Lecture by UNRWA Commissioner-General Karen AbuZayd

Palestine Refugees in Global Context: Issues and Prospects

American University of Cairo, Center for Migration and Refugee Studies, 14 December 2009

Director Dr. Ray Jureidini, Distinguished guests, faculty and students of the CMRS and AUC:

Introduction

I extend warm thanks to the Center for Migration and Refugee Studies and the American University of Cairo for hosting me this evening. At the end of this month I retire as Commissioner-General of UNRWA after more than 28 years of professional refugee service. I, therefore, very much welcome this opportunity to share some departing thoughts with distinguished scholars in the area of refugee studies in the Middle East and Africa. Many of you have grappled with contexts and issues similar to those that have defined my nearly three-decades of refugee work.

My theme this evening is Palestine Refugees in Global Context: Issues and Prospects. I chose this theme to capture reflections on the Palestine refugee condition in comparative perspective. The more than nine years I have spent with UNRWA and 19 years with UNHCR have acquainted me with a range of conflict settings, humanitarian operations and development programmes on behalf of displaced peoples. From managing the complex emergency response at the outbreak of war in the former-Yugoslavia to relocating Liberian refugees to safe areas in Sierra Leone in 1991 to the particularly joyous mission repatriating Namibian exiles after years of occupation and colonialism, I have witnessed first-hand each stage of the refugee cycle – from conflict which triggers flight to the period of displacement and exile to the return home.

Each refugee and IDP situation is marked by distinct conditions, giving rise to varied needs, international responses and historical trajectories. Palestine refugees have, in particular, been treated in international and regional circles according to an ethos of "exceptionalism". In global refugee fora, Palestine refugees are often considered to be outside the bounds of comparative inquiry or beyond the reach of universal norms. Indeed, the Palestine refugee condition is marked by several far-reaching distinctive attributes that set the Palestine refugees apart from other refugee and IDP situations in many respects. How might these differences best be understood? How do they impact state responsibilities and the role of the United Nations? What do they bode for the refugees’ future? How should we aspire to relate to them as refugee and migration scholars, practitioners and activists?

Before giving weight to the unique challenges facing Palestine refugees, let us consider that the experience of being uprooted transcends identities and borders. Forced displacement always carries with it a deep, personal pain, resulting from involuntary dislocation and alienation. At a practical level, persons fleeing persecution are cut off from traditional livelihoods and sources of income, as well as from fundamental forms
of national protection, rendering them vulnerable and in need of international protection. These harsh conditions are compounded when flight takes place en masse due to generalized armed conflict, or where opportunities for quick recovery are lacking. In a majority of instances, refugees struggle to cope with powerlessness, as they attempt to reclaim a degree of normality, dignity and opportunity in their place of asylum.

These factors are ever present for Palestine refugees, who, for more than six decades, have coped with unresolved memories of flight passed down through the generations, uncertainties about their future, daily struggles for survival under conditions of occupation and human rights constraints that have precluded adequate chances for recovering losses.

In addition, Palestine refugees have withstood an added hardship of loss of patrimony and country when, in the wake of their flight in 1948, their historic homeland was transformed into a state for others. The result was the dispersal of the Palestinian nation, or el-Naqba, and the creation of the world’s largest refugee population. Palestinian refugees who fled areas over which Israel asserted sovereignty were subsequently de-nationalized, compounding their plight into a situation of stateless refugees.

Some of the refugees who fled to the West Bank and Jordan in 1948 were granted Jordanian citizenship – later revoked for Palestinian residents of the West Bank when Jordan severed its legal and administrative control over the territory in 1988. Others in Europe and the Americas were also able to gain citizenship rights. Yet, the majority of Palestine refugees in the Middle East region have remained stateless for multiple generations. The status of “stateless” puts Palestine refugees in an especially vulnerable position in the Middle East, where rights are sometimes predicated on inter-state reciprocity. Stateless Palestinian refugees are also especially vulnerable in periods of instability, as witnessed in the case of Palestinian refugees who fled from Iraq due to persecution.

The un-remedied loss of home and nation has also seared into generations of Palestinian consciousness a sense of temporary-ness and injustice. Nearly all Palestinians, whether they possess another citizenship or not, are held hostage by historical conflict, continuing violations and indeterminate futures. Refugees have held fast to the notion of return, as individuals, families and communities aspire to claim their international rights and power over their destinies. Owing to the narrative of national loss and homecoming, Palestine refugees refer to the right of return as a collective right, despite its individualized underpinnings and the trends of political compromise.

Another defining feature of the Palestine refugee situation is the unique international arrangements applicable to the refugees, underscoring the special character of the conflict and the need for dedicated structures. In 1948, the General Assembly created the UN Conciliation Commission for Palestine, charging it with mediating a resolution to the conflict and achieving a solution to the refugee issue. UNRWA, established in the following year, was entrusted with attending to the needs of refugees from Mandate Palestine who remained in the ‘Near East’.

The specific and exclusive nature of UNRWA’s role was reaffirmed in 1951, when the Convention on the Status of Refugees excluded from the ambit of UNHCR’s mandate "persons who are at present receiving from organs or agencies of the United Nations . . . protection or assistance." This clause is understood effectively to establish a demarcation of roles. UNRWA is responsible for Palestine refugees registered with the Agency or eligible to be registered in its five fields of operation, while UNHCR’s duties pertain to all refugees elsewhere, including Palestinians.

As in other refugee situations, the particular dimensions of the Palestine refugee situation should be accounted for in calibrating humanitarian responses and in refining protection strategies. However, none of these features should be assumed to exempt Palestine refugees generally from the international normative system, nor should these unique aspects become a pretext for inaction in mobilizing for their rights.

The international community, including host states and their communities, are obligated to provide basic rights and freedoms to migrants or persons seeking shelter within their borders. These obligations stem from international human rights law, as well as the global refugee protection regime. In the past three decades there has been wide ratification by Middle Eastern states of the full plethora of human rights instruments. There are few distinctions allowed in international human rights law with respect to the treatment of national citizens versus non-nationals. State parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic,
Social and Cultural Rights are bound to the principle of non-discrimination and they are obligated to ensure the realization of economic and social rights for all residents. State parties to the human rights Covenants must ensure that their policies do not result in grave harm to refugee populations within their borders. These standards of dignity and fairness offer protection and give hope to all refugees in asylum countries.

In concrete terms these obligations should translate into basic legal protections against arbitrary or inhumane treatment, and allow access to social and economic opportunities. Such rights, including under regimes of temporary protection, have come to be regarded as a key to enabling refugee self-reliance and development during protracted periods of exile, a matter I shall address in more depth shortly. For host states, the provision of human rights to refugees in their countries has the potential to translate into economic benefit and improve social harmony until durable solutions are achieved.

Unfortunately the conditions under which the majority of Palestine refugees live fall short of these common requirements.

Jordan and Syria

Refugees residing in Jordan and Syria are entitled to the widest scope of human rights. Refugees live free from formal impediments to social and economic rights, with limited exceptions on property ownership in Syria and pertaining to those who have not been granted the privilege of national identification numbers in Jordan. In both countries Palestine refugees have the right to work and access to the employment market. Generally, obstacles encountered are the result of economic fluctuations, social dynamics and, increasingly, UNRWA’s growing budget deficit which is negatively impacting universal access to services for refugee communities. Refugees residing in camps – around 30% of all refugees in Syria and 25% in Jordan – typically face chronic impoverishment and overcrowded conditions, even as the communities find strength in their collective existence. Political stability in these host locations also allow refugees to live in relative safety and security away from the perils of armed conflict.

Lebanon

In Lebanon, refugees face a situation of restricted rights and social instability. As "foreigners" without benefit of reciprocal privileges, they are precluded from obtaining work without permission from the state authorities, and prohibited from working in the professions. Refugees are also denied social benefits and access to critical public services such as health care. Property restrictions and barriers to housing tenure create further insecurity for refugees in Lebanon.

A significant number of Palestinians are unemployed or working in the informal sector without protections offered by the formal workplace. Poor future prospects have been linked to the discouragingly high school drop-out rates in Lebanon. Severe budget constraints on UNRWA are threatening to undermine efforts to rectify the education crisis facing refugees in Lebanon, and hampering our ability to deliver adequate relief and quality health care.

Increasing incidents of factional fighting in refugee camps have further threatened Palestinian communities in Lebanon. The 2007 military confrontation in Nahr el-Bared Camp resulted in the total destruction of the camp and the homelessness of some 27,000 refugees. The start of reconstruction of the camp at its former site has raised hopes of an improved rights environment for refugees in Lebanon, as have some recent government initiatives, most notably the creation of the Lebanese-Palestinian Dialogue Committee and the new proposal to create a junior Minister for Palestine Refugees. The Committee engages in meaningful dialogue and consultations with the refugees and sets its sights on practical measures to improve the status of refugees and their access to social and economic rights, reversing patterns of frustration and despair amongst the refugees in Lebanon.

Occupied Palestinian Territory

In the occupied Palestinian territory the human rights of all Palestinians, refugee and non-refugee alike, are foregone under the yoke of a 40-year military occupation that shows no signs of abating. The irony is that since the advent of the Middle East Peace Process in 1991, this occupation has transformed into a complex web of movement and land and housing restrictions that have led esteemed international observers, including the Reverend Desmond Tutu, to compare the occupied territory to pre-democratic South Africa.

West Bank
In the West Bank, Palestinian population areas are cordoned off under the labels of Areas "A" and "B". Areas "C" are targeted for settlement and possible annexation. Following the construction of the illegal separation barrier inside the West Bank, Palestinian areas between the barrier and the pre-1967 Green Line were declared "closed zones" and a permit regime was enforced requiring people who have lived there for generations, even centuries, to obtain permission to continue living in their own homes. To leave or re-enter the "closed zone", Palestinians must undergo checks and searches at terminals separating Palestinians from Palestinians. Across the West Bank, Palestinian cities, towns and villages are contained behind checkpoints and road barriers, and denied access to East Jerusalem, the economic and religious center of Palestinian life. People are left in stagnant, impoverished conditions, chronically aid dependent, or economically and socially insecure, subject to the whims of political change.

Refugee communities in the West Bank, especially those residing in camps and rural areas or who are of Bedouin background, have been particularly hard hit by occupation policies. Many living in targeted areas are also at risk of secondary displacements. The village of Wallajeh is one example where a community of refugees is facing mass eviction and home demolition under threat of settlement and wall construction.

Gaza

The punishing stranglehold over the borders of the Gaza Strip that has been imposed for over two years, despite international condemnation, is equally shocking—or should be. The effects of the closures on Gaza, where 1.1 million refugees reside, have reached surreal levels. The private sector has been decimated, infrastructure is near collapse and nearly 80% of the population is dependent on direct aid for the basic necessities of life. The heavy aerial and ground bombardment of the Gaza Strip last winter left extensive destruction of homes and public infrastructure that has yet to be rebuilt due to the prohibition on the entrance of construction material. The mental and physical health effects of blockade and war are increasingly evident with high levels of malnutrition, childhood stunting, deep poverty and post traumatic stress disorder amongst the Gazan population, some 750,000 of which are children.

Having been living in Gaza for the past nine years, I have been struck by the strength and the will of the people to survive against these odds. I reiterate the, until now, unheeded calls for the unconditional end of the siege so that Gazans may assume their rightful place amongst the rest of humanity.

In countries beyond UNRWA’s five fields of operation, Palestinian refugees are often treated to less than minimal human rights standards, without the safety net provided by UNRWA, and, in some instances, denied the protection of UNHCR, thereby falling out of international view.

Yet, the most compelling issue arising in the Palestine refugee case is the elusiveness of durable solutions. The refugees’ exile has spanned six decades, constituting the longest-standing refugee situation worldwide. This hard fact is commonly acknowledged, but rather than inspiring collective problem-solving, too often the issue is neglected or sidelined in international discourse and peace processes, one might think precisely because of its longevity. The Palestine refugee question is designated a ‘permanent status’ topic, for discussion at a later stage of peace talks rather than at the beginning – ignoring the fact that refugees must be one of the building blocks for peace.

The protracted nature of the Palestine refugees’ situation is a symptom of a larger phenomenon facing the Middle East region as a whole. Specifically, I note the lack of application of international law and the absence of political will, in all corners, to secure a just and sustainable solution to the Palestinian-Israeli conflict. The talk of peace has yet to translate into tangible benefits for the people who are struggling to cope with the fall-out from lack of state action to address the underlying causes of displacement and continued exile.

The work left undone in the Middle East stands in stark contrast to the progress achieved by international actors and local partners in other parts of the world. Broadly viewed, normative and geo-political developments since the end of World War II and the adoption of the Universal Declaration of Human Rights in 1948, have contributed to a substantial decline in violent conflicts the world over. In the past two decades many peace agreements have been concluded, resolving long-standing, or deep ethnic and political, conflicts.

These agreements have been built mostly around the principles of return and property
restitution for displaced persons – the internationally-preferred durable solution, with some 11 million people reportedly having voluntarily returned to their countries of origin in the post World War II period. The agreements, and the processes by which they were finalized, are not immune from criticism, nor have they all completely eliminated the crises they sought to address, but they do suggest that there is more we, as an international community, can aspire to, on behalf of Palestinians.

Distinguished colleagues and friends,

Throughout the course of recent history, which boasts substantial refugee returns, protracted refugee situations - seemingly more resistant to resolution, have come to the forefront of the international humanitarian agenda. In response, an expert dialogue series on the subject, convened by UNHCR, noted the discrepancy between the hope of return and immediate practical opportunities for its implementation, especially where displacement has coincided with demographic shifts in a county’s composition or pursuant to persistent discriminatory policies. Overcoming these barriers requires far-reaching, provocative discussions on identity, belonging and rights within nations and between peoples. Such conversations should be initiated in the Palestinian-Israeli arena to achieve a sustainable peace and level of co-existence that will allow both sides to live in prosperity and dignity, no matter the final decisions on statehood and borders. I venture to suggest that similar internal issues may be a factor in determining prospects for local integration, as well.

In crafting an international response to the protracted Palestinian refugee crisis, international actors may be guided by a commitment to three related principles. First and foremost is the enforcement of international humanitarian and human rights laws. Achieving an end to armed conflicts and human rights violations would bring about more positive conditions for negotiations and progress on the political track. In thinking through negotiation efforts since the signing of the Declaration of Principles in 1993 by the PLO and Israel, one is reminded of the ever growing gap between the rhetoric of peace and the realities on the ground. As bi-lateral negotiation processes got underway, the system of extensive restrictions on Palestinian movement and access in the occupied Palestinian territories described earlier has been progressively implemented. The gap between the discourse of peace and the daily life of Palestinians feeds cynicism and opposition and increases chances that attempts at restarting peace talks will become bogged down by incidents of confrontation and violence.

Setting international law as a benchmark is also vital to ensure that the full scope of refugee and stateless person protection needs will be addressed. This includes tackling the situation of refugees who are outside UNRWA’s fields of operation, or who are not registered with the Agency due to lack of opportunity or need for aid.

In the interim leading up to a solution, the international community would do well to remain vigilant in ensuring that refugee rights, and the space for their realization, are preserved. One example would be to call into question actions which threaten to complicate scenarios for a future peace, such as the recent move by Israel to privatize refugee property seized by the Custodian of Absentee Property, following the refugees’ displacement from ancestral homes.

A second guiding principle for international action is refugee participation. International best practice demonstrates that sustainable solutions can be achieved only through inclusive approaches. Major constituencies must be consulted and involved in setting and implementing peace options. The inclusion of refugees, in particular, is a matter of fairness, given that they suffered the effects of dispossession and exile, but it also has strong practical value in terms of building a solution that enjoys enough support to be realized in practice. In the course of implementing an agreement it becomes equally important to empower refugees to carry out the choices available to them.

The notion of refugee participation presents a challenge to peace-makers as the mechanisms for their inclusion, and consequences thereof, remain vague. The challenge of building a viable peace through refugee inclusion, however, means ultimately addressing, rather than suppressing, refugee expectations. Refugee expectations are centered on the exercise of choice in deciding future options. Listening to them and enabling their informed decisions are the tasks at hand. From our experience in UNRWA, refugees show a great capacity for articulating their needs and thinking pragmatically about how their rights and interests may be satisfied. Rather than derailing the peace process, involving refugees will give it sustainable life.

A third guiding principle concerns the period of implementation. Perhaps as challenging as securing an agreed formula for peace is implementing the decisions, especially given the vast number of stakeholders involved. Any transitional process
will require sustained political support and financing. Early infusions of support in favor of reconstruction and rehabilitation will help create the context within which refugees will render their informed choices and support them in the process of carrying out their decisions. Likewise, a precipitous withdrawing of humanitarian and development assistance would be counterproductive in this environment. Assistance will be necessary until such time as international protection ceases to be a requirement. Accordingly, the transitional process will occur over some years, giving refugees time to select options as the host states, Israel, the Palestinians and the international community complete the ground work for their safe movement and integration.

The guiding principles suggested here are not new, but they remain abstract until such time as states act in compliance with their obligations and responsibilities and re-orient their approach in favor of human rights community-based processes to allow these principles to guide peace efforts.

The role of UNRWA

This is an appropriate juncture to offer a few thoughts on the essential role of UNRWA in achieving better prospects for Palestine refugees in the Middle East. UNRWA is the largest humanitarian and human development agency in the region. Its effective presence is vital to creating the positive conditions upon which peace can be constructed.

At a minimum, UNRWA’s core social, economic and infrastructure services counter the debilitating effects of extended military conflict and weak national protection regimes, giving refugees a sense of security and protection that, were UNRWA not present, would surely result in more anguish, radicalization and deeper conflict. In times and places of relative stability, UNRWA’s primary activities equip refugees with skills and opportunities that enable them to lead more independent, prosperous lives. Central among these activities are the provision of primary education, vocational training, primary health care, job-creation programs, micro-finance and community-based social services.

UNRWA was given its human development mandate in the 1950s, pursuant to international recognition of the elusive nature of durable solutions for Palestine refugees. The Agency took up its mission with the aim of assisting refugees to become self-reliant in their countries of asylum, preceding the contemporary humanitarian trend in favor of relief to development assistance in protracted refugee situations. and indicating UNRWA’s global relevance.

Over the years, UNRWA’s mandate has evolved to meet changing refugee needs, further underscoring the Agency’s constructive capacity. Foremost amongst these evolutions is the strengthening of UNRWA’s protection function. Following the 2004 Host and Donors Conference in Geneva, and in the emergency contexts of the oPt and Lebanon, we moved to mainstream our protection activities and increase human rights advocacy in a manner consistent with our UN mandate. Today human rights based protection constitutes a key working premise of the Agency and an integral part of service delivery across all of our programs. We have also taken action to meet our international advocacy responsibilities. This includes promoting accountability and compliance with international law among state actors in the region as already discussed.

UNRWA’s proximity to the refugees also gives it a leading role in enabling refugee involvement and the refugee voice to be heard. We fulfill this role in the discharge of our regular activities geared toward realizing the human potential of the refugees through basic assistance. Initiatives intensified over the past several years have further contributed to building participatory approaches. Our school and community human rights modules aim to give youth and parents the skills and experience to pursue peaceful conflict resolution mechanisms. Our Department of Infrastructure and Camp Improvement systematically works with camp communities, as funding becomes available, to improve their space and infrastructure, based on progressive participatory methodologies that put refugees at the center of decision-making and implementation.

Following the day when a solution is achieved, UNRWA’s role will be to continue its mission temporarily to support refugee empowerment and capacity, as the region moves from a conflict to post-conflict situation, and to help carry the peace mission to fruition, including by assisting, as long as needed, the implementation of durable solutions for the refugees.

Colleagues and friends:

While the Palestinian situation, like other refugee contexts around the world, exhibits
special features, it is distinctive in the rigidity and persistence of the framework of exile. Conflict over the course of more than six decades has done more than dispossess Palestinians of a land which for centuries had borne their name. It has given the Israeli-Palestinian confrontation a self-perpetuating character, spawning encumbrances to justice for Palestinians and obstacles to just solutions to the plight of Palestine refugees.

We must avoid dwelling on the uniqueness of Palestine refugees as a dominant feature, or as an end in itself. Doing so locks us into a self-fulfilling vortex of despair and obstructs our view of the paths along which challenges can be addressed. Rather, we must highlight the common matrix of rights and obligations at the centre of which stands the individual refugee whose inherent dignity and worth must be promoted and defended - not at the whim of State choices based on benevolence, foreign policy or security considerations – but as a matter of obligation under international law. And we must insist that Palestine refugees – like refugees elsewhere – be allowed to benefit from the full spectrum of international protection, including practical steps to prepare for a durable solution to their plight.

My call is for us to abandon our habit of offering Palestinians half measures – partial moves rather than comprehensive approaches, interim arrangements instead of permanent commitments and placebos in place of genuine cures for the ailments we, as an international community, have ourselves imposed by our acts, omissions or acquiescence. In the result, the wretchedness of the Palestinian condition belittles us, giving the lie to our proclamations of allegiance to the UN values of justice and dignity for all.

As Israelis, Palestinians and the international community all share a stake in a better future for the people of Palestine, finding the courage to give effect to the demands of international law is in everyone’s interest. We all shall—dare I say, will -- reap the fruits of peace and security on the day the occupation is ended, and when a viable, peaceful State of Palestine takes its place among the community of nations and a just and lasting solution to the plight of Palestine refugees is realized.