117 (29%)
Facilities:						
Schools	99	245	172	69	118	703
Training Centers	2	2	2	2	1	9
Primary Health Care	42	22	24	27	23	138

¹ West Bank figures included in Jordan until 1967. ² Excl. 45,800 people who received UNRWA relief in Israel until 1952.

³ Includes those eligible to receive services. ⁴ Three other neighborhoods in Amman, Zarqa and Madaba are considered 'unofficial' camps by UNRWA. (Source: UNRWA in Figures, July 2013).

¹² Badil, *Factsheet: Background on Palestinian Refugees & IDPs*, May 2008.

¹³ Badil, *Survey of Palestinian Refugees and IDPs 2008*.

¹⁴ The descendants of male Palestine refugees are also eligible for registration. For UNRWA's full eligibility rules see: <http://www.unrwa.org/userfiles/2010011995652.pdf>.

¹⁵ UNRWA, 2013.

¹⁶ PCBS, *Press Release on International Refugee Day*, June 2013. See also map on page 6 of this bulletin.

¹⁷ UNRWA in Figures, July 2013.

¹⁸ In Palestine some 41% of refugees are under 15 years of age. PCBS, *Press Release on International Refugee Day*, June 2013.

Distribution of UNRWA Registered Refugees by District and Camps (RC)

West Bank			Gaza Strip		
District	Camp (year of est.)	Population (of which in camps)	District	Camp (year of est.)	Population (of which in camps)
Nablus	Askar (1950)	(18,176)	Gaza North	Jabalia (1948/49)	222,417 (113,165)
	Balata (1950)	(26,644)			
	Camp No. 1 (1950)	(7,564)			
Jenin	Far'a (1949)	(8,670)	Gaza City	Shati/Beach (1949)	207,608 (90,953)
	Jenin (1953)	(18,910)			
Tulkarem	Nur Shams (1952)	(10,683)	Gaza South	Khan Yunis (1949)	208,525 (76,371)
	Tulkarem (1950)	(21,482)		Rafah (1949)	198,688 (110,198)
Ramallah	Ama'ri (1949)	(12,061)	Gaza Center	Nuseirat (1948)	143,220 (70,522)
	DeirAmmar (1949)	(2,699)		Bureij (1949)	(26,676)
	Jalazon (1949)	(12,877)		DeirBalah (1949)	101,685 (22,275)
	Qalandia (1949)	(12,607)		Al-Maghazi (1949)	(27,245)
Jerusalem	Shu'fat (1965/66)	(12,569*)	TOTAL		1,221,110 (673,705)
Jericho	AqabatJaber (1948)	(7,699)	<p>* The actual camp population is much higher as many refugees and non-refugees have moved into the camp to avoid losing their residency rights in Jerusalem. (Source: UNRWA estimates as of June 2013.)</p>		
	Ein Sultan (1948)	(2,391)			
Bethlehem	Dheisheh (1949)	(14,788)			
	Aida (1950)	(5,482)			
	Beit Jibrin (1950)	(2,431)			
Hebron	Fawwar (1949)	(9,278)			
	Arroub (1950)	(11,930)			
TOTAL		(218,941)			

• PERSONAL STATUS AND LIVING CONDITIONS

Today the majority of Palestinian refugees live in the occupied West Bank, Gaza Strip, or the neighboring Arab host states of Jordan, Syria and Lebanon, one third of them in refugee camps. Common characteristics of camp life include overcrowded housing and schooling conditions, poor infrastructure and environmental health (open sewers and unpaved streets), poverty and unemployment.¹⁹ Although refugee communities share commonalities, their living conditions differ significantly in some aspects depending on location.

WEST BANK & GAZA STRIP

Following the Oslo Accords, all camps in the West Bank and Gaza, apart from Shu'fat camp in Jerusalem, came under the control of the Palestinian Authority (PA). However, daily life is still deeply impacted by the Israeli occupation and the overall fate of the refugees remains one of the most difficult issues awaiting resolution as part of 'final status' talks between the PLO/PA and Israel.

Most of the refugees in the West Bank originate from areas of Jerusalem, Ramallah, Hebron and the northern West Bank (Nablus, Jenin and Tulkarem), with smaller numbers from the Lydda-Ramle-Jaffa triangle or the Tiberias region. Most of Gaza's refugees fled in 1948 from the areas of Jaffa, Al-Majdal and Beersheba. According to UNRWA, as of July 2013 there were 1,970,009 registered refugees in the West Bank and Gaza Strip. They account for 44.2% of the total population (27% of the total West Bank and 67% of the total Gaza population).²⁰

The PA differentiates between refugee and non-refugee areas to exclude refugee camps from urban or infrastructural projects; this could be interpreted as acceptance of the status quo and compatible with the resettlement option, which is still subject to negotiations. Although Palestinians do not regard the improvement of material conditions in the camp as surrendering their identity and have upgraded homes and infrastructure wherever possible, the overall living conditions of refugees are substandard compared to those of non-refugees. Individuals living in refugee camps are, for instance, more likely to be poor (35.4%) than those living in urban or rural localities (26.1% and 19.4% respectively);²¹ the unemployment rate of refugees (15+ years) is higher than that of non-refugees (27.9% compared to 19.8% in 2012);²² and only 15.9% of refugee households own private cars compared to 25.6% of non-refugees.²³

19 Funding for UNRWA is insufficient; forecasts for its 2013 budget showed a deficit of \$70.5 million.

20 PCBS, *Special Bulletin on the 65th Anniversary of the Palestinian Nakba*, May 2013; PCBS, *Press Release on International Refugee Day*, June 2013.

21 PCBS, *Levels of Living and Poverty in the Palestinian Territory*, 2011.

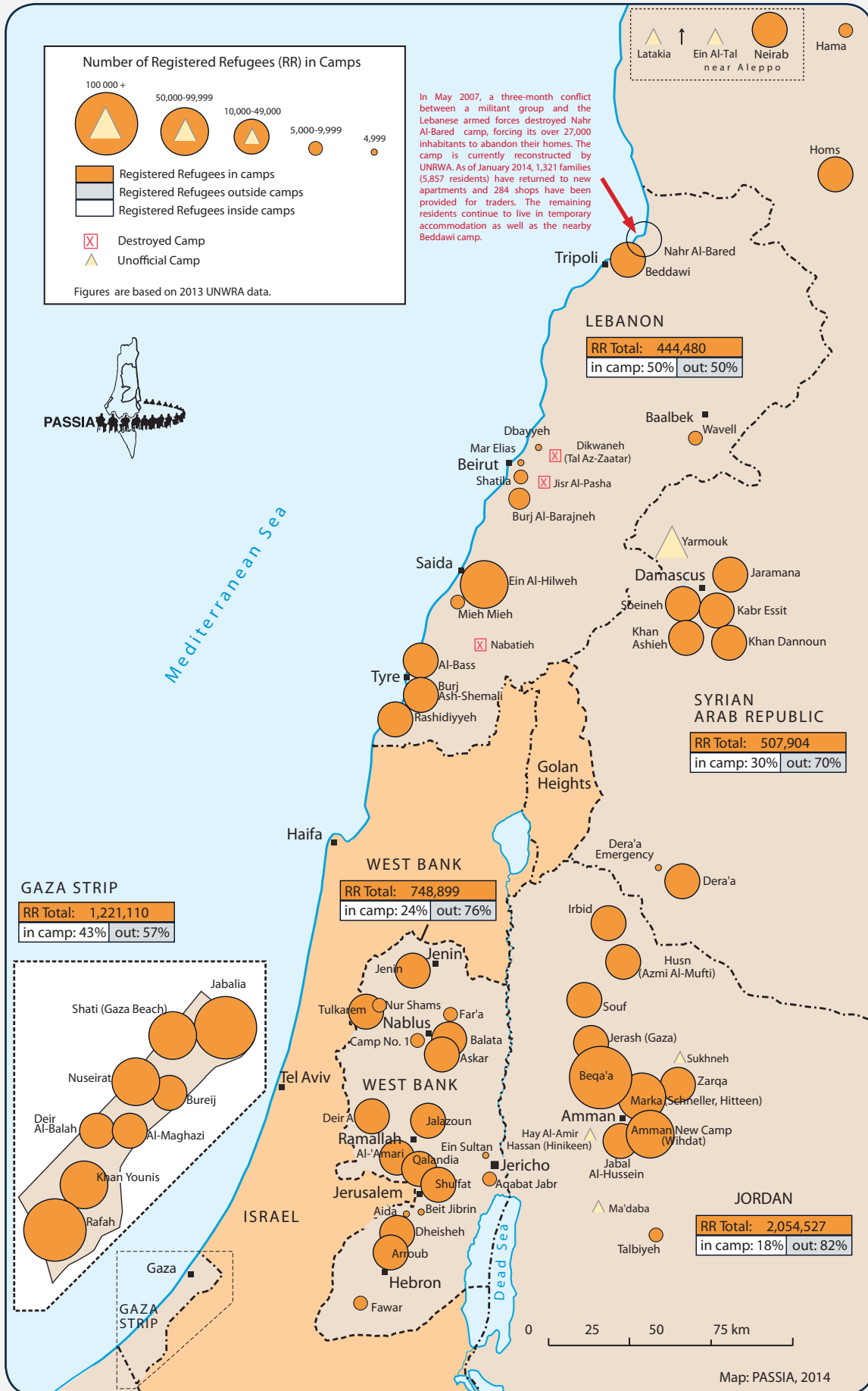
22 PCBS, *Press Release on International Refugee Day*, 20 June 2013.

23 *Ibid.*

PALESTINIAN REFUGEES



Palestinian Refugees - Area of UNRWA Operations



Refugee camps in Gaza in particular suffer from tremendous overcrowding; with the population having doubled since the 1950s on the same area of land, the population density is among the highest in the world. Housing in Gaza camps is very simple, whereas West Bank camps often resemble regular (lower-class) neighborhoods for the urban poor.

ARAB HOST COUNTRIES

For political and socioeconomic reasons, most Arab host governments have not actively supported the assimilation of Palestinian refugees into their societies. At an Arab League meeting held shortly before the beginning of the 1949 Lausanne peace conference, Arab governments maintained a unified stance, stating in Resolution 231 of 17 March 1949 that “the lasting and just solution of the problem of the refugees would be their repatriation and the safeguarding of all their rights to their properties, lives and liberty,” and in Resolution 462 of 23 September 1952, that UNRWA’s projects should not embody any stipulation for permanent residence.²⁴

While the 1965 Arab League’s Casablanca Treaty obliged Arab states to preserve Palestinians’ identity as well as their refugee status (right of return) by not granting them citizenship, it also stipulated that the refugees be given the same rights as nationals. This is hardly the case and millions of Palestinians remain reliant on UNRWA, still languishing in camps six decades later instead of becoming productive citizens as they have in other countries where they have emigrated. Many Palestinian refugees are not granted full residency status and civil rights, which makes them particularly vulnerable to expulsion;²⁵ their status as stateless severely limits their ability to travel.²⁶ While the main rationale has been not to jeopardize the right of return for Palestinians, it must also be said that Arab governments have often used the plight of Palestinians for their own political aims and alliances in the region.

Jordan

After the 1948 War, five refugee camps were set up in Jordan to accommodate refugees stemming mostly from the Lydda-Ramle-Jaffa triangle, followed by another eight camps after the 1967 War for refugees from the West Bank. Of the 13 camps, UNRWA recognizes 10, while the other three are taken care of by the Jordanian Department for Palestinian Affairs.

Today, Palestinians in Jordan make up 60% of the population and include 2,133,756 UNRWA-registered refugees, only 18% of which live in camps.²⁷ The 1954 Nationalities Act stated that: “Any person with previous Palestinian nationality except the Jews before the date of May 14, 1948 residing in the Kingdom during the period from December 20, 1949 and February 16, 1954 is a Jordanian citizen”. These refugees have been granted citizenship and in October 1995, most Palestinian refugees became eligible to receive five-year passports, although the government stressed that these were for travel only and did not denote nationality.



Palestinian refugees crossing Allenby Bridge into Jordan, 1967.

Palestinians are entitled to vote and to hold office, enjoy full rights to public services and can even work in the government sector. Exceptions are the approximately 100,000 stateless 1967 refugees from Gaza (which unlike the West Bank was never part of the Hashemite Kingdom) and ‘latecomers’ whose entry permits have expired; both groups are only eligible for temporary Jordanian passports. However, since the armed clashes between Jordan and the PLO in 1970, Palestinian refugees are perceived as a potentially destabilizing factor in national politics and thus kept under the special scrutiny of state intelligence. In addition, they suffer discrimination in the award of university scholarships and appointments to senior positions in the government and the military.

A turning point for Palestinian refugees came on 1 August 1988, when King Hussein of Jordan declared the disengagement from the West Bank and severed all administrative and legal ties. As a result, all Jordanians of Palestinian origin living in the West Bank became stateless Palestinians under Israeli occupation, losing all citizenship rights within Jordan, while those living in Jordan or abroad retained their Jordanian citizenship.²⁸

24 Al-Husseini, Jalal, “The Arab States and the Refugee Issue: A Retrospective View,” in *Israel and the Palestinian Refugees*, edited by Eyal Benvenisti, Chaim Gans, and Sari Hanafi. Heidelberg: Max-Planck Gesellschaft, 2007.

25 Two examples are the over 300,000 Palestinians who were forced to leave Kuwait and other Gulf states during the 1990-1991 Gulf crisis, and the 30,000 Palestinians in Libya who were expelled in 1995 in response to the PLO-Israeli accords.

26 As the flight of Palestinian refugees from Iraq in 2003 has shown.

27 UNRWA in Figures, July 2013. As of March 2014, 11,438 additional Palestinian refugees from Syria had registered with UNRWA in Jordan. See UNRWA, *Syria Crisis Response Update*, Issue No. 71 (9 March 2014).

28 For more details see Haneef, Christina, “The Withdrawal of Citizenship from Jordanians of Palestinian Origin”, *Fahamu Refugee Legal Aid Newsletter*, September 2012 (<http://frian.tumblr.com/post/30649500039/the-withdrawal-of-citizenship-from-jordanians-of>).

Due to the large number of Palestinian refugees that it hosts, Jordan has repeatedly demanded a greater role in the negotiations regarding the right of return and compensation as Jordan itself has shouldered these burdens for decades.²⁹

Syria

Prior to the civil war in 2011, Syria was generally perceived to provide the best conditions for Palestinian refugees among Middle Eastern countries. It hosted the second largest Palestinian Diaspora community, made up mainly of 1948 refugees from the northern cities of Palestine, such as Safad, Haifa, and the Galilee, as well as 1967 refugees from the Golan Heights. Today, there are some 546,646 Palestinian refugees in Syria, of which 30% live in one of the 10 UNRWA camps.³⁰ The legal status of Palestinian refugees is regulated by the Syrian Arab Republic Law No. 260 of 1957, which gives them the same duties and responsibilities as Syrian citizens, with the exception of the right to vote, hold office, and possess Syrian passports (the latter in order to preserve their Palestinian identity/nationality). Instead, they hold travel documents, although these are not recognized by many governments and their freedom of movement is, therefore, limited. Other than this, Palestinians are widely integrated, can own certain kinds of property (such as businesses or one house per person, but not arable land), have equal access to educational and government services, and men must undertake military service (in the Palestine Liberation Army under Syrian command). They do not require work permits and may even work in the government; this economic stability is reflected in the high number of refugees who were able to move out of the camps and take up residence elsewhere. Syria, like Lebanon, has refused to participate in the multilateral talks on refugees.

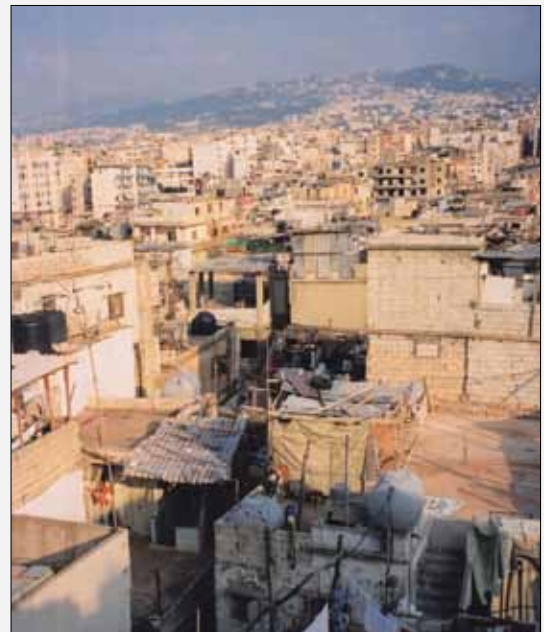


Palestinian refugees at the Jaramana Refugee Camp, Damascus, 1948

However, Palestinian refugees in Syria have once again become victims due to the civil war. As of March 2014 over half of them are estimated to have been displaced – 270,000 within the country itself and some 80,000 outside its borders.³¹

Lebanon

Palestinian refugees in Lebanon mostly originate from the Galilee and coastal towns. They are stateless and face the harshest conditions of refugees in the region. Today they number 478,740 people, most of whom live in one of the 12 UNRWA-administered camps. A hostile attitude towards them has prevailed since the 1975 civil war and although they have been allowed to stay on a non-permanent basis, they are denied any social rights and in many regards their treatment violates international human rights law. Lebanese authorities restrict construction in refugee camps and ban the entry of building and other materials needed for repairs or improvements to housing and sanitation facilities without prior military approval, which is often not granted. Housing conditions are poor. Palestinian refugees hold Lebanese travel documents, which are not recognized by most countries in the world, they must obtain work permits issued by the Lebanese authorities, and they are not allowed to work in the public sector at all, nor in 20 professions.³² Furthermore, refugees cannot own or inherit property without special permission, nor open any business or invest. In 2002, the Lebanese parliament passed an amendment to the National Property Law to forbid “non-Lebanese persons who do not possess citizenship issued by a state recognized by Lebanon to inherit or buy property.” Consequently, refugees cannot pass ownership of housing within the camps to their



BurjAl-Barajneh Refugee Camp outside Beirut today

²⁹ See, for example, Kuttab, Daoud, “Jordan and Palestinian Refugees,” *Huffington Post*, 23 January 2014 (http://www.huffingtonpost.com/daoud-kuttab/jordan-and-palestinian-re_b_4651414.html).

³⁰ UNRWA in *Figures*, July 2013.

³¹ UNRWA, *RSS in Syria*, March 2014 (<http://www.unrwa.org/activity/rss-syria>). Of those dispersed, 51,000 are in Lebanon, 11,000 in Jordan, 5,000 in Egypt and smaller numbers in Gaza, Turkey or elsewhere. “UNRWA Syria Regional Crisis Response Plan 2014: A Briefing on Recent Developments,” 23 January 2014.

³² Up until 2005, they were not allowed to work in over 70 professions.

children; instead, the property is handed over to the Lebanese authorities.³³ Poverty and unemployment is consequently the highest among the five UNRWA fields and is aggravated by the fact that job-seekers have to compete with Syrian guest workers, who do not need to apply for residence or work permits.

So far, the Lebanese government, which has declined to participate in the multilateral talks on refugees, has made it abundantly clear that it opposes any settlement and/or naturalization of Palestinians in its territory, mainly because of the delicate confessional balance.

Egypt and the Gulf³⁴

UNRWA does not operate in Egypt and there are no refugee camps. The over 50,000 Palestinians living there have not enjoyed any international or national assistance or protection. Up until 1978 they were treated like nationals, but since then, laws and regulations were amended to treat them like other foreigners, limiting their rights to education, employment and residency, and ending the possibility of being employed in government positions.

The several thousand Palestinians who live in Kuwait are under strict surveillance and enjoy only very limited rights. The same is generally true for Palestinians in Saudi Arabia. In Iraq, the government provided in-kind assistance to Palestinians

until 1958, followed by financial support plus health and other benefits; Palestinian refugees numbered 4,000-5,000 in 1948, some 14,000 in 1969 and 34,000 prior to the US-led invasion in March 2003.³⁵ Although they were granted asylum, they had no political rights, but were treated equally in terms of education and employment (except retirement payments). An estimated 12,000 UNHCR-registered Palestinian refugees remain in Iraq; others were displaced after the fall of Saddam Hussein - mostly into camps on the Syrian and Jordanian borders.³⁶

OTHER COUNTRIES

There are almost one million Palestinians in Israel, including the internal refugees who remained in the country after fleeing their homes in 1948, plus the tiny number of refugees who have been allowed to return to locations in Israel other than their original homes. It is made clear that the decision to grant these permits does not constitute recognition of a right of return. Palestinians in Israel are treated as second-class citizens.

Over past decades almost half a million Palestinian refugees have, individually, been granted asylum in the US, Canada and Europe, where they are generally treated like any other refugee.

Distribution of the Palestinian People Worldwide

Inside (mid-2013)		Outside	I ²	II ³	III ⁴
West Bank & Gaza Strip ^{1a}	3,364,495	Jordan	2,797,674	2,472,501	2,626,000
		Lebanon	415,066	456,824	463,000
		Syria	436,157	494,501	411,000
		Egypt	61,917	51,805	48,000
		Saudi Arabia	309,582	291,778	299,000
Areas Occupied in 1948 ^{1b}	1,259,890	Kuwait & other Gulf	163,632	149,786	135,000
		Libya and Iraq	115,542	78,884	79,000
		Other Arab countries	6,523	5,887	-
		The Americas	236,357 (only USA)	216,196	-
		Other Countries	300,977	275,303	606,000
Total Inside	4,642,385	Total Outside	4,843,427	4,493,465	4,667,000

^{1a} PCBS, Demographic Statistics.

^{1b} Israeli CBS.

² PCBS, end of 2003.

³ Salman Abu Sitta, *Palestine 1948 - Commemoration of Al-Naqba*, London: Palestinian Return Center, May 2000.

⁴ Justin McCarthy. "Population", entry in *Encyclopedia of the Palestinians*, ed. by Philip Mattar, New York, 2000.

33 In October 2003, Lebanese parliament speaker Nabih Berri withdrew a draft legislation that would have lifted the ban on refugees from owning property in Lebanon, dashing any hope that the situation would change.

34 For more details see Sadek, George, *Legal Status of Refugees: Egypt, Jordan, Lebanon, and Iraq*. The Law Library of Congress, Global Legal Research Center, December 2013 (<http://www.loc.gov/law/help/refugees/2014-010156%20RPT.pdf>).

35 PLO Refugee Affairs Department, *Palestinian Refugees in Iraq*, 1999 (<http://prn.mcgill.ca/research/documents/iraq.pdf>), UNCHR.

36 UNHCR, 2014, *UNHCR country operations profile - Iraq*, <http://www.unhcr.org/pages/49e486426.html>.

NEGOTIATING THE REFUGEE QUESTION

• CURRENT SITUATION

Negotiations on the refugee question started soon after the 1948 War with UN-sponsored talks in Lausanne (April-September 1949), Geneva (January-July 1950) and Paris (September-November 1951), attended by representatives of Israel, the Arab states, the Arab Higher Committee, and a number of refugee delegations. They sought to resolve disputes arising from the 1948 Arab-Israeli War, mainly about refugees and territories in connection with Resolution 194 and Resolution 181, but without success. After the failure of these efforts³⁷ and the mission by UN Secretary-General Dag Hammarskjöld, who unsuccessfully sought to resolve the Palestinian refugee problem in 1959 through recommendations to resettle them in Arab host countries, the UN abandoned further attempts to break the political deadlock and directed attention to practical matters of aid and relief. After the Six-Day War in 1967, the Palestinian refugee problem surfaced again; the subject was also broached in the September 1978 Camp David talks,³⁸ albeit with no results.

Another effort to facilitate a durable solution for refugees was led by the special envoy of the UN Conciliation Commission for Palestine, Joseph E. Johnson, in 1961, and again in 1962, but ended without agreement. His controversial final report recommended that the 1948 refugees be allowed to return to their former homes or be compensated, but neither side accepted the proposals.³⁹

The refugee question was tackled for a third time in October 1991 in the Madrid Peace Conference, which triggered a series of multilateral, quadripartite and bilateral negotiations. Although discussions took place for the return of a small number of refugees (20,000-25,000 Palestinians to settle in Israel over a period of 4-5 years under the framework of family reunification),⁴⁰ the two sides did not come closer to an agreement, mainly due to Israel's security concerns and insistence on maintaining the Jewish identity of the state.

Since the 1991 Madrid Middle East Peace Conference, the issue of those displaced in 1967 has taken precedence, deferring the issue of the 1948 refugees to 'permanent status' talks on the assumption that the latter would be more difficult to resolve. In 1992, the Refugee Working Group (RWG) was initiated in Moscow as part of a multilateral track to investigate ways to improve the living conditions of refugees. Chaired by Canada, it focused on themes such as human resources development, health, welfare, and infrastructure.

In 1993, the Declaration of Principles on Interim Self-Government Arrangements (DoP) failed to mention Resolution 194 and postponed the fate of the 1948 refugees, only providing for quadripartite talks (Israel, Palestinians, Egypt, and Jordan) regarding "persons displaced from the West Bank and Gaza Strip in 1967".

Likewise, the 1994 Gaza-Jericho Autonomy Agreement only referred to those displaced in 1967 (Art. XVI). A 'Continuing (Quadripartite) Committee' was established to continue discussions, but progress was marred by major differences over definitions and figures and meetings ceased in 1997 when the peace process as a whole deteriorated. The Jordanian-Israeli Peace Treaty of 26 October 1994 (Art. 8) recognized "the massive human problems" posed by the refugee question and reiterated that a solution should be reached via a quadripartite committee (in the case of displaced persons) and with the RWG and permanent status negotiations (in the case of refugees).

The 1995 Oslo II Accord of 28 September 1995 also failed to explicitly mention the right of return, while Art. VII of the Abu Mazen-Beilin Agreement of 31 October 1995 (the existence of which was denied and was only revealed in September 2000) acknowledged the right of return as just and lawful, but stated that in light of the realities "created on the ground since 1948" its execution was not viable. It called for the creation of an 'International Commission for Palestinian Refugees' to define criteria and develop programs for compensation (for moral and material losses), resettlement, and the rehabilitation of refugees.

Although the final status negotiations formally opened in May 1996, substantial negotiations did not take place until the US-sponsored July 2000 Camp David summit. During those talks on final status issues, which ended unsuccessfully after 15 days, Israeli Prime Minister Barak opposed any recognition of the principle of the "right of return," arguing that Israel bore no responsibility, legal or moral, for the refugee problem or its solution. He only agreed to express Israel's regret over the suffering of refugees and to absorb 100,000 of them in a one-off family-reunification plan. He also proposed to contribute

37 Mainly due to Israel's insistence to discuss compensation only as part of larger peace talks and the different priorities of the refugee groups themselves. For details see Fischbach, Michael R., *Records of Dispossession of Palestinian Refugee Property and the Arab-Israeli Conflict*. New York: Colombia University Press, 2003, p. 102 ff.

38 The resulting accords stipulated that "Egypt and Israel will work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent implementation of the resolution of the refugee problem." See <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/camp%20david%20accords.aspx>.

39 For details see Fischbach, Michael R., *Records of Dispossession of Palestinian Refugee Property and the Arab-Israeli Conflict*. New York: Colombia University Press, 2003.

40 E.g., at the Taba talks in January 2001, "Palestinian Refugees and Final Status: Key Issues," *Palestinian Refugee ResearchNet* (http://prn.mcgill.ca/background/background_resolving.htm).

financially to an international body that would be created to deal with compensation and resettlement issues. The Palestinians insisted on the right of return for all Palestinian refugees, including to areas inside Israeli borders.

In late 2000, the Clinton Parameters proposed recognition of the right of return (to a Palestinian state, not to today's Israel) or rehabilitation in Arab states, or resettlement in third countries. All refugees were to receive compensation from the international community for their losses and assistance in building new lives. The Palestinians rejected the proposal as it failed to give any assurance that refugee rights to restitution and compensation would be realized and neither secured "the establishment of a viable Palestinian state nor the right of Palestinian refugees to return to their homes."

At the January 2001 Taba talks, the Palestinians insisted on the right of return in accordance with UN Resolution 194 and for Israel to acknowledge moral and legal responsibility for the refugee problem. They argued that Israel should pay compensation to all refugees without exception for their abandoned property and their sufferings as refugees, and also to the future Palestinian state for expropriated public lands and buildings, and to Arab states for their expenses as hosts.⁴¹ The Israelis expressed understanding that the wish to return should be implemented within the framework of return and repatriation (to either Israel or the Palestinian state) and offered three options: rehabilitation in the host countries, emigration to other countries, or settlement in those parts of Israel that might be transferred to Palestinian sovereignty in the framework of an agreement.⁴²

In 2002, the Arab Peace Initiative called for "a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194". This suggests that the PLO was willing to consider the interests and concerns of all stakeholders involved.

The People's Voice Initiative (also known as the Nusseibeh-Ayalon Principles) – launched in September 2002 – campaigned to collect signatures in support of various general principles rather than a detailed plan. Sari Nusseibeh was vigorously condemned

by refugee groups for conceding the right of return as the document stated that "Palestinian refugees will return only to the state of Palestine." The document was one of the first to openly abrogate the right of return and to accept the Israeli view that a two-state solution would be undermined by a mass return of refugees to the Jewish state.



The 2003 US-sponsored Road Map says very little on refugees, calling only for an "agreed, just, fair, and realistic solution to the refugee issue," which should be solved as part of final status negotiations. Professor Rex Brynen, an expert in refugee issues from McGill University (Montreal), pointed out that the inclusion of the word 'realistic' implies that there will be no acceptance of the right of return in its fullest sense.⁴³

The solution proposed to the refugee issue by the 2003 Geneva Accord (negotiated between independent Palestinians and Israelis) was largely in line with the Clinton Parameters and presented the following five options to refugees: return to the Palestinian state; return to land included in a land swap with Israel; integration into existing host countries; admission into a third country (e.g., US, Germany); or return to Israel (with Israel deciding how many refugees it would accept). Relinquishing the right of return for refugees was a major Palestinian concession in the Geneva Accord and there was disagreement over the degree to which the Accord would oblige Israel to accept Palestinian refugees.⁴⁴

At the Annapolis conference in November 2007, President Abbas urged a permanent solution to "the Palestinian refugee question in all its political, humanitarian, individual and common aspects, consistent with Resolution 194, as emphasized by the Arab peace initiative." While Prime Minister Olmert acknowledged the refugee situation, he did not refer to the right of return and stated: "We will find the right way, as part of an international effort in which we will participate, to assist these Palestinians in finding a proper framework for their future, in the Palestinian state that will be established in the territories agreed upon between us."⁴⁵

Subsequent talks ended on 30 August 2008 with then Prime Minister Olmert offering Abbas 100% of the West Bank with land swaps, a divided Jerusalem, and "recognition of the problem" of refugees, with the annual absorption into Israel of 1,000 Palestinian refugees for five years.⁴⁶ Both leaders agreed on the principle of return, but also recognized that Israel's status as a state with a Jewish majority must be preserved.

41 "Palestinian Paper on Refugees," January 22, 2001 (<http://MondeDiplo.com/focus/mideast/palestinianrefugees200101>).

42 These "concessions" were not in line with Israeli public opinion and were later dubbed Beilin "non-paper" (after Yossi Beilin who was then Justice Minister and head of the Israeli negotiating team on refugees). Tovi, Jacob, "Negotiating the Palestinian Refugees," *Middle East Quarterly* (Spring 2003), pp. 39-50.

43 Brynen, Rex, "The Past as Prelude? Negotiating the Palestinian Refugee Issue." Chatham House Briefing Paper, June 2008.

44 Kardahji, Nick, *The Geneva Accord: Plan or Pretense?* Jerusalem: PASSIA, 2004.

45 "Annapolis Conference," JMCC, <http://www.jmcc.org/fastfactspag.aspx?tname=62>.

46 Israel was to review each applicant and accept them "for humanitarian reasons," while the rest would be generously compensated. Isacharoff, Avi, "Revealed: Olmert's 2008 peace offer to Palestinians." *Jerusalem Post*, 24 May 2013 (<http://www.jpost.com/Diplomacy-and-Politics/Details-of-Olmerts-peace-offer-to-Palestinians-exposed-314261>).

The Geneva Initiative stipulated vaguely in 2009 that Israel should “consider the average of the total numbers submitted” by other nations that would accept Palestinian refugees.⁴⁷

Israeli Prime Minister Netanyahu has not indicated whether a limited number of Palestinian refugees would be accepted into Israel proper, even as a “humanitarian gesture.” At a speech at Bar-Ilan University in June 2009, he stated that there must “be a clear understanding that the Palestinian refugee problem will be resolved outside Israel’s borders. For it is clear that any demand for resettling Palestinian refugees within Israel undermines Israel’s continued existence as the state of the Jewish people.”⁴⁸ Four years later, on 6 October 2013, Netanyahu reiterated that there would be no peace unless the Palestinians recognize the Jewish state and renounce the right of return.

In the current talks to draw up a framework peace agreement, Secretary of State John Kerry reportedly proposed to President Mahmoud Abbas the return of 80,000 Palestinian refugees to Israel, a number Abbas wanted to increase to 200,000.⁴⁹

In early February 2014 a leak from peace talks suggested that Palestinians were offered a land swap deal by which they would be given part of the Negev to settle Palestinian refugees in exchange for giving up settlement blocs and the right of return.⁵⁰ Compensation for Palestinian 1948 refugees was also discussed, although the issue was combined with that of compensation for Jews forced to leave their homes in Arab nations.⁵¹ On 16 February 2014, Abbas was perhaps more conciliatory than ever when he told a delegation of some 300 Israeli students and peace activists hosted in his Ramallah office: “I am not looking to drown Israel with millions of refugees to change its nature,” adding, “We want to put the problem on the table and find a creative solution... you will be satisfied and we will be satisfied.”⁵²

Parallel to the official negotiations, numerous debates, researches and workshops have attempted to push the discussion on refugees forward and examine new ways to tackle the issue. The most comprehensive work in this regard has been carried out by two entities: first, the so-called Ottawa group⁵³ (Canadian academics and former diplomats), which bases its work on historical experience with refugees and recommends a two-step approach consisting of a commitment from the refugees that they agree with the process and a choice of four locations for permanent settlement (host country, third country, Palestinian state and, for a smaller group, Israel). The second is by the ‘Minster Lovell Process’ of the London-based Chatham House, which tries to bridge gaps between all countries involved in refugee issues through workshops and scenario-building exercises.⁵⁴

• OFFICIAL POSITIONS

Before looking at the official positions, two things should be noted: first, the concept and vision of “returning home” remains at the very core of the Palestinian national identity and the refugees themselves believe that their inalienable rights per se cannot be negotiated between Israel and the PA; and second, a series of leaks suggest that although Palestinian negotiators use uncompromising language when discussing the right of return in public, more pragmatic statements reflect the reality of the PA’s position.⁵⁵

To date, all negotiations have focused on the situation of 1948 and 1967 refugees and other groups of refugees and displaced persons have been given little attention. Also, the refugees themselves have been largely excluded from the talks to resolve their situation.

The three key concepts that have shaped the discussion so far are **Repatriation** (implementation of UN Resolution 194, i.e., the right of return), **Compensation** (various scenarios for financial reparation),⁵⁶ and **Resettlement** (either in the Palestinian state, as naturalization in host counties with improved living conditions, or in third countries).

“Palestinians who were expelled or emigrated from Palestine as a result of the 1948 war, and who were denied return thereto shall have the right to return to the Palestinian state and bear its nationality. The right is permanent and cannot expire. The state of Palestine shall strive to implement the legitimate right of Palestinian refugees to return to their homes and to compensation, through negotiations, political and judicial channels, in accordance with United Nations General Assembly Resolution 194 of 1948 and the principles of international law.”

Article (13) of the third revised version of the PA’s Permanent Constitution draft (May 2003).

47 Avishai, Bernard, “A Plan for Peace That Still Could Be.” *The New York Times*, 7 February 2011 (http://www.nytimes.com/2011/02/13/magazine/13-Israel-t.html?pagewanted=all&_r=0).

48 http://mfa.gov.il/MFA/PressRoom/2009/Pages/Address_PM_Netanyahu_Bar-Ilan_University_14-Jun-2009.aspx.

49 “Kerry proposes return of 80,000 Palestinian refugees to Israel: official,” 7 January 2014, http://news.xinhuanet.com/english/world/2014-01/07/c_133023026.htm.

50 Eichner, Itamar, “New details from peace talks: Americans offer parts of Negev to Palestinian refugees,” *YNET*, 2 February 2014 (<http://www.ynetnews.com/articles/0,7340,L-4483738,00.html>).

51 *Ibid.*

52 “Abbas Signals Flexibility on Palestinian Refugees,” 16 February 2014, <http://bigstory.ap.org/article/abbas-signals-flexibility-palestinian-refugees>.

53 See for details <http://prn.mcgill.ca/index.htm>.

54 See for details <http://www.chathamhouse.org/research/middle-east/current-projects/minster-lovell-process>.

55 See for example, https://www.wikileaks.org/plusd/cables/03AMMAN14_a.html, or <http://www.aljazeera.com/palestinepapers/2011/01/2011124121923486877.html>.

56 For details see PLO Negotiations Affairs Department, Return and Compensation (<http://www.nad-plo.org/etemplate.php?id=44>).

Paletinian and Israeli Positions on the Issue of Refugees

	Palestinians	Israelis
Responsibility	<ul style="list-style-type: none"> Israel must abide by international law and acknowledge responsibility for the creation and perpetuation of the refugee problem, which was a direct result of expulsion and fear based on military attacks and massacres by Jewish forces of Palestinians. 	<ul style="list-style-type: none"> Refuses to recognize its responsibility with respect to the refugee issue, arguing that the Arab governments were responsible for starting the war and told Palestinians to leave to make way for the liberation of Palestine from the Zionists.
Right to Return	<ul style="list-style-type: none"> Israel must recognize that Palestinian refugees and their descendants have the unconditional right to return to their homes <i>in principle</i>.^A 	<ul style="list-style-type: none"> Any final accord would require the Palestinians to recognize Israel as the state of the Jewish people, thus implicitly denying the right of return to Palestinian refugees.
UNGA Resolution 194	<ul style="list-style-type: none"> The issue must be resolved in a just manner in accordance with UNGA Resolution 194 (1948). 	<ul style="list-style-type: none"> Resolution 194 is non-binding and does not mention a "right" anywhere. The "live at peace" condition has not been met and refers only to 1948 refugees, not to their descendants.
Repatriation / Resettlement	<ul style="list-style-type: none"> Repatriation:^B Palestinian refugees must be given the option to exercise their right of return, though they may favor resettlement in a Palestinian state or in a third country, or normalization of their legal status in the host country.^C 	<ul style="list-style-type: none"> Repatriation only in small numbers under some kind of family reunification scheme over a period of several years, and not to the refugees' original homes. Returning Palestinian refugees must be absorbed in a future Palestinian state as their return to Israel proper would be a direct demographic and security threat to the state and there is no space.^D Other refugees should be rehabilitated by international aid and resettled in neighboring countries, accompanied by international efforts to improve their living conditions.
Restitution and Compensation	<ul style="list-style-type: none"> Refugees shall be granted restitution and compensation for the material and non-material damages they have suffered, including loss of properties, livelihood and opportunities, plus the human suffering due to protracted displacement. Compensation should only be provided in cases where restitution is not feasible or possible, or where a refugee specifically chooses it over restitution. States that have hosted Palestinian refugees shall be entitled to remuneration. 	<ul style="list-style-type: none"> Compensation will only be in reciprocity, i.e., including consideration of the cases of Jews who were "expelled" from Arab countries after the creation of the state of Israel.^E Only willing to contribute an unspecified lump sum into a potential international fund to be established to compensate refugees and oversee compensation and resettlement issues.
International Community	<ul style="list-style-type: none"> The international community must be represented in the mechanism to guarantee the efficiency and durability of the implementation process. 	<ul style="list-style-type: none"> Agrees to an international implementation mechanism.

A Some Palestinian voices suggest that the essential principle should be distinguished from the practicality of exercising that right as a mass return to homes and lands in pre-1948 Palestine is idealistic and the ability of the PA to absorb huge numbers of people limited.

B The majority of homes belonging to Palestinian refugees located in urban centers were left standing in 1948 and occupied by Jewish immigrants. According to some estimates, 90% of the sites of former Palestinian villages remain open or vacant. See Salman Abu Sitta, *Atlas of Palestine 1948*. London: Palestine Land Society, 2005.

C Some of the significant revelations in the January 2011 Palestine Papers were the concessions offered by the PA negotiators to settle for a "symbolic number" of 1948 refugees to be allowed to return to Israel, reportedly ranging between 5,000 to 10,000 to 100,000 over a period of 5-10 years. See Milne, Seumas and Ian Black, "Papers reveal how Palestinian leaders gave up fight over refugees," *The Guardian*, 24/1/2011 <http://www.guardian.co.uk/world/2011/jan/24/papers-palestinian-leaders-refugees-fight>.

D Palestinians counter that Israel was able to absorb around one million new immigrants during the 1990s. One of the obvious injustices is that Russian immigrants can claim to be Jewish and live on Palestinian land, while the rightful owners - Palestinian refugees - are denied even the right to return.

E Palestinians argue that Jews left those countries as the result of persuasion (if not coercion) by Israel and that Jewish property in the Arab world would require negotiations with the relevant Arab states.

• OPINION POLLS

Regular polls by the Ramallah-based Palestinian Center for Policy and Survey Research confirm the significance to Palestinians in the West Bank and Gaza of the refugee issue, but also show that their single most important goal is a Palestinian state. In the period between March 2013 and March 2014, an average of 43.4% of respondents believed that the establishment of a Palestinian state in the West Bank and the Gaza Strip with East Jerusalem as its capital should be the most vital Palestinian goal, while 32.2% opted for the right of return to their 1948 towns and villages.⁵⁷

In another poll published in December 2013,⁵⁸ 63% of Palestinians agreed that: “Any solution that does not allow all Palestinian refugees to return to their original towns in Israel itself is unjust and simply unacceptable,” 92% thought that acknowledgment in principle of the right of return was needed in order to make a peace deal acceptable, and some 41% expressed a certain readiness to compromise on its implementation.

Opinion polls of the Israeli public show widespread opposition to the right of return, even within the framework of a permanent peace settlement. In a poll conducted in July 2013 by the Israel Democracy Institute and Tel Aviv University, 77% of Israeli Jews rejected recognition in principle of a right of return for Palestinian refugees.⁵⁹ In a poll by the Israeli Peace Initiative Group, some 76% of Israelis said they were willing to support a peace agreement based on the Arab Peace Initiative, but 73.9% also said they would most likely support an agreement where “there will be no right of return for Palestinian refugees to land controlled by Israel, except for a symbolic number and only with Israel’s approval”.⁶⁰

Another recent poll on a final status peace agreement found that a majority of Israelis would accept Palestinian refugees returning to the new Palestinian state, but there was substantial resistance to even a small number of refugees returning to Israel, or to providing compensation for lost property. Only 36% of Israeli respondents believed that Israel has a “moral responsibility to seek a solution to the humanitarian plight of several million Palestinians living under occupation or in squalid refugee camps for decades.”⁶¹

In a January 2014 poll only 16.2% of Jews said they are “sure” or “think” Israel should agree to a limited return for Palestinian refugees and only 23.3% agreed that Israel should accept partial responsibility for the suffering of Palestinian refugees.⁶²

CONCLUSION

Since the creation of the state of Israel in 1948, millions of Palestinians are displaced, stateless, and scattered around the globe, especially in Arab countries. Meanwhile, the Israeli Law of Return of 1950 allows Jews from any country to immigrate and immediately become an Israeli citizen with full rights. Sixty-six years after the Nakba, the right of return not only continues to be a major obstacle in peace negotiations, but is seen by Palestinians as a moral imperative that must trump all other considerations in the talks. Although Palestinians sense that the right of return has been reduced to a “principle,” it is unlikely that they would accept the widely and repeatedly discussed idea of compensating and resettling the refugees, allowing only a symbolic number to return. In addition, rejection by the populations of host countries to the permanent absorption of refugees is likely as it would lead to serious socio-economic disruptions and, especially in the case of Lebanon, a perilous change in the already fragile sectarian balance.

The feasibility of return has been the subject of numerous studies and proposals over the decades. While estimates of the number of Palestinian refugees wishing to return differ, there is little dispute that the West Bank and the Gaza Strip, even when constituted as an independent Palestinian state, are in no condition to accommodate an additional two million refugees. The key question is how to reconcile Israel’s established national rights with the restoration of Palestinian rights that have been violated since 1947?

Despite Israeli claims to the contrary, refugee rights advocate Salman Abu Sitta⁶³ argues that there is enough space to absorb returning Palestinian refugees, especially in less populated rural areas in the Galilee and the south of Israel. Dutch geographer Jan de Jong has formulated a Palestinian-Israeli Adapted Partition Plan guided by the 1947 UN Partition Plan. The plan examines realistic practical steps to solve the refugee question on the basis of the principle of equal respect for the rights of both peoples and upholding the Palestinian right of return.⁶⁴ The plan is based on a division of the land into areas where both populations, including up to two million returning refugees, could enjoy their national rights to the maximal extent.

57 Palestinian Center for Policy and Survey Research (PSR), *Palestinian Public Opinion Polls No. 48-51*, <http://www.pcpsr.org/survey/psrindex.html>.

58 Israeli and Palestinian Public Opinion on Negotiating a Final Status Peace Agreement, conducted by the Sadat Chair for Peace and Democracy at Maryland University, the Program for Public Consultation, and the United States Institute of Peace, December 2013, <http://www.sadat.umd.edu/is-pal-report.pdf>.

59 <http://peaceindex.org/indexMonthEng.aspx?num=254>.

60 <https://www.middleeastmonitor.com/news/middle-east/10032-poll-76-of-israelis-back-arab-peace-initiative>.

61 Israeli and Palestinian Public Opinion on Negotiating a Final Status Peace Agreement, 2013, <http://www.sadat.umd.edu/is-pal-report.pdf>.

62 http://www.peaceindex.org/indexMonthEng.aspx?num=268#_UzQLxaiSxnM.

63 Abu Sitta, Salman, *Palestinian Right of Return - Sacred, Legal and Possible*. London: Palestinian Return Center, 1999.

64 For details, see PASSIA Bulletin on Refugees, 2001.

Based on a variation of the UN Partition Plan of 1947, and assuming that around two million refugees would want to return, Nasser Abu Farha of the Alternative Palestinian Agenda⁶⁵ suggests that returnees be absorbed in: (1) rural areas, partly by rebuilding some 62 villages destroyed by Zionist militias in 1948 and which fall under the sovereignty of the new Palestinian state, and partly by constructing new cities and towns in the proposed Palestinian state, which would encompass sparsely populated areas of what is now Israel; (2) in cities such as Haifa, Jaffa and Tiberias (in still-abandoned former Palestinian neighborhoods); as well as (3) in a new city of 200,000 residents to be constructed in the Jordan Valley.

Another approach⁶⁶ suggests that Israel allows all of the original 1948 refugees – of whom no more than 50,000 are estimated to be still living - to return to Israel. Taking into consideration their age (an average of 80 years), it is assumed that only a few thousand would actually return. This proposal stresses that monetary compensation as an alternative to return is unworkable due to the high number of potential beneficiaries, each of whom would receive an amount so small that it would be insulting. Instead, compensation must be modified in some way to channel funds into long-term educational schemes for the descendants of Palestinian refugees.

Whatever approach will eventually be taken, or not, fact is that the exclusion of UN Resolution 194 from the Oslo framework and the postponement of the refugee issue to the final stage of the negotiations has created a deep sense of marginalization and “concession” among Palestinian refugees. The creation of an independent state of Palestine remains elusive and no progress is apparent in the ongoing negotiations. The humanitarian crisis faced by Palestinian refugees, to which the Syrian civil war has added a significant dimension, places additional pressures on his issue. A satisfactory resolution to problems that originated in the 1948 Nakba is a critical precondition to generate the achievement of true peace.

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⁶⁵ For more details see www.ap-agenda.org.

⁶⁶ Segal, Jerome M., “Palestinian Refugees and a Jewish State,” *Foreign Policy*, 13 December 2013 (http://mideastafrica.foreignpolicy.com/posts/2013/12/13/the_1948_fundamentals_for_israeli_palestinian_negotiations).

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