Survey of
Palestinian Refugees and Internally Displaced Persons
2003

BADIL Resource Center
for Palestinian Residency & Refugee Rights
BADIL is a member of the Global Palestine Right of Return Coalition
Survey of Palestinian Refugees and Internally Displaced Persons 2003
Preface

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

The Survey has several objectives: (1) It aims to provide basic information about Palestinian displacement – i.e. the circumstances of displacement, the size and characteristics of the refugee and displaced population, and, the living conditions of Palestinian refugees and internally displaced persons; (2) It aims to clarify the framework governing protection and assistance for this displaced population; and, (3) It sets out the basic principles for crafting durable solutions for Palestinian refugees and internally displaced persons, consistent with international law, relevant United Nations resolutions and best practice. In short, the Survey endeavors to address the lack of information or misinformation about Palestinian refugees and internally displaced persons, and encounter unconstructive political arguments that suggest that the issue of Palestinian refugees and internally displaced persons can be resolved outside the realm of international law and practice applicable to all other refugee and displaced populations.

The Survey examines the status of Palestinian refugees and internally displaced persons on a thematic basis. Chapter one provides a short historical background to the root causes of Palestinian mass displacement. Chapter two examines the demographic characteristics of the Palestinian refugee and displaced population. The third chapter provides a basic overview of the living conditions of Palestinian refugees and displaced. The fourth and fifth chapters examine international assistance and protection. The sixth and final chapter provides an overview of the framework for durable solutions. Each chapter includes basic background information and highlights for the previous year. The Survey also provides a list of recommendations concerning implementation of the rights of Palestinian refugees and internally displaced persons in the context of a just and comprehensive solution to the conflict in the Middle East.

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

BADIL Resource Center
December 2004
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The information in the Survey is compiled from a variety of sources, including published reports, books, statistical summaries, United Nations documents, press reports, and unpublished materials. The information presented in the Survey represents the most recent information available to BADIL Resource Center at the time of publication.

Due to the nature of Palestinian displacement, registration and enumeration, and technical and political complications related to the collection of information about Palestinian refugees, systematic data and information for all groups of Palestinian refugees and internally displaced persons is not available. The most extensive data and information covers those Palestinian refugees displaced in 1948 and registered with the UN Relief and Works Agency for Palestine Refugees (UNRWA). There is little data and information on Palestinian refugees residing in Europe, North America and other areas outside the Middle East. Systematic data and information is also lacking for internally displaced Palestinians.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADRID</td>
<td>National Society for the Rights of the Internally Displaced</td>
</tr>
<tr>
<td>CAC</td>
<td>Civil Affairs Committee of the Palestinian Authority</td>
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<td>CAP</td>
<td>Consolidated Appeals Process</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<tr>
<td>DCO</td>
<td>District Coordination Office</td>
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<tr>
<td>ECOSOC</td>
<td>Economic and Social Council of the United Nations</td>
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<tr>
<td>EP</td>
<td>European Parliament</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>FAFO</td>
<td>Institute for Applied Social Science</td>
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<tr>
<td>GA</td>
<td>General Assembly of the United Nations</td>
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<tr>
<td>GCC</td>
<td>Gulf Cooperation Council</td>
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<tr>
<td>HEPG</td>
<td>Humanitarian and Emergency Policy Group</td>
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<tr>
<td>ICJ</td>
<td>International Court of Justice</td>
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<tr>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<tr>
<td>IDP</td>
<td>Internally displaced person</td>
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<tr>
<td>ILA</td>
<td>Israel Lands Administration</td>
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<tr>
<td>IUED</td>
<td>Graduate Institute of Development Studies/University of Geneva</td>
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<td>JNF</td>
<td>Jewish National Fund</td>
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<td>LACC</td>
<td>Local Aid Coordination Committee</td>
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<td>LAS</td>
<td>League of Arab States</td>
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<tr>
<td>LASC</td>
<td>Council of the League of Arab States</td>
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<tr>
<td>NAM</td>
<td>Non-Aligned Movement</td>
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<td>NGO</td>
<td>Non-governmental organization</td>
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<td>OAU</td>
<td>Organization of African Unity</td>
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<td>OCHA</td>
<td>Office of the Coordinator of Humanitarian Affairs</td>
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<tr>
<td>OIC</td>
<td>Organization of Islamic Conferences</td>
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<tr>
<td>OPT</td>
<td>Occupied Palestinian Territories</td>
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<tr>
<td>PASSIA</td>
<td>Palestinian Academic Society for the Study of International Affairs</td>
</tr>
<tr>
<td>PCBS</td>
<td>Palestinian Central Bureau of Statistics</td>
</tr>
<tr>
<td>PLO</td>
<td>Palestine Liberation Organization</td>
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<tr>
<td>PPP</td>
<td>Purchasing Power Parity</td>
</tr>
<tr>
<td>RRA</td>
<td>Refugee Rehabilitation Authority</td>
</tr>
<tr>
<td>RWG</td>
<td>Refugee Working Group</td>
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<tr>
<td>SC</td>
<td>Security Council of the United Nations</td>
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<td>SHC</td>
<td>Special Hardship Case</td>
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<tr>
<td>UK</td>
<td>United Kingdom</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNCCP</td>
<td>United Nations Conciliation Commission for Palestine</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNRPR</td>
<td>UN Relief for Palestine Refugees</td>
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<td>UNRWA</td>
<td>United Nations Relief and Works Agency for Palestine Refugees in the Near East</td>
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<tr>
<td>USAID</td>
<td>US Agency for International Development</td>
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<tr>
<td>USDA</td>
<td>United States</td>
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<td>WFP</td>
<td>World Food Programme</td>
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<td>WHO</td>
<td>World Health Programme</td>
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<td>WJC</td>
<td>World Jewish Congress</td>
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<tr>
<td>WWI</td>
<td>World War One</td>
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</tbody>
</table>
Glossary

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

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

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

Armistice Line

Assistance
Aid provided to address physical and material needs. This may include food items, medical supplies, clothing, shelter, as well as the provision of infrastructure, such as schools.

Asylum
Admission to residence and last protection against the exercise of jurisdiction by the state of origin (temporary or permanently). A refugee does not have a right to be granted asylum.

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

Convention refugee
A person recognized as a refugee by states under the criteria of Article 1A of the 1951 Convention Relating to the Status of Refugees, and entitled to the enjoyment of a variety of rights under that Convention.

Displaced person
A Palestinian displaced within and from the West Bank and Gaza Strip in the context of the 1967 Arab-Israeli conflict and falling within the scope of UNSC Resolution 237 (1967). The term includes persons displaced externally and internally at that time, as well as their descendants. The term is also used by UNRWA in reference to persons falling under its mandate in accordance with UNGA Resolution 2252 (1967). The term does not include Palestine refugees (see below) displaced to the West Bank and Gaza Strip during the 1948 Arab-Israeli conflict.

Durable solutions
Means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives. The three durable solutions are voluntary repatriation (i.e. return), host country integration and third country resettlement. Voluntary repatriation is recognized as the most durable solution. Housing and property restitution is an integral component of repatriation.
Ex-Gazan  A Palestinian who left the Gaza Strip and went to Jordan as a result of the 1967 Arab-Israeli conflict. This includes Palestine refugees (see below) who came to the Gaza Strip in 1948 and persons whose home of origin is the Gaza Strip and their descendants.

Interim (Oslo) Agreements  Agreements between the Palestine Liberation Organization and Israel, including the 1993 Declaration of Principles on Interim Self-Government Arrangements signed in Oslo, Norway, the 1994 Agreement on the Gaza Strip and Jericho Area, the 1995 Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip, the 1998 Wye River Memorandum, and the 1999 Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations.

Internally Displaced Palestinian  A Palestinian forced or obliged to flee from his/her home, “... in particular as a result of or in order to avoid the effects of armed conflicts, situations or generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” The term includes Palestinians displaced inside Israel as a result of the 1948 Arab-Israeli conflict (also included as refugees falling within the scope of UNGA Resolution 194 (1948)), Palestinians displaced inside Israel after 1948 due to population transfer, land expropriation and house demolition, Palestinians displaced inside the West Bank and Gaza Strip as a result of the 1967 Arab-Israeli conflict (also referred to as displaced persons falling within the scope of UNSC Resolution 237 (1967)), and Palestinians displaced inside the Gaza Strip as a result of population transfer, land expropriation and house demolition.

International Protection  Interventions by states of UNHCR on behalf of asylum-seekers and refugees to ensure that their rights, security and welfare are recognized and safeguarded in accordance with international standards. Such interventions include: ensuring respect for the principle of non-refoulement; admission to safety; access to fair procedures for the determination of refugee status; human standards of treatment; and the implementation of durable solutions.

Intifada  An Arabic term referring to the Palestinian uprising against Israel's military occupation of the West Bank (including eastern Jerusalem) and the Gaza Strip.

Green Line  See 'Armistice Line' above.

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

Jewish National Fund  (Keren Kayemeth LeIsrael) A quasi-public Jewish institution established in 1901 to purchase land in Palestine and Syria for Jewish colonization and the creation of Jewish state. The fund was incorporated as an Israeli company in 1953. The fund holds and develops land exclusively for the benefit of Jews. In the 1950s the state of Israel 'sold' more than 2 million dunums of absentee Palestinian refugee property to the JNF. The JNF holds nine of nineteen seats in the governing body of the Israel Lands Administration, the government body responsible land policy, development, planning and land acquisition for public purposes.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Jewish State</td>
<td>A term used by Israel to define the character of the state. Israel’s High Court (Ben-Shalom <em>vs.</em> Central Election Committee) states that the Jewish character of the state is defined by three inter-related components: 1) that the Jews form the majority of the state; 2) that the Jews are entitled to preferential treatment such as the Law of Return; and 3) that a reciprocal relationship exists between the state and the Jews outside of Israel.</td>
</tr>
<tr>
<td>Mandate for Palestine</td>
<td>A type of international trusteeship entrusted by the League of Nations in 1920 to Great Britain. The purpose of the Mandate system was to facilitate the independence of non-self-governing territories. The Mandate for Palestine, however, aimed to facilitate the colonization of the country through Jewish immigration and settlement in order to secure the establishment of a Jewish national home.</td>
</tr>
<tr>
<td>Nakba</td>
<td>An Arabic term meaning catastrophe referring to the mass displacement and dispossession of Arab Palestinians in 1948.</td>
</tr>
<tr>
<td>Naksa</td>
<td>An Arabic term meaning setback or relapse referring to the second mass displacement and dispossession of Arab Palestinians in 1967.</td>
</tr>
<tr>
<td>National</td>
<td>A person recognized to have the status of a legal bond with a State as provide for under law. Some States use the word ‘nationality’ to refer to this legal bond, while other States used the word ‘citizenship’.</td>
</tr>
<tr>
<td>Nationality</td>
<td>The status of being a citizen of a particular nation or country.</td>
</tr>
<tr>
<td>Non-refoulement</td>
<td>A core principle of refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle of non-refoulement is a part of customary international law and is therefore binding on all states, whether or not they are parties to the 1951 Refugee Convention.</td>
</tr>
<tr>
<td>Occupied Palestinian Territories</td>
<td>That part of former Palestine (22 percent) occupied by Israeli military forces in 1967.</td>
</tr>
<tr>
<td>Palestine Liberation Organization</td>
<td>The body formed in January 1964 in order to represent the Palestinian people and reconstitute their rights in their historic homeland as set forth in the Palestine National Charter. The two most important institutions of the PLO are the 669-member parliament and the fifteen-member executive committee. Economic institutions of the PLO include the Palestinian National Fund and the Palestine Martyrs’ Works Society. Major social institutions include the Palestinian Red Crescent Society, the Department of Education, the Institute for Social Affairs and multiple unions in which Palestinians have organized themselves. The PLO holds a permanent observer seat in the UN General Assembly.</td>
</tr>
<tr>
<td>Palestine Refugee</td>
<td>The term used by UNRWA (<em>see below</em>) in its registration system to refer to any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict.</td>
</tr>
<tr>
<td>Palestinian Authority</td>
<td>The body established under the 1993 Declaration of Principles on Interim Self-Government Arrangements and the 1994 Agreement on the Gaza Strip and Jericho Area to administer those parts of the 1967 occupied Palestinian territories evacuated by Israel pending the negotiation of a final settlement. The Palestinian Authority is an organ of the PLO (<em>see above</em>).</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Palestinian refugee</td>
<td>Common language used to designate all those Palestinians who have (and continue to) become externally displaced from former Mandate Palestine (i.e. Israel and the OPTs) in the context of the ongoing Israeli-Palestinian/Arab conflict, as well as their descendants. The term refers to three groups: Palestinians who became refugees as a result of the 1948 Arab-Israeli conflict (including Palestine refugees (see above)); Palestinians who became refugees as a result of the 1967 Arab-Israeli conflict (also referred to as Displaced Persons (see above)); and, other Palestinians who were forced to leave Israel and the occupied Palestinian territories owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and who are unable or, owing to such fear, unwilling to return to these areas.</td>
</tr>
<tr>
<td>Population transfer</td>
<td>The systematic, coercive and deliberate movement of population into or out of an area with the effect or purpose of altering the demographic composition of a territory, particularly when that ideology or policy asserts the dominance of a certain group over another.</td>
</tr>
<tr>
<td>Present absentee</td>
<td>An Arab Palestinian who is regarded as an absentee under Israel’s 1950 Absentees Property Law but remained in that part of former Palestine that became the state of Israel in 1948.</td>
</tr>
<tr>
<td>Quadripartite Committee</td>
<td>A committee established under the Interim Agreements (see above) between the PLO and Israel to discuss the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967. The committee is composed of Israel, the Palestinians, Jordan and Egypt.</td>
</tr>
<tr>
<td>Refugee camp</td>
<td>A plot of land placed at the disposal of the UN Relief and Works Agency for Palestine refugees (see below) by the host government for accommodating Palestine refugees (see above) and for setting up facilities to cater to their needs.</td>
</tr>
<tr>
<td>Refugee Office</td>
<td>A sub-office established in 1950 by the UN Conciliation Commission for Palestine (see below) to identify property ownership inside Israel and examine various interim measures by which refugees could derive income from their properties.</td>
</tr>
<tr>
<td>Refugee Working Group</td>
<td>A body established in 1992 to improve the living conditions of Palestinian refugees and displaced persons without prejudicing the final status deliberations on the refugee issue, to ease and extend access to family reunification and to support the process of achieving a viable and comprehensive solution of the refugee issue. The body is comprised of Egypt, Israel, Jordan, Lebanon, the Palestinians and Syria although Lebanon and Syria have boycotted the Group. The Refugee Working Group is headed by Canada.</td>
</tr>
<tr>
<td>Registered refugee</td>
<td>See ‘Palestine refugee’ above. The term does not indicate refugee status, but rather eligibility for assistance from the UN Relief and Works Agency for Palestine Refugees (see below)</td>
</tr>
<tr>
<td>Repatriation</td>
<td>One of three durable solutions afforded to refugees and displaced persons. Voluntary repatriation in safety and dignity, based on the fundamental right to return to one's home and country, is recognized as the most appropriate solution to refugee flows.</td>
</tr>
<tr>
<td>Resettlement</td>
<td>One of three durable solutions afforded to refugees and displaced persons. Unlike repatriation (see above) refugees do not have a fundamental right to resettle in a third state.</td>
</tr>
</tbody>
</table>
Restitution

The legal remedy designed to correct the illegal taking of property from its rightful, original owner through restoring the wrongfully taken property back to the ownership and possession of the original owner. Restitution is an integral component of voluntary repatriation. Compensation may be used when restitution is not factually possible of when the injured party knowingly and voluntarily accepts compensation in lieu of restitution.

Road Map


Separation Wall

The wall being constructed by Israel in the West Bank based on the notion of unilateral separation. The Wall cuts deep inside the West Bank and effectively annexes Israeli colonies and large areas of fertile West Bank land and water resources to Israel.

Stateless person

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

Statelessness

The condition of not being considered as a national by any state under the operation of its law.

Temporary Protection

An arrangement or device developed by states to offer protection of a temporary nature to persons arriving *en masse* from situations of conflict or generalized violence, without prior individual status determination.

Unofficial camp

Camps established to provide additional accommodation for Palestinian refugees. Official and unofficial camps have equal access to services provided by the UN Relief and Works Agency for Palestine Refugees (*see below*) except for solid waste collection.

UN Mediator

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

UNCCP

United Nations Conciliation Commission for Palestine. The international organ established by the United Nations in 1948 to protect and facilitate solutions for all persons displaced during the 1948 Arab-Israeli conflict and to facilitate a solution to all outstanding issues between the parties.

UNHCR

United Nations High Commissioner for Refugees. The international organ established by the United Nations in 1949 to protect, assist, and seek solutions for refugees worldwide.

UNRWA

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

Voluntariness

A key factor governing durable solutions. Voluntariness means not only the absence of measures which push the refugee to repatriate, but also means that he or she should not be prevent from returning.

Zionism

A political movement established in the late 19th century in response to persecution of European Jewry. The movement’s Basle Program (1897) states that the aim of Zionism is to create for the Jewish people a home in Palestine secured by public international law.
Executive Summary

Two in five refugees worldwide are Palestinian

Palestinian refugees and internally displaced Palestinians are one of the largest and longest-standing cases of displacement in the world today. At the end of 2003, it is estimated that there were more than 7 million Palestinian refugees and internally displaced persons out of a global Palestinian population of 9.7 million persons. This includes 5.7 million 1948 refugees (of whom 4.1 million are registered for assistance), 780,000 1967 refugees, 838,000 Palestinians displaced after 1967, 325,000 1948 internally displaced Palestinians inside Israel, and another 38,000 IDPs in the 1967 occupied Palestinian territories. (NOTE: all figures, except for registered refugees are estimates)

Two in five refugees in the world today are Palestinian.

Palestinian refugees and IDPs face ongoing and renewed threats to life and property

Physical security continued to be a serious concern in the 1967 occupied Palestinian territories with more than 600 fatalities related to Israel's military occupation in 2003. It is estimated that more than half were refugees and internally displaced. While the humanitarian situation in the occupied territories stabilized in 2003, albeit with high rates of unemployment and poverty, punitive demolition of refugee shelters and properties increased. By the end of the year several thousand Palestinians had been newly displaced and dispossessed of property as a result of Israel's construction of a separation ('apartheid') Wall in the occupied West Bank. Palestinian Bedouin in southern Israel were especially vulnerable to house demolition and destruction of agricultural land.

In Iraq thousands of Palestinian refugees were forced once again to leave their homes and livelihoods as a result of the US-UK led war and occupation. Several hundred Palestinian refugees who had fled to the Jordan border were still in need of solutions at the end of the year. Protection of those refugees remaining in Iraq continued to be a serious concern due to violence and political instability. In Lebanon, new legislative initiatives responding to concerns about de facto resettlement of Palestinian refugees threatened to further deprive Palestinians of the right to property and residence.

Continued decline in living conditions in major host countries

Ongoing conflict, especially in the 1967 occupied Palestinian territories, shortfalls in donor contributions for refugee assistance (regular and emergency programs) and unresolved gaps in national and international protection contributed to further decline in refugee living conditions. In the occupied territories the gap between refugees and non-refugees narrowed with impoverishment affecting all sectors of Palestinian society, including an emerging trend in feminization of poverty. Refugees, non-refugees and newly-displaced Palestinians affected by the separation Wall had even greater difficulties in reaching health and education facilities and places of employment. Palestinians inside Israel, including IDPs, continued to experience higher rates of unemployment and poor education and health outcomes compared to Jews.

In Iraq, the US/UK led war and occupation, and related displacement and forced eviction resulted in loss of employment and income opportunities and threatened basic health and education outcomes. There were no major improvements in the socio-economic situation of Palestinian refugees in Lebanon where economic, housing, education and health indicators are the poorest. Education performance of refugees in Lebanon declined in 2003, however, scores in government schools also declined during the same period.
Gaps in international protection and assistance remain unresolved

Interpretation and application of the 1951 Refugee Convention Relating to the Status of Refugees to Palestinian refugees varied widely, despite the introduction of a revised interpretative note by UNHCR in late 2002. Only Finland, Hungary and Norway in some cases have properly interpreted and applied the Refugee Convention. Joint UNHCR-UNRWA protection and assistance to Palestinian refugees in Iraq provided a useful model for institutional cooperation; however, the question of which international agency is responsible for refugee protection in UNRWA areas of operation remained unresolved. Weak regional refugee instruments and mechanisms continued to be a problem.

The political and humanitarian crisis in the 1967 occupied Palestinian territories, brought about by Israeli military siege and assaults on civilian areas, including refugee camps placed further strain on the capacity of UNRWA to provide adequate assistance for Palestinian refugees. The situation was exacerbated by the retargeting of foreign aid to the war and reconstruction in Iraq resulting in further declines in standards relative to host countries and international standards. The ability of UNRWA to rally donor support was compromised by politically motivated and unsubstantiated attacks on the Agency by pro-Israel organizations.

The search for durable solutions continues to exclude basic human rights.

Bilateral and multi-lateral negotiations on the refugee issue remained frozen in 2003. The political process continued to focus on Israeli security, political reform of the Palestinian Authority (PA) and humanitarian issues affecting the population of the 1967 occupied Palestinian territories. International human rights organizations continued to remind state parties that excluding rights from the political process for reasons of expediency would have terrible consequences as human rights violations and lack of respect for rule of law in general would undermine any political process.

Official and unofficial political initiatives launched in 2003 were notable for the lack of reference to international law and best practice. The Performance-based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (‘Road Map’), endorsed by the UN Security Council in 2003, calls for “an agreed, just, fair, and realistic solution” but does not define what is meant by these terms. By the end of the year implementation of the Road Map was severely behind schedule. The United States, Israel, along with the Marshall Islands, Micronesia and Palau, continued to vote against resolutions that reaffirm principles of international law applicable to resolving the Palestinian refugee question.

Resolutions adopted by the Council of Europe (CoE) Parliamentary Assembly and the European Parliament (EP) in 2003 were also inconsistent with international law and practice on durable solutions for refugees worldwide. Terms such as ‘realistic’ and ‘fair and balanced’ were used to delineate a solution that is based on the current balance of power in the region rather than a solution consistent with rule of law. Other regional groupings, including the League of Arab States (LAS), the Organization of Islamic Conferences (OIC) and the Non-Aligned Movement (NAM), however, reaffirmed support for the right of Palestinian refugees to return to their homes and repossess their properties.

The UN General Assembly requested the International Court of Justice (ICJ) to render an advisory opinion about “the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions.” If the Court decides to review the case and render an opinion, it could have important consequences regarding the role of international law in resolving the conflict, in general, and, more specifically, in the search for durable solutions for Palestinian refugees and IDPs.
Official positions unchanged, more civil society initiatives

There was no change in the fundamental positions of the parties about the parameters for durable solutions for Palestinian refugees and internally displaced Palestinians in 2003. Israel continued to hold the view that Palestinian refugees should be resettled in Arab states, or in third countries outside the region. During the year the Supreme Court upheld the state’s position that internally displaced Palestinians from the village of Iqrit in the Galilee could not return because it could set a precedent for Palestinian refugees.

The lack of public debate and equation of return with ‘national suicide’ or the ‘destruction of the Jewish state’ continued to block efforts to encourage substantive discussion among Israeli Jews about the role of international law in resolving the refugee issue and the larger regional conflict. Official and public debate concerning Palestinian refugees focused on demography (i.e. how to maintain a Jewish majority), maximum separation from the Palestinian population in the OPTs with minimum separation from the land, and renewed discussion about forms of population transfer.

In December 2003 Ariel Sharon announced that Israel may consider unilateral redeployment (‘disengagement’) from the Gaza Strip and parts of the West Bank. The proposal complements accelerated construction of the separation Wall and appears to be part of a systematic effort to entrench Israel’s control over the West Bank without the concomitant obligations and responsibilities of an occupying power under international law and further cement the system of ethnic-national separation that allows Israel to maintain its Jewish demographic majority and the majority of the colonies (i.e. settlements) constructed in the OPTs since 1967.

The PLO continued to advocate for durable solutions for Palestinian refugees based on General Assembly Resolution 194(III) and international law. Refugee activists in the West Bank re-launched popular right of return conferences in order to strengthen support for a rights-based approach. Preparatory committees were established in Bethlehem, Ramallah, Tulkarem and Nablus districts. Similar initiatives were in progress in other parts of the West Bank by the end of the year. Community activists in the Gaza Strip have adopted the same model but implementation has been slower.

During 2003 the international umbrella network Coalition for the Palestinian Right of Return held its fourth annual coordinating meeting, developed a joint plan of action and adopted a draft Constitution setting out the objectives and regulations of the Coalition. Al-Awda/The Palestine Right to Return Coalition held its first convention in Toronto, Canada focused on Principles, Strategies and Programs for the right of return. Nakba memorials (May 15) included popular marches and rallies and numerous media initiatives. Palestinian refugees, however, remained largely excluded from official efforts to find durable solutions.

The number of civil society initiatives either supporting and/or working towards a rights-based solution for Palestinian refugees and internally displaced continued to grow during the year. This includes a small, but growing number of Israeli-Jewish initiatives to educate and raise awareness inside Israel about Palestinian refugees and the role of international law in finding durable solutions. In addition, many initiatives calling for a boycott/divestment from Israel also call upon Israel to recognize its responsibility for Palestinian displacement and related obligation to admit those wishing to return and restitute homes and properties.
Historical Overview

Preface

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

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

Several tens of thousands of Palestinians were displaced within and expelled from Israel between 1949 and 1967. Approximately 400,000 Palestinians were displaced, half for a second time, during the 1967 Israeli-Arab war, when Israel occupied the West Bank, eastern Jerusalem and the Gaza Strip. Subsequent displacements and expulsions followed in the 1967 occupied Palestinian territories after the war. Secondary displacement of refugees has continued in various countries of exile, including Jordan, Lebanon, Kuwait, Libya and most recently in Iraq.

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

Today, approximately three-quarters of the Palestinian people are displaced. More than five decades after their initial displacement/expulsion from their homeland, Palestinian refugees and internally displaced persons still lack access to voluntary and durable solutions to their plight based on international law and relevant UN resolutions.
Table 1.1 – Estimated Number of Palestinians Displaced, by Period of Displacement

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Palestinians Displaced/Expelled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1922 – 1947</td>
<td>100,000 – 150,000</td>
</tr>
<tr>
<td>1947 – 1949</td>
<td>750,000 – 900,000</td>
</tr>
<tr>
<td>1949 – 1966</td>
<td>35,000 – 45,000</td>
</tr>
<tr>
<td>1967</td>
<td>350,000 – 400,000</td>
</tr>
<tr>
<td>1968 – 2003</td>
<td>838,000</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Area of Expropriated Palestinian Land (km²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1922 – 1947</td>
<td>-</td>
</tr>
<tr>
<td>1947 - 1949</td>
<td>17,178</td>
</tr>
<tr>
<td>1949 - 1966</td>
<td>700</td>
</tr>
<tr>
<td>1967</td>
<td>849</td>
</tr>
<tr>
<td>1968 - 2003</td>
<td>3,209</td>
</tr>
</tbody>
</table>

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

Population Transfer and Political Zionism

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

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

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

This idea was expressed succinctly by Theodor Herzl, the founding father of political Zionism. “We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country. The property owners will come over to our side. Both process of expropriation and removal of the poor must be carried out discreetly and circumspectly.”[^3]

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

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

The idea of transfer was again raised during the 1967 war. Resettlement schemes focused on the Jordan Valley, but also further a field in South America. Thousands of refugee shelters were destroyed in the Gaza Strip in an attempt to resettle refugees outside of refugee camps. The idea of population transfer emerged again in the context of the second Palestinian uprising (intifada) against Israeli occupation of the West Bank and Gaza Strip.
Palestinian refugees are one of the largest and longest standing unresolved refugee cases in the world today. At the beginning of the 20th century most Palestinians lived inside the borders of Palestine, which is now divided into Israel, the West Bank and the Gaza Strip. Today, approximately half of the Palestinian people have been displaced outside their homeland. Another twenty-five percent are displaced within the borders of former Palestine.

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

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

Palestinian refugees displaced between 1948 and 1967 cannot return because Israel defines itself as a Jewish state and therefore refuses to allow Palestinian refugees to return to their homes of origin inside Israel because they are not Jewish. Those refugees who originate from the West Bank, eastern Jerusalem and the Gaza Strip cannot return due to Israel’s protracted military occupation. The legal regime in Israel and in the OPTs blocks refugee return and restitution.

From Mandate to Partition

From the beginning of the British Mandate in Palestine in 1922 through the end of 1947 when the United Nations recommended that the country be partitioned into two states nearly one-tenth of the Palestinian Arab population was forced to leave, expelled or denationalized and became refugees. Several tens of thousands of Palestinian Arabs were also displaced internally during this period due to Zionist colonization, the eviction of tenant farmers, and punitive house demolition by the British administration.

During WWI, Allied forces under British command occupied Palestine which was then one of several Arab territories that were part of the Ottoman Empire. In November 1917 the British cabinet issued the Balfour Declaration.5 The one-page letter from Arthur Balfour, the British Secretary of Foreign Affairs to Lord Rothschild, head of the British Zionist Federation, granted explicit recognition of and support for the idea of establishing a Jewish homeland in Palestine through immigration and colonization.

At the time Jews constituted only eight percent of the population of Palestine.6 They owned less than three percent of the total land in the country.7 Most of the indigenous Palestinian Jewish community of Palestine did not support the idea of creating a separate and exclusive Jewish state in the country.8 Despite widespread Palestinian Arab opposition to the Balfour Declaration, Great Britain viewed Zionist colonization as a way to advance British interests in the region.9
Palestine under British Mandate Administration (1917-1948)

In 1919 Allied Powers met in Paris to determine the status of those non-self-governing territories that had been part of the former Ottoman Empire. Member states of the League of Nations decided to establish a ‘Mandate System’ to facilitate the independence of these territories. In 1920 the League entrusted the temporary administration (‘Mandate’) of Palestine to Great Britain, a “Class A” Mandate or closest to independence.

The Mandate for Palestine, however, aimed to facilitate the colonization of the country through Jewish immigration and settlement in order, “to secure the establishment of the Jewish national home,” in line with the political commitment set out in the Balfour Declaration. The Mandate accorded the Jewish minority in the country and non-resident Jews residing elsewhere full political rights; it only granted the Palestinian Arab majority civil and religious rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The UN General Assembly, however, decided to appoint a special committee to formulate recommendations concerning the future status of Palestine. The Assembly also rejected requests to obtain an advisory opinion from the International Court of Justice concerning the appropriate legal outcome of the British decision to terminate the Mandate in Palestine as well as the legal authority of the UN to issue and enforce recommendations on the future status of the country.\(^\text{19}\)

In September 1947 the UN Special Committee on Palestine issued its recommendations on the future status of the country.\(^\text{20}\) The majority of the Committee members supported the creation of two states, one Arab and the other Jewish, “to afford a workable basis for meeting in part the claims and national aspirations of both parties.” Others favored a federal state to “ensure equal rights for both Arabs and Jews in their common state.”

UN General Assembly Resolution 181 (II), 29 November 1947 recommended the partition of Palestine.\(^\text{21}\) The proposed Jewish state was allotted 56 percent of the land even though the Jewish community comprised less than one-third of the population of Palestine at the time and owned not more than seven percent of the land.\(^\text{22}\) Due to the dispersion of the Arab and Jewish population in the country, nearly half the population of the proposed Jewish state was comprised of Palestinian Arabs who owned nearly 90 percent of the land.\(^\text{23}\)

By the time the British had decided to turn the question of Palestine over to the United Nations in 1947 an estimated 100-150,000 Palestinian Arabs had been displaced within or from their homeland.\(^\text{24}\) This included some 30,000 Palestinians who fled Palestine in the immediate months after the passage of UN Resolution 181.\(^\text{25}\) By this time, Zionist colonization associations had acquired more than 700 km\(^2\) of land, mostly from larger landowners not residing in Palestine.\(^\text{26}\)

**The Nakba**

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

The greatest outflow of refugees before the war took place in April and early May 1948 under a Zionist military operation known as ‘Plan Dalet’, which was designed “to achieve the military fait accompli upon which the state of Israel was to be based.”\(^\text{27}\) The massacre of more than 100 men, women and children in the Palestinian village of Deir Yassin in April 1948 is widely acknowledged to have contributed to the fear and panic that led to mass displacement.\(^\text{28}\)

The unilateral declaration of the establishment of the state of Israel by the Zionist movement on 14 May, followed by the subsequent entry of Arab forces in Palestine led to the complete collapse of the UN plan to divide Palestine into two states. Palestinians fled their homes due to attacks on civilians by Israeli forces, massacres and other
The United Nations Partition Plan for Palestine (1947)

atrocities, and looting and destruction of property. Others were forcibly expelled.

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

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

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

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

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

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

**Displacement after the 1948 War**

Between 1949 and 1967 Israel continued to displace Palestinians from areas under its control through internal transfer and expulsion, primarily from the northern border villages, the Naqab (Naqab), the ‘Little Triangle’ (area ceded to Israel under the armistice agreement with Jordan) and from villages partially emptied during the war. Tens of thousands of Palestinians lost their homes and lands. The majority were displaced during the 1950s.

Within days of the signing the Egyptian-Israeli General Armistice Agreement in early 1949, for example, some 2,000-3,000 Palestinians from the villages of Faluja and Iraq...
The displacement of Palestinians from their homeland since the beginning of the 20th century has been accompanied by a simultaneous process of Zionist colonization. Between 1922 and 1948, the Jewish population in Palestine increased by more than six times primarily due to immigration. At the same time, the international community was facilitating the resettlement of displaced European Jews in Palestine in violation of international commitments not to resettle displaced persons in non-self-governing territories without the consent of the indigenous population of that territory. During this period the borders of many western countries, including the United States, remained largely closed to Jewish refugees, many of whom did not consider Palestine as their country of first choice for asylum. In the United States, for example, opinion polls revealed that the majority of Americans were unwilling to permit more Jewish immigration to the country, despite their knowledge of Nazi persecution and atrocities.

Within the first decade of Israel’s existence, Jewish immigration accounted for over 70 percent of the growth in the Jewish population. Over more than five decades, immigration remains the primary source of growth in the Jewish population inside Israel. As of 2003, immigration accounted for approximately 60 percent of the growth of the Jewish population inside Israel. The greatest demographic shift in Jewish population occurred in the areas that became the state of Israel where the number of Jews increased by more than 6 times between 1948 and 2003. This is approximately the same increase in the Jewish population in historic Mandate Palestine due to mass immigration between 1922 and 1948. An equally massive demographic shift occurred in occupied eastern Jerusalem after 1967 where the Jewish population increased from nil in 1967 to more than 50 percent of the population today primarily due to colonization.

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

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

The amount of land under Jewish ‘ownership/control’ increased more than 10 times between 1948 and the early 1950s. The dramatic increase in land under Jewish control can be attributed solely to the expropriation of Palestinian property. As of the mid-1950s Jewish ‘ownership’ and control of land in historic Mandate Palestine increased from approximately 7 percent to over 70 percent. Inside the borders of the new state of Israel, Jewish ‘ownership’ and control of land had increased from approximately 11 percent to over 90 percent. The immediate acquisition of refugee property and so-called state land in the occupied Palestinian territories in 1967 increased total Jewish ‘ownership’ and control in Palestine to over 75 percent and to nearly 15 percent of the 1967 occupied territories. By 2003, it is estimated that Jewish ‘ownership’ and control of land comprised 85 percent of the total area of historic Mandate Palestine.
al-Manshiya, were beaten, robbed and forced to leave their homes. According to UN observers, some 7,000 Palestinians residing west of the southern armistice lines near the Palestinian village of Dura were expelled from Israeli-held territory in March 1949. Annexation of the Little Triangle led to the expulsion of 8,500 Palestinians. In 1950 Israeli forces expelled the remaining 2,500 Palestinian residents of the city of Majdal (today’s Ashqelon) into the Egyptian-controlled Gaza Strip. More than 20,000 Bedouin were expelled from their traditional tribal areas of the country between 1949 and 1956. The majority of those who were expelled were from the Naqab in the south; some 5,000 Bedouin in the north were expelled into Syria.

Israeli police carried out raids on Palestinian villages to search for refugees who had returned. Returnees (referred to as ‘infiltrators’) were subsequently transported to the border and expelled. In January 1949, for example, refugees from the Palestinian villages of Shf’ā‘am, Ma’ilya and Tarshiha who tried to return home were detained, passports and money confiscated, loaded on trucks and driven to the border and forced to cross into Jordan. By 1956 Israeli forces had killed some 5,000 refugees as they tried to return to their homes.

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

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

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

Following the war Israel established a military government to prevent the return of Palestinian refugees and maintain control over the Palestinian population remaining inside Israel through policies of separation and isolation. A special network of military courts was set up to ensure compliance with emergency regulations. Jewish affairs in the country were governed by the civilian government. The military government remained in place until 1966.

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

A web of new land laws was adopted to expropriate refugee property and transfer the property to the state and the Jewish National Fund (JNF). These included emergency regulations and laws relating to so-called abandoned Palestinian property. Under the 1960 Israel Lands Law land expropriated under this legal regime is held by the state of Israel and the JNF as the inalienable property of the Jewish people. The land cannot be sold to non-Jews.

Displacement in Host Countries

Palestinians who sought refuge outside their historic homeland have experienced further displacement: from the Arab Gulf in the 1950s when oil-producing states kicked out striking Palestinian workers; from Jordan during the 1970 war against the Palestine Liberation Organization (PLO) known as ‘Black September’; within and from Lebanon during the civil war and the 1982 Israeli invasion when several thousand Palestinian refugees in the Beirut refugee camps of Sabra and Shatila were massacred by Israeli-allied Christian Phalangists; from Kuwait during the 1990 Gulf War when most of the Palestinian population (350-400,000) was forced to leave the country; from Libya in 1996 after the beginning of the Oslo peace process; and, in 2003 during the US-led war in Iraq.
By the mid-1950s the number of Palestinians expelled by Israeli authorities comprised some fifteen percent of the total Palestinian population inside Israel. During this period Israel expropriated some 700 km$^2$ of land from Palestinians who remained within the territory that became the state of Israel.

The 1967 War

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

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

Palestinians were also driven from their homes by Israeli military forces. Others were transferred out of the West Bank on buses and trucks provided by the military. In some cases young Palestinian men were forced to sign documents that they were leaving voluntarily. “When someone refused to give me his hand [for finger printing] they came and beat him badly,” said one Israeli officer. “Then I was forcibly taking his thumb, and immersing it in ink and finger printing him. […] I have no doubt that tens of thousands of men were removed against their will.”
Israel completely destroyed several Palestinian villages, including Imwas, Yalu and Beit Nuba in the Latrun salient northwest of Jerusalem. The entire Moroccan quarter in the Old City of Jerusalem, adjacent to the Western Wall, was razed to make way for a large plaza for Jewish religious and national events. In the West Bank town of Qalqilya Israeli military forces destroyed half of the town's 2,000 homes. The Palestinian villages of Beit Marsam, Beit’Awa, Jiftlik and al-Burj were also razed.

By the time the 1967 war came to an end some 400,000 Palestinians had been displaced from the West Bank and Gaza Strip. The areas of the West Bank most affected included the Jordan Rift, Hebron and the frontier areas of the Ramallah district. Israel expropriated more than 400 km$^2$ of land owned by Palestinians who had been displaced from the West Bank and Gaza Strip during the war.

**Military Occupation after 1967**

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

Israel established a military government in the West Bank (excluding eastern Jerusalem) and the Gaza Strip in 1967. Since then, the military government has issued over 1,200 military orders introducing extensive changes in the administrative structures and substantive laws. Under the Oslo agreements in the 1990s, the Israeli military government was withdrawn but not abolished.

Israel has deported more than 6,500 Palestinians from the occupied Palestinian territories since 1967. Some 4,000 Palestinians alone were deported to Egypt in 1967. Deportees
The Palestinian Territories Occupied in 1967

included Palestinians who had fought against the Israeli occupation and had served time in Israeli prisons, political activists, school principals and supervisors who protested censorship of textbooks, teachers and students who initiated school strikes and attorneys who organized lawyers’ strikes.

Israel has also revoked the residency status of more than 100,000 Palestinians from the OPTs. Only those Palestinians (and their offspring) registered in Israel’s September 1967 census are considered legal residents. The status of resident alien does not provide a guarantee of residence. Under the Oslo agreements Palestinian inhabitants of the OPTs were granted protected residence status. Israel retained the authority to make the final determination on requests for permanent residency by Palestinians not registered in the 1967 Israeli census. Israeli citizenship law is applicable to all Jewish settlers in the OPTs.

More than 6,000 Palestinian homes in the West Bank, eastern Jerusalem and Gaza Strip have been demolished since 1967. The majority was demolished for administrative purposes (i.e. the homes were built without permits, which generally are not granted to Palestinians). This does not include an estimated 10,000 refugee shelters destroyed in the 1970s and 1980s, and more than 2,000 refugee shelters destroyed between 2000 and 2003.

Israel has continued to expropriate Palestinian land as ‘abandoned’ land, ‘state property’ and for military use and public purpose. Expropriated property held by Israel in the OPTs is not considered inalienable, but the use of land acquired under these military orders for Jewish settlement suggests de facto permanent acquisition. Acquisitions by the JNF in the 1967 OPTs are considered as the inalienable property of the Jewish people. Israel has retained overall control of immovable property under the Oslo process.

In 2002 Israel began construction of an estimated 350 km long separation (‘apartheid’) wall (‘the Wall’) in the occupied West Bank for alleged security considerations. Phase one of the Wall in the northern West Bank (123 km in length) was completed in July
2003. Fifteen Palestinian communities were isolated between the Wall and the 1949 Armistice Line (‘Green Line’) in five separate zones. Another six communities were isolated in three enclaves east of the Wall.

Palestinians from 37 other communities lost land to the construction of Phase One of the Wall. The Wall will likely create a new generation of refugees and internally displaced persons due to land confiscation, house demolition and severe restrictions on freedom of movement. It is estimated that the first phase of the Wall in the northern part of the West Bank will affect the lives of some 200,000 Palestinians.

Since 1967 it is estimated that more than eight-hundred thousand Palestinians have been displaced from the occupied Palestinian territories. Israel has expropriated or acquired control of an additional 300 km$^2$ of Palestinian owned land inside Israel, and more than 3,000 km$^2$ of Palestinian owned land in the 1967 occupied Palestinian territories.

Until 1948 most Palestinian Arabs lived in Palestine. As of 2003 more than half of the Palestinian people, comprising more than 4.6 million Palestinians was living in areas outside the borders of former Palestine. The transformation in demography occurred largely through displacement/expulsion during periods of armed conflict and subsequent denationalization of Palestinian refugees.

Until 1948 Palestinian Arabs owned most of the land in Palestine. As of 2003, Palestinian Arabs own or control only 10 percent of the land in former Palestine. The transformation in the control and ‘ownership’ of land occurred largely through mass expropriation of Palestinian owned property, which is now held by Israel as the inalienable property of the Jewish people.

Less than one percent of the Palestinian refugee population has been permitted to return. Even fewer have had access to housing and property restitution. Today, Palestinian refugees are one of the largest and longest-standing refugee populations in the world.
The 1967 Occupied Palestinian Territories (2003)
Annex 1.1 – Notes for Table 1.1

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

Abu-Lughod, Janet. “The Demographic Transformation of Palestine,” The Transformation of Palestine. Ibrahim Abu-Lughod (ed.). Evanston, IL: Northwestern University Press, 1971. Had no displacement taken place, between 494,000 to 508,000 Palestinian Arabs would have been living inside the armistice lines in Arab-Held territory with 890,000 to 904,000 living in territories held by Israel. According to the Israeli census of November 1948 there were between 120,000 and 130,000 non-Jews in Israel, including 66,000 Bedouins leaving a population of displaced persons of about 770,000 to 780,000. As of June 1967 there were an estimated 1,400,000 Palestinians living in the West Bank (including eastern Jerusalem) and the Gaza Strip. According to unofficial Israeli estimates by August-September 1967 the Palestinian population in these areas was around 950,000. The total estimated refugee population was 400,000 from the West Bank and 50,000 from the Gaza Strip.

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

Amro, Tayseer. “Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee], 14 Article 74 (December 1995). Jerusalem: BADIL/Alternative Information Center for Palestinian Residency and Refugee Rights. The estimated 1967 refugee population of 311,500 does not include persons with “lost ID” permits or deportees, spouses and descendants.


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


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


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

Masalha, Nur. *A Land without a People, Israel, Transfer and the Palestinians*. London: Faber & Faber Ltd., 1997. During late May and early June 1949 some 4,000 internally displaced Palestinians were expelled into the West Bank. A 1953 UN report stated that 7,000 Bedouin had been expelled from the Naqab. In late May and early June 1949 4,000 internal refugees were expelled by Israel's military government from the Little Triangle into the West Bank. In February 1951, residents of thirteen small Palestinian villages in Wadi ‘Ara were expelled over the border into Jordan. On 30 October 1956, a day after the massacre of 43 Palestinian citizens of Kafr Qassim, General Yitzhak Rabin expelled 2,000-5,000 residents of the villages of Krad al-Ghanama and Krad al-Baqara to the south of Lake Huleh in Syria. In June 1967, some 135 Palestinian families were expelled from the Moroccan quarter of the Old City and their homes demolished. In June 1967, some 10,000 residents of the villages of Beit Nuba, Imwas, and Yalu near the “Green Line” in the Latrun salient were expelled and their villages demolished. In June 1967 some 200,000 Palestinians transferred across the border in a plan organized by Haim Herzog, the first Israeli military governor of the West Bank. Between 1969 and 1972 some 6,000 – 20,000 Bedouin farmers evicted from the Rafah salient southwest of the Gaza Strip. During the same period several hundred refugees were forcibly relocated from the Gaza Strip to the north Sinai. In the early days after the 1967 war, thousands of Palestinian men aged 20–70 were deported forcibly from the West Bank and Gaza Strip across the Jordan River. Between 1968 and 1972 over 1,095 Palestinians were deported from the West Bank and Gaza. Between August 1985 and January 1988, some 46 Palestinians were expelled. From the beginning of the first intifada in December 1987 until the end of 1989, 64 Palestinians were deported with 8 more deported in 1991. On 16 December 1992, 413 Palestinians deported.

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

Morris, Benny. *The Birth of the Palestinian Refugee Problem 1947-1949*. Cambridge: Cambridge University Press, 1987. The British Foreign Office estimated the total number of refugees at 810,000 in February 1949 and then issued revised estimates in September 1949 of 600,000 (Foreign Office Research Department) and 760,000 (UNCCP Technical Office). The Foreign Office considered the Israeli estimate low due to the fact that it did not account for natural increase in the population since 31 December 1947 and it did not include displaced Bedouin who had become refugees. Moreover, the Foreign Office did not agree with Israel’s assertion that Mandate population figures for Palestinian Arabs were exaggerated and should therefore be deducted by 6 percent (See below). PRO FO371-75436 E10083/1821/31, Foreign Office to UK Delegation to the United Nations (New York), 2 September 1949. Israel estimated the total number of Palestinian refugees at 530,000 as of 1949. The estimate is based on the difference between the total number of non-Jewish inhabitants in the area of Palestine that became the state of Israel as of the end of 1947 (deducted by 6 percent based on the assumption that Mandate population statistics for Palestinian Arabs were exaggerated) and the number of Palestinians that remained inside Israel after the 1948 war. The estimate does not include the estimated 30-40,000 refugees who ‘infiltrated’ the state (i.e. returned spontaneously) – even though they may have still been displaced internally – since November 1948. ISA FM2444/19, Dr. H. Meyuzam, to Asher Goren, the Political Department of the Foreign Ministry, 2 June 1949. In a private letter, however, then Director General of the Israeli Foreign Ministry Walter Eytan noted that UNRWA registration numbers, which were substantially higher than the Israeli estimate, were ‘meticulous’ and that the ‘real number was close to 800,000.’ CZA A340/24, Eytan to Daniel Sirkis (*Hatzofe*), 10 November 1950. According to Israeli officials, “if people … became accustomed to the large figure and we are actually obliged to accept the return of the refugees, we may find it difficult, when faced with hordes of claimants, to convince the world that not all of these formerly lived in Israeli territory…. It would, in any event, seem desirable to minimize the numbers…than otherwise.” ISA FM 2564/22, Arthur Loutie to (Director General of the Israeli Foreign Ministry) Eytan.
Annex 1.2 – Notes for Table 1.2

The estimate for land expropriated immediately after the 1948 war is based on total private and public land owned or used by Palestinians on the eve of the 1948 war. This includes land held in customary ownership by Palestinian Bedouin tribes in the Naqab for grazing and rain fed agriculture. A similar estimate may also be derived by examining total Jewish ownership and land classified as state land by the British Mandate Administration. The estimate for land expropriated between 1948 and 1967 is derived by subtracting estimated land losses during this period from the total area of land owned by Palestinians who remained in the territories that became the state of Israel in 1948. The estimate for land expropriated immediately after the 1967 war is derived from land expropriated as absentee and state property. The estimate for land expropriated between 1967 and 2003 includes land expropriated and land controlled by Israel by virtue of Israel's military occupation of the 1967 occupied Palestinian territories. The estimate also includes land expropriated by Israel from Palestinians inside Israel between 1967 and 2003.

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


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


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

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

Hadawi, Sami. Palestinian Rights and Losses in 1948. London: Saqi Books, 1988. Palestinian land expropriated in 1948 included land in 77 border villages where the built-up area of the village remained in Arab-held territory (i.e., West Bank and Gaza Strip) but had 1,255,000 of inaccessible land located in Israeli-held territory and 3 villages located in ‘no mans’ land of which 18 km² was located in Israeli-held territory. The UN Special Committee on Palestine (UNSCOP) estimated that Palestinian ownership of land in 1947 amounted to 22,374,547 dunums.


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

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

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

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

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

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


11 According to Article 22 of the Covenant of the League of Nations, “[c]ertain communities formerly belonging to the Turkish Empire [including Palestine] have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.” The Mandate for Palestine, 24 July 1922, is reprinted in *Survey of Palestine, Vol. I*, supra note 5, pp. 4-11. The Mandate did not come into force until 29 September 1923.


13 Out of 9,000 applications from Palestinians outside the country, for example, British officials only approved 100. Based on an average family size of six persons, more than 50,000 Palestinians may have been affected. *Palestine Royal Commission Report*, Cmnd. 3479, London: HMSO, 1937, p. 331. For a description of the problem facing Bethlehem families see, Adnan A. Musallam, *Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948*. Bethlehem: WIAM – Palestinian Conflict Resolution Center, 2002.


18 *Palestine Royal Commission: Report*, supra note 13, p. 82.

19 The president of the Assembly argued that addressing matters of principle was detrimental to a political solution to the conflict. For the proposed texts of the questions to be submitted to the ICJ see, Iraq (UN Doc. A/AC.14.21); Syria (UN Doc. A/AC.14.25); and,
Committee members unanimously approved eleven general recommendations, including a UN-supervised transition period, protection of religious and minority rights, and citizenship and property rights. They were unable to reach a consensus concerning the future status of the country. Report of the UN Special Committee on Palestine, The Question of Palestine, UN Doc. A/364, 31 August 1947.

For population of Palestine see, Table 2.18, The Population of Palestine by Religion, 1870 to 1946, McCarthy, supra note 6, p. 37.

For Jewish landownership see, Lehn, supra note 7.

The proposed Jewish state had a population of 498,000 Jews and 497,000 Palestinian Arabs, 90,000 of whom were Bedouins. The proposed Arab state had a population of 725,000 Palestinian Arabs and 10,000 Jews. The city of Jerusalem, which was to have international status, had a population of 105,000 Palestinian Arabs and 100,000 Jews. Report of the UN Special Committee on Palestine, supra note 20. State land comprised less than 3 percent of the proposed Jewish state.

This includes some 40,000 Palestinians who fled during the 'Great Revolt', an estimated 54,000 Palestinians who were denationalized under the 1925 Palestine Citizenship Order, thousands of tenant farmers who were evicted from their villages and became internally displaced, and an estimated 30,000 Palestinians internally displaced due to punitive house demolition. Gabbay, supra note 17; Musallam, supra note 13; Charles Kamen, Little Common Ground, Arab Agriculture and Jewish Settlement in Palestine 1920-1948. Pittsburgh: University of Pittsburgh Press, 1991, p. 191; and Erskine B. Childers, "The Wordless Wish: From Citizens to Refugees," The Transformation of Palestine. Ibrahim Abu Lughod (ed.). Evanston, IL: Northwestern University Press, 1971, p. 181. As many as 70 Palestinian rural villages disappeared. Sharif Kanaana, Still on Vacation. Jerusalem International Center for Palestinian Studies, 1992, p. 96.


This included massacres in Mansurat al-Khayt (18 January 1948), Deir Yassin (9 April 1948), Khirbat Nasir ad-Din (12 April 1948), Hawsha (15 April 1948), Khirbet Wāra’a al-Sawda (18 April 1948), HusEinIyya (21 April 1948), Balad ash-Sheikh (25 April 1948), Ein az-Zaytun (2 May 1948), Burayr (12 May 1948), Khubbayza (12 May 1948), Abu Shusha (14 May 1948), Tantoura (21 May 1948), al-Khisas (25 May 1948), Lydda (10 July 1948), al-Tira (16 July 1948), Izżim (24 July 1948), Beer Sheba (21 October 1948), Safaf (29 October 1948), al-Dawayima (29 October 1948), Khirbet ar-Sammiyya (30 October 1948), Salilha (30 October 1948), Sa’a (30 October 1948), Elalboun (29 October 1948), Jish (29 October 1948), and Majd al-Krum (29 October 1948). For a description of these massacres, ibid, pp. 72-3, 113-15, 120, 156, 206-7, 213-14, 222-23, 228-30 and 350.

According to the government investigating committee, “[Prime Minister] Ben-Gurion and [Foreign Minister] Shertok appeared not to have been shocked by what had happened.” Kibbutz Meuhad Archives – Aharon Zisling Papers 9/9/1, “Decisions of the Provisional Political Committee of Mapam, 11 November 1948; and David Ben-Gurion’s Yoman Hamilhama, 1948-49 (The War Diary), p. 809, entry for 10 November 1948, cited in Morris, supra note 29, pp. 232-233.

According to demographic projections by Abu Lughod, between 890,000 and 904,000 Palestinians would have been living in the territories that became the state of Israel if no displacement had taken place. Janet Abu Lughod, “The Demographic Transformation of Palestine,” in Ibrahim Abu-Lughod (ed.), The Transformation of Palestine. Evanston, IL: Northwestern University Press, 1971, p. 159. This was roughly equal to the size of the Jewish population at the end of 1948. Israel Central Bureau of Statistics, Statistical Abstract of Israel, No. 52 (2001), Table 2.1, ‘The Population by Religion and Population Group,’ pp. 2-9.
The total number of refugees reaches around 900,000 if the number of persons who lost their livelihood but not their homes is added. This includes approximately 100 'border' villages where the 1949 armistice lines separated villages from their lands. For a register of villages depopulated during this period see, Salman Abu Sitta, *The Palestinian Nakba 1948*, Register, *The Register of Depopulated Localities in Palestine*. London: Palestinian Return Centre, 2001.

Abu Sitta, supra note 40. This included vast areas in the southern Naqab (Naqab) region held under traditional or customary ownership by nomadic Bedouin.


Anti-semitism, Nazi atrocities in Europe and Zionist information campaigns targeted at displaced European Jews resulted in a massive increase in the number of Jewish asylum seekers in Palestine, particularly during the 1930s. Between 1933 and 1936, for example, 30–60,000 Jews immigrated to Palestine every year. The total number of Jewish immigrants in these years accounted for nearly 50 percent of the total number of official Jewish immigrants from the beginning of the British mandate to 1946 (the date of the last British estimate of the population in Palestine). See, Table 1, Number of Immigrants Annually by Race. Total Number of Persons Registered as Immigrants, *Survey of Palestine, Vol. 1*, supra note 5, p. 185. Jewish immigrants arrived in Palestine primarily from Poland, Russia, and Germany.

The Jewish National Fund (JNF) (Heb: *Karen Kayemet LYisrael*) was established by a decision of the Fifth Zionist Congress in December 1901 and incorporated in England in April 1907. For more details see, Luhn, supra note 7.

Ibid.


*Toward the De-Arabization of Palestine/Israel*, supra note 14, p. 10.

Morris, supra note 29, p. 243.


Israeli Foreign Ministry reports indicate that some 17,000 Bedouin were expelled from the Naqab between 1949 and 1953. Morris, supra note 50, p. 170.

Reviewing official Israeli government documents, Morris estimates that 30-90,000 Palestinian refugees attempted to return to their homes and villages between mid-1948 and 1953. Most were expelled. Morris, supra note 50, p. 39.


Morris, supra note 50, p. 147.

Morris, supra note 29, p. 242.

This includes Qibya, Nahalin, Bethlehem, Beit Jala, Sharafat, Qalqilya, Khan Younis, and Rafah. For a description of these see, Masalha, supra note 51; Khalidi, supra note 29; and, Tawfiq Tubi, *Kafe Qasem, the Massacre and the Lesson*. [Arabic] Haifa: Emile Touma Institute for Social and Political Studies, 2001.

For a detailed description see, Morris, supra note 50, pp. 257-69.

For a detailed description see, ibid, p. 433, n. 3.

This includes the villages of Iqrit, Bir‘im, al-Faluja, Iraq al-Manshiya, Farraddiya, Inan, Saffurriya, al-Khisas, Qeitiya, Khirbet Muntar, Ghabsiya and al-Hamma. The terms were used by Israel’s first Prime Minister David Ben Gurion during a Cabinet meeting on 26 September 1948. Morris, supra note 29, p. 218.


For a detailed description see, Jiryis, supra note 15.

For a legal analysis of the status of Palestinians under the law of nationality as applied upon state succession see, Gail J. Boling, *The

66 For a detailed study of these laws see, e.g., Gail J. Boling, “‘Absentees’ Property’ Laws to Israel’s Confiscation of Palestinian Property: A Violation of UN General Assembly Resolution 194 and International Law,” 11 Palestine Yearbook of International Law 73 (2000-2001). These regulations include the 1948 Abandoned Areas Ordinance; the 1948 Emergency Regulations Concerning Absentee Property; the 1945 Defense (Emergency) Regulations; the 1949 Emergency Regulations (Security Zones); the 1949 Emergency Regulations (Cultivation of Waste [Uncultivated] Lands); the Emergency Law Requisition (Regulations) Law; the 1950 Absentees’ Property Law; the 1950 Development Authority (Transfer of Property) Law; the 1953 Land Acquisition (Validation of Acts and Compensation) Law; the 1965 Absentees’ Property (Amendment No. 3) (Release and Use of Endowment Property) Law; the 1970 Legal and Administrative Matters (Regulation) Law (Consolidated Version); the 1976 Absentees’ Property (Compensation) (Amendment) Law; the 1943 land (Acquisition for Public Purposes) Ordinance; the 1951 State Property Law; the 1958 Prescription Law (No. 38); and the Nakba Land Acquisition (Peace Treaty with Egypt) Law 1980.

67 At least 30,000 Palestinians were expelled from Israel between 1949 and 1956. By 1955 there were around 195,000 Palestinians living inside Israel. Statistical Abstract of Israel, supra note 39.


70 Masalha, supra note 69.

71 For a description of specific incidents see, e.g., Masalha, supra note 69, pp. 81, 85, 87 and 91-94.

72 Dodd and Barakat, supra note 69, p. 40; and, Masalha, supra note 69, p. 92.

73 Masalha, supra note 69.

74 For a description see, e.g., Masalha, supra note 69, pp. 81, 87, and 89-90.


77 See, The Human Rights Dimensions of Population Transfer, including the Implantation of Settlers, supra note 1, at para. 32. “The causes of population transfer can be dramatic, or subtle and insidious. Transfer can be carried out en masse, or as ‘low-intensity transfers’ affecting a population gradually or incrementally.”

78 For an overview, see, Raja Shehadeh, Occupier’s Law, Israel and the West Bank. Washington, DC: Institute for Palestine Studies, 1985, pp. 63-75.


The impact of Israel’s separation barrier on affected West Bank communities, report of the mission to the humanitarian and emergency policy group (HEPG) of the local aid coordination committee (LACC), update number 3, 30 November 2003.

For a list of these communities see, The Impact of Israeli’s Separation Barrier on Affected West Bank Communities, A Follow-up Report to the Humanitarian and Emergency Policy Group (HEPG) and the Local Aid Coordination Committee (LACC), Update Number 3, 30 November 2003.

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

It is estimated that as of the beginning of 2001 Israel had acquired control of 79 percent of the land in the 1967 occupied Palestinian territories. Passia Diary 2001, Jerusalem: PASSIA, Palestinian Academic Society for the Study of International Affairs, 2001, p. 257. Also see, Land Grab, supra note 76. Inside Israel it is estimated that Israel has confiscated nearly 80 percent of the land owned by Palestinian citizens. Salman Abu Sitta, The End of the Palestinian-Israeli Conflict, From Refugees to Citizens at Home. London: Palestine Land Society and Palestinian Return Centre, 2001, p. 13. Also see Economic, Social and Cultural Rights, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. Mr. Miloon Kothari, Addendum, Report of visit to the occupied Palestinian territories, 5-10 January 2002, UN Doc. E/CN.4/2003/5/Add.1, 10 June 2002, at 10-15 stating: “Estimates place the proportion of Palestinian land confiscated by Israel at more than 70 percent of the West Bank and 33 percent of Palestinian land in East Jerusalem has been confiscated, and all but 7-8 percent of the area has been closed to Palestinian construction.”
Population

Preface

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

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

There are two groups of internally displaced Palestinians. The first includes those Palestinians who remained in the area that became the state of Israel in 1948. The second group of internally displaced Palestinians includes Palestinians internally displaced in the 1967 occupied Palestinian territories.

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

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

At the end of 2003 it is estimated that there were approximately 7.5 million Palestinian refugees and internally displaced persons. This includes Palestinians and their descendants whose ‘country of origin’ is Palestine and who have been displaced within or outside the borders of former Palestine (which is now divided into Israel and the occupied Palestinian territories) and do not have access to voluntary durable solutions, including the right to return to their homes of origin and to repossess their properties.

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

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

There are three primary groups of Palestinian refugees. The largest group is comprised of those Palestinians displaced/expelled from their places of origin as a result of armed conflict and war in 1948. This includes Palestinian refugees who are eligible for assistance from the UN Relief and Works Agency for Palestine Refugees (UNRWA) (often referred to as ‘registered refugees’ or ‘Palestine refugees’) (4.1 million); and, those refugees who were also displaced in 1948 but are not eligible or did not register for UN assistance (1.6 million).

The second major group of Palestinian refugees is comprised of those Palestinians displaced for the first time from their places of origin as a result of the 1967 war (780,000). (often referred to as ‘displaced persons’.) The third category of refugees includes those Palestinian refugees who are neither 1948 nor 1967 refugees and are outside former Palestine and unable due to revocation of residency, denial of family reunification, deportation, etc., or unwilling to return there owing to a well-founded fear of persecution (838,000). The vast majority of these refugees are from the 1967 occupied Palestinian territories.

There are two groups of internally displaced Palestinians. The first includes those Palestinians who remained in the area that became the state of Israel in 1948 (325,000). This includes Palestinians internally displaced as a result of the 1948 war and those displaced internally after 1948 due to population transfer, land expropriation and house demolition. The second group includes Palestinians internally displaced in the 1967 occupied Palestinian territories during and after the 1967 war (38,000). Internal displacement is difficult to conceptualize in the context of the Palestinian/Arab-Israeli conflict; it can only be applied pragmatically to describe the phenomenon of internal displacement in a specific period of time.
Ceasefire lines have changed frequently and there is no internationally recognized border between Israel proper and the OPTs.

In total, the Palestinian refugee and displaced population comprise nearly three-quarters of the entire Palestinian population worldwide (9.7 million).³

Table 2.1 – Palestinian Refugees, Internally Displaced Palestinians and Convention Refugees

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>914,000</td>
<td>257,021</td>
<td>-</td>
<td>-</td>
<td>23,380</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1955</td>
<td>905,986</td>
<td>305,260</td>
<td>-</td>
<td>-</td>
<td>40,254</td>
<td>-</td>
<td>1,643,600</td>
</tr>
<tr>
<td>1960</td>
<td>1,120,889</td>
<td>362,553</td>
<td>-</td>
<td>-</td>
<td>50,044</td>
<td>-</td>
<td>1,516,000</td>
</tr>
<tr>
<td>1965</td>
<td>1,280,823</td>
<td>430,599</td>
<td>-</td>
<td>-</td>
<td>62,215</td>
<td>-</td>
<td>4,368,900</td>
</tr>
<tr>
<td>1970</td>
<td>1,425,219</td>
<td>511,417</td>
<td>250,402</td>
<td>37,182</td>
<td>77,346</td>
<td>12,124</td>
<td>2,480,200</td>
</tr>
<tr>
<td>1975</td>
<td>1,632,707</td>
<td>607,403</td>
<td>297,400</td>
<td>108,349</td>
<td>96,157</td>
<td>14,205</td>
<td>8,894,000</td>
</tr>
<tr>
<td>1980</td>
<td>1,844,318</td>
<td>721,404</td>
<td>352,218</td>
<td>192,875</td>
<td>119,543</td>
<td>16,777</td>
<td>11,817,200</td>
</tr>
<tr>
<td>1985</td>
<td>2,093,545</td>
<td>856,802</td>
<td>419,512</td>
<td>293,261</td>
<td>148,616</td>
<td>19,612</td>
<td>17,228,500</td>
</tr>
<tr>
<td>1990</td>
<td>2,668,595</td>
<td>1,017,611</td>
<td>498,249</td>
<td>412,491</td>
<td>184,760</td>
<td>23,098</td>
<td>14,573,600</td>
</tr>
<tr>
<td>1995</td>
<td>3,172,641</td>
<td>1,208,603</td>
<td>591,763</td>
<td>554,099</td>
<td>229,694</td>
<td>27,239</td>
<td>12,062,000</td>
</tr>
<tr>
<td>2000</td>
<td>3,737,494</td>
<td>1,435,441</td>
<td>702,829</td>
<td>722,284</td>
<td>285,557</td>
<td>34,373</td>
<td>12,062,000</td>
</tr>
<tr>
<td>2003</td>
<td>4,082,500</td>
<td>1,591,500</td>
<td>779,237</td>
<td>837,991</td>
<td>325,400</td>
<td>38,266</td>
<td>9,671,800</td>
</tr>
</tbody>
</table>

Note: There is no single authoritative source for the global Palestinian refugee and IDP population. The figures above reflect estimates according to the best available sources. Figures are therefore indicative rather than conclusive. Estimates for 1967 ‘Other’ Refugees and IDPs are revised from 2002. For more details about the estimates see ‘Annex 2.1’ at the end of this chapter.

* Convention Refugees include all persons considered as refugees under the 1951 Convention relating to the Status of Refugees and of concern to the UN High Commissioner for Refugees (UNHCR). This figure includes 428,000 Palestinian refugees for 2003; however, there is no breakdown for period of displacement. These refugees are also included in estimates of 1948, 1967 and ‘other’ refugees.

The UN Relief and Works Agency administers the only registration system for Palestinian refugees.⁴ UNRWA records cover about 55 percent of the Palestinian refugee population. Registration includes only those Palestinians displaced in 1948 (and their descendants) in need of assistance. (See Chapter Four – Assistance) UNRWA registration files for those Palestinians displaced inside Israel became inactive in June 1952 when the Agency transferred assistance activities for the internally displaced to the government of Israel.⁵

In 1982 the UN General Assembly instructed the Secretary-General, in cooperation with the Commissioner General of UNRWA, to issue identification cards to all 1948 Palestine refugees and their descendants, irrespective of whether they were recipients or not of rations and services from the Agency, as well as to all 1967 refugees and to those who have been prevented from returning to their homes as a result of the 1967 hostilities and their descendants.⁶ The initiative failed, however, due to lack of cooperation among host states concerning information on previously non-registered refugees.

Revision of UNRWA’s definition of a ‘Palestine Refugee’ in 1993, eliminating the requirements of need and initial flight in 1948 to a country within UNRWA area of operations, resulted in the registration of some previously unregistered Palestinian refugees.⁷ UNRWA registration statistics do not claim to be statistically valid data.⁸
An elderly refugee woman with her UNRWA papers in the West Bank. © Tineke D’haese/Oxfam Solidarité
There is some variance in UNRWA records due to the fact that reporting is voluntary. In order to correct some of these problems around 500,000 names were deleted from the registration records from the early 1950s onward.

Generally, current UNRWA registration records exclude:

(1) refugees displaced in 1948
   i. who fail to meet the assistance criteria;
   ii. who were outside the areas of UNRWA operations (and have not filed for registration under UNRWA’s 1993 revised eligibility criteria (see page 34));
   iii. who were dropped from the records due to financial constraints limiting the number of relief recipients;
   iv. who were off-spring of refugee mothers and non-refugee fathers;
   v. who had an independent income or property;
   vi. whose status improved and moved out of eligibility criteria;
   vii. who refused to register for reasons of pride.

(2) first time displaced refugees from 1967;

(3) Palestinians who are not 1948 or 1967 refugees and are unable due to revocation of residency, denial of family reunification, deportation, etc., or unwilling to return to the occupied Palestinian territories owing to a well-founded fear of persecution; and,

(4) internally displaced Palestinians.

The Office of the UN High Commissioner for Refugees (UNHCR) maintains statistics for Palestinian refugees who fall within the mandate of the Office and are outside UNRWA areas of operation – i.e. West Bank, Gaza Strip, Jordan, Lebanon and Syria – and are eligible for protection. (See Chapter Five – Protection) Data reported by UNHCR country offices generally reflect the view of the host country. The statistics are provisional and subject to change.

At the end of 2003 there were approximately 428,000 Palestinian refugees of concern to UNHCR. The majority reside in Saudi Arabia (240,000) and Iraq (100,000) followed by Egypt (70,215) and Libya (8,787). Statistics on Palestinian refugees of concern to UNHCR refer to the refugees’ country of origin as the occupied Palestinian territories. This classification may not reflect the actual place of origin. It also means that it is not possible to identify how many Palestinian refugees of concern to UNHCR are 1948 refugees, 1967 refugees or Palestinians displaced from former Palestine after 1967.

Estimates of the refugee and displaced population may also be derived from census data and population growth projections. Many host countries, however, do not carry out a regular census of their resident refugee population or fail to include Palestinian refugees as a category of refugees. Israel, for example, does not keep separate records for internally displaced Palestinians. Some countries, such as Jordan, include Palestinians as a census category but census results are not accessible to the general public. In North America and parts of Europe Palestinian refugees are often classified as ‘other Middle Eastern.’

Distribution

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

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

Internally displaced Palestinians found refuge in some 47 Palestinian Arab villages that remained inside the state of Israel after the 1948 war.12

Table 2.2 – Localities in Israel Hosting 100 or more Palestinian IDPs (1948-1950)

<table>
<thead>
<tr>
<th>Locality</th>
<th>IDPs as Percentage of 1951 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nazareth</td>
<td>25</td>
</tr>
<tr>
<td>Tamra (Acre)</td>
<td>30</td>
</tr>
<tr>
<td>Majd al-Krum</td>
<td>34</td>
</tr>
<tr>
<td>Kafr Yasif</td>
<td>27</td>
</tr>
<tr>
<td>Maghar</td>
<td>16</td>
</tr>
<tr>
<td>Shafa'amr</td>
<td>10</td>
</tr>
<tr>
<td>Jish</td>
<td>30</td>
</tr>
<tr>
<td>Rame</td>
<td>15</td>
</tr>
<tr>
<td>Judeide</td>
<td>52</td>
</tr>
<tr>
<td>Yafa</td>
<td>24</td>
</tr>
<tr>
<td>Dalijat al-Karmel</td>
<td>11</td>
</tr>
<tr>
<td>Kafr Kana</td>
<td>11</td>
</tr>
<tr>
<td>Reine</td>
<td>9</td>
</tr>
<tr>
<td>Isfiya</td>
<td>10</td>
</tr>
<tr>
<td>Fureidis</td>
<td>17</td>
</tr>
<tr>
<td>Deir al-Asad</td>
<td>12</td>
</tr>
<tr>
<td>Julis</td>
<td>14</td>
</tr>
<tr>
<td>Ar'abeh</td>
<td>5</td>
</tr>
<tr>
<td>Abu Sinan</td>
<td>9</td>
</tr>
<tr>
<td>Fassuta</td>
<td>11</td>
</tr>
<tr>
<td>Maker</td>
<td>12</td>
</tr>
<tr>
<td>Hurfeish</td>
<td>11</td>
</tr>
<tr>
<td>Deir Hanna</td>
<td>8</td>
</tr>
<tr>
<td>Bi'ne</td>
<td>9</td>
</tr>
</tbody>
</table>


During the 1967 war the majority of Palestinian refugees found refuge in neighboring states. Most (95 percent) were displaced to Jordan, with smaller numbers of refugees displaced to Syria, Egypt, and Lebanon.13 Areas of the West Bank closest to Jordan suffered the highest population loss, while in the central highlands most Palestinians sought temporary refuge in nearby fields and villages and were subsequently able to return to their homes after the war.14 In addition, it is estimated that some 60,000 Palestinians were abroad at the time of the war and unable to return to the occupied Palestinian territories.15
The distribution of Palestinians displaced from and within the occupied Palestinian territories since 1967 and who are neither 1948 nor 1967 refugees is difficult to determine due to the lack of a registration system and frequent displacement over more than three decades of military occupation. Estimates of forced migration between 1967 and 1986 indicate that some 20,000 Palestinians were displaced per year. More recent studies estimate the rate of out-migration/displacement to neighboring Arab states and further abroad as much as two percent of the total population per annum.

In the 1970s and 1980s more than 62,000 Palestinian refugees were displaced in the Gaza Strip due to the demolition of their homes by Israeli military forces. Some of these refugees were transferred to the West Bank. More than 56,000 Palestinians were forced to change residence for reasons of security, access to employment, education and health during the first year (2000) of the second intifada. Israeli military forces demolished more than 2,000 refugee shelters between October 2000 and October 2003 leaving thousands of Palestinians homeless.

The changes in the pattern of distribution over five decades of forced exile relate primarily to periods of conflict in the region after 1948 and after 1967 when Palestinian refugees have either been expelled or forced to flee in search of safety. Changes in political regimes in host countries, the relationship between the PLO and host country authorities, economic push and pull factors and demographic concerns have also influenced patterns of migration and distribution of the Palestinian refugee population since 1948.

There was a significant decrease in the number of refugees residing in the West Bank and Gaza Strip due to the 1967 war and subsequent Israeli occupation. Most of these refugees were displaced to Jordan; hence the dramatic increase in the number of refugees in Jordan after 1967. Lebanon also shows a substantial decrease in the percentage of the refugee population in the country due to internal conflict, conflict...
between the PLO and Israel in Lebanon and legal and political obstacles, which militate against Palestinian refugees’ temporary asylum in Lebanon. The higher numbers of Palestinian refugees in the Gulf from the 1950s onward reflect patterns of economic migration, while a dramatic decrease in the number of refugees in Kuwait occurred as a result of the 1991 Gulf War.

Most internally displaced Palestinians inside Israel today are concentrated in the northern (i.e. Galilee) region of Israel, including Palestinian cities like Nazareth and Shafa’amr, and in cities with a mixed Jewish-Arab population, such as Haifa and Acre. IDPs are also located in the south (i.e. Naqab). The actual distribution of IDPs inside Israel is difficult to determine due to the lack of registration system, frequent relocation (3-4 times) and the government practice of population transfer. In the occupied Palestinian territories IDPs are frequently forced to relocate away from Israeli colonies (‘settlements’) and related infrastructure (i.e. bypass roads) and military zones.

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

Similarly, the largest number of refugees in the occupied Gaza Strip is from the adjacent areas of the former Gaza District. The majority of refugees from the former Jerusalem District are either in the occupied West Bank or in Jordan. Palestinian refugees residing in host states in the region also comprise approximately the same percentage of the total combined population (6 percent) of the region as they did following the first wave of massive displacement in 1948.21
During more than fifty years in exile, the village unit has also tended to remain largely intact after mass displacement. In other words, the majority of the residents of a particular village tended to be displaced to the same host country and often to the same area within the host country. According to data for Palestinian refugees registered with UNRWA, seventy-two percent of all 1948 refugees from villages moved to one area and only 20 percent to two areas. Just 8 percent are located in more than two areas. Distribution according to village of origin is evident in the structure of Palestinian refugee camps, which are divided into quarters based on the village unit. In Syria, for example, al-Yarmouk camp is divided into quarters based on the refugee villages of origin of al-Tira, Lubya, Balad ash-Sheik, and ‘Ein Ghazal.

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

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

<table>
<thead>
<tr>
<th>District of Origin</th>
<th>Jordan</th>
<th>West Bank</th>
<th>Gaza Strip</th>
<th>Lebanon</th>
<th>Syria</th>
<th>Total (all fields)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jerusalem</td>
<td>20.0</td>
<td>33.0</td>
<td>0.2</td>
<td>0.5</td>
<td>0.7</td>
<td>13.5</td>
</tr>
<tr>
<td>Gaza</td>
<td>17.0</td>
<td>7.0</td>
<td>66.0</td>
<td>0.1</td>
<td>0.4</td>
<td>22.5</td>
</tr>
<tr>
<td>Lydda</td>
<td>40.0</td>
<td>30.0</td>
<td>33.0</td>
<td>8.5</td>
<td>7.3</td>
<td>30.0</td>
</tr>
<tr>
<td>Samaria</td>
<td>4.0</td>
<td>12.0</td>
<td>0.2</td>
<td>0.1</td>
<td>0.1</td>
<td>5.5</td>
</tr>
<tr>
<td>Haifa</td>
<td>10.0</td>
<td>16.0</td>
<td>0.5</td>
<td>18.8</td>
<td>22.0</td>
<td>11.0</td>
</tr>
<tr>
<td>Galilee</td>
<td>9.0</td>
<td>2.0</td>
<td>0.1</td>
<td>72.0</td>
<td>69.5</td>
<td>18.5</td>
</tr>
</tbody>
</table>

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

During more than fifty years in exile, the village unit has also tended to remain largely intact after mass displacement. In other words, the majority of the residents of a particular village tended to be displaced to the same host country and often to the same area within the host country. According to data for Palestinian refugees registered with UNRWA, seventy-two percent of all 1948 refugees from villages moved to one area and only 20 percent to two areas. Just 8 percent are located in more than two areas. Distribution according to village of origin is evident in the structure of Palestinian refugee camps, which are divided into quarters based on the village unit. In Syria, for example, al-Yarmouk camp is divided into quarters based on the refugee villages of origin of al-Tira, Lubya, Balad ash-Sheik, and ‘Ein Ghazal.

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

Figure 2.1 - Estimated Distribution of Palestinian Refugees and IDPs, by Area of Residence, 2003

Source: Palestinian Central Bureau of Statistics, 2003. Palestinians at the End of Year 2003. There is no single authoritative source for the global distribution of the Palestinian refugee and IDP population. The chart is derived from the estimated global distribution of the Palestinian people. The majority of Palestinians living outside former Palestine are refugees. Figures are indicative rather than conclusive.
Population

Refugees in Camps

Approximately 1.3 million (31 December 2003) Palestinian refugees reside in refugee camps located in the 1967 occupied Palestinian territories, Jordan, Lebanon and Syria. The majority of Palestinian refugees residing in camps are 1948 refugees (and their descendents). They comprise approximately one-third of the total registered refugee population and about one-fifth of the total refugee population displaced in 1948.

A smaller number of refugees displaced for the first time in 1967 also reside in refugee camps, primarily in Jordan and Syria. According to UNRWA statistics for December 2003, approximately 32,000 1967 displaced Palestinians were residing in five of eight official UNRWA camps in Jordan. A small and growing number of poor-non-refugees including Palestinians and other Arabs also reside in the refugee camps.

Table 2.4 – Registered Refugees in Official Camps

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Registered Refugees</th>
<th>Registered Refugees in Camps</th>
<th>% Registered Refugees in Camps</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953</td>
<td>870,158</td>
<td>300,785</td>
<td>34.6</td>
</tr>
<tr>
<td>1955</td>
<td>912,425</td>
<td>351,532</td>
<td>38.5</td>
</tr>
<tr>
<td>1960</td>
<td>1,136,487</td>
<td>409,223</td>
<td>36.0</td>
</tr>
<tr>
<td>1965</td>
<td>1,300,117</td>
<td>508,042</td>
<td>39.1</td>
</tr>
<tr>
<td>1970</td>
<td>1,445,022</td>
<td>500,985</td>
<td>34.7</td>
</tr>
<tr>
<td>1975</td>
<td>1,652,436</td>
<td>551,643</td>
<td>33.4</td>
</tr>
<tr>
<td>1980</td>
<td>1,863,162</td>
<td>613,149</td>
<td>32.9</td>
</tr>
<tr>
<td>1985</td>
<td>2,119,862</td>
<td>805,482</td>
<td>38.0</td>
</tr>
<tr>
<td>1990</td>
<td>2,466,516</td>
<td>697,709</td>
<td>28.3</td>
</tr>
<tr>
<td>1995</td>
<td>3,246,044</td>
<td>1,007,375</td>
<td>31.0</td>
</tr>
<tr>
<td>2000</td>
<td>3,806,055</td>
<td>1,227,954</td>
<td>32.3</td>
</tr>
<tr>
<td>2003</td>
<td>4,082,300</td>
<td>1,301,689</td>
<td>32.0</td>
</tr>
</tbody>
</table>

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

© Derived from map of UNRWA operations published by the UN Relief and Works Agency for Palestine Refugees in the Near East.
Camps were set up by the International Committee of the Red Cross, the Red Crescent and UNRWA. The first camp in Jordan (Zarqa), for example, was set up by the ICRC after a large number of refugees had gathered near the town of Zarqa. In Lebanon, Nahr al-Bared, Shatila, Burj al-Barajneh and ’Ein al-Hilwe camps were established by the ICRC and the League of Red Crescent Societies. A number of camps were set up in former army barracks including Wavel (Baalbek), al-Buss and Rashidieh camps in Lebanon, Neirab camp in Syria and Bureij camp in Gaza.

There are 59 official refugee camps. A camp, according to UNRWA’s working definition, is a plot of land placed at the disposal of Agency by the host government for accommodating Palestine refugees and for setting up facilities to cater to their needs. The plots of land on which camps were set up are either state land or, in most cases, land leased by the host government from local landowners. This means that the refugees in camps do not ‘own’ the land on which their shelters were built, but have the right to ‘use’ the land for a residence.

Five camps were established in Jordan between 1949 and 1956 to provide shelter to refugees displaced in 1948. An additional 8 camps were set up between 1967 and 1969 to accommodate refugees displaced in 1967. In Syria most of the camps were established between 1949 and 1953. Another two camps were set up between 1967 and 1969. Eighteen official camps were established in the West Bank between 1948 and 1953. Shuafat camp was established in 1965-66 for refugees who had been living in unsanitary conditions in M’ascar camp in the Old City of Jerusalem. In Gaza all 8 official camps were established between 1948 and 1949.

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

Refugee camps are often located close to major cities. In Jordan, eight Palestinian refugee camps are situated within a 25 km radius of the capital city of Amman. Seventy-seven percent of the camp population in Jordan live within this area. In Lebanon, four camps were set up in the Beirut area, two each around Sidon and Tripoli and three in the vicinity of Sour (Tyre). In Syria more than 75 percent of the refugee population lives in Damascus or the camps around the city. Six Palestinian refugee camps are located in Damascus area. In the 1967 occupied Palestinian territories refugee camps are located near major cities such as Hebron, Jerusalem, Ramallah, Nablus, Jenin and Tulkarem.

The significant number of Palestinians remaining in camps after more than five decades of exile can be explained by several factors:
- family and village support structure in the camp;
- lack of resources to rent or buy alternative accommodation outside the camp;
- lack of living space outside the camp due to overcrowding;
- legal, political, and social obstacles which force refugees to remain in the camp;
- physical safety; and,
- the refugee camp as a symbol of the temporary nature of exile and the demand to exercise the right of return.

The largest camp population (484,563, 31 December 2003) resides in the occupied Gaza Strip comprising approximately one-third of all registered refugees residing in camps. Some of the largest refugee camps in the region are also located in the occupied Gaza Strip. The large number of refugees living in camps is due in large part to the lack of resources to build outside camps, denial of building permits under decades of Israeli military occupation and the lack of building space outside of camps. In the occupied West Bank there are fewer refugees in camps (179,541, 31 December 2003).

The second highest number of refugees living in camps is located in Jordan (307,785, 31 December 2003); however, Jordan has the lowest overall number of camp refugees as a percentage of the total refugee population in a host country. Only 18 percent of registered refugees in Jordan reside in camps. The low number of refugees living in camps in Jordan out of the total refugee population in the country is related to the opportunities afforded to most Palestinian refugees in Jordan as Jordanian citizens.

Lebanon has the highest number of refugees living in camps (223,596, 31 December 2003) out of the total refugee population in a host country. Approximately 57 percent of refugees in Lebanon live in official camps, 8 percent in unofficial camps, and 4 percent in marginal camps. The high number of refugees in Lebanon in camps out of the total refugee population is directly related to the restrictions placed on freedom of movement by the Lebanese government, the lack of resources to find alternative housing outside of the camps and concerns about physical safety.
Table 2.5 – Population of Palestinian Refugee Camps (Official and Unofficial)

<table>
<thead>
<tr>
<th>Host Country</th>
<th>Camp (local name)</th>
<th>Population</th>
<th>Year Established</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gaza</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official Camps</td>
<td>Jabalia</td>
<td>107,415</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Beach (Shati)</td>
<td>78,158</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Nuseirat</td>
<td>66,691</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Bureij</td>
<td>30,756</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Deir al-Balah</td>
<td>21,185</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Maghazi</td>
<td>23,503</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Khan Younis</td>
<td>62,927</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Rafah</td>
<td>93,928</td>
<td>1948</td>
</tr>
<tr>
<td>West Bank</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official Camps</td>
<td>Aqabat Jaber</td>
<td>5,566</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Ein al-Sultan</td>
<td>1710</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Shu'afat (3)</td>
<td>11,249</td>
<td>1965/1966</td>
</tr>
<tr>
<td></td>
<td>Am'ari</td>
<td>8,658</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Kalandia</td>
<td>9,748</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Deir Ammar</td>
<td>2,343</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Jalazone</td>
<td>10,219</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Fawwar</td>
<td>7,434</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Arroub</td>
<td>9,669</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Dheisheh</td>
<td>11,922</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Aida</td>
<td>4,856</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Beit Jibrin (Azza)</td>
<td>1,983</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Far'a</td>
<td>7,174</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Camp No. 1</td>
<td>6,353</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Asfar</td>
<td>14,623</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Balata</td>
<td>21,445</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Talilat</td>
<td>17,153</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Nur Shams</td>
<td>8,539</td>
<td>1952</td>
</tr>
<tr>
<td></td>
<td>Jenin</td>
<td>15,077</td>
<td>1953</td>
</tr>
<tr>
<td></td>
<td>M'asir (4)</td>
<td>-</td>
<td>1948-1955/1956</td>
</tr>
<tr>
<td></td>
<td>Abs Shakedem</td>
<td>353 (1997)</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Qaddouca</td>
<td>863 (1997)</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Birzeit (as-Saqaeif)</td>
<td>1,718 (1997)</td>
<td>1948</td>
</tr>
<tr>
<td>Jordan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official</td>
<td>Amman New Camp (Wihdat)</td>
<td>50,601</td>
<td>1955</td>
</tr>
<tr>
<td></td>
<td>Talbieh (5)</td>
<td>4,676</td>
<td>1968</td>
</tr>
<tr>
<td></td>
<td>Irbid</td>
<td>23,984</td>
<td>1950-1951</td>
</tr>
<tr>
<td></td>
<td>Huss (Azmi al-Mufti) (6)</td>
<td>20,645</td>
<td>1968</td>
</tr>
<tr>
<td></td>
<td>Soul (7)</td>
<td>15,492</td>
<td>1967</td>
</tr>
<tr>
<td></td>
<td>Jerash (Gaza) (8)</td>
<td>15,121</td>
<td>1968</td>
</tr>
<tr>
<td></td>
<td>Jabal al-Hussein</td>
<td>30,096</td>
<td>1952</td>
</tr>
<tr>
<td></td>
<td>Baqa'a (9)</td>
<td>86,514</td>
<td>1968</td>
</tr>
<tr>
<td></td>
<td>Zarqa</td>
<td>17,844</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Marka (Hintin) (10)</td>
<td>42,721</td>
<td>1968</td>
</tr>
<tr>
<td>Unofficial</td>
<td>M'adaba</td>
<td>5,500</td>
<td>1956</td>
</tr>
<tr>
<td></td>
<td>Sahma</td>
<td>4,750</td>
<td>1969</td>
</tr>
<tr>
<td></td>
<td>al-Hassan</td>
<td>9,000</td>
<td>1967</td>
</tr>
<tr>
<td>Lebanon</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official</td>
<td>Mar Elias</td>
<td>1,411</td>
<td>1952</td>
</tr>
<tr>
<td></td>
<td>Buri al-Barajneh</td>
<td>20,405</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Dhayeh</td>
<td>4,211</td>
<td>1956</td>
</tr>
<tr>
<td></td>
<td>Shatila</td>
<td>12,235</td>
<td>1949</td>
</tr>
<tr>
<td></td>
<td>Ein al-Hilweh</td>
<td>45,337</td>
<td>1948-1949</td>
</tr>
<tr>
<td></td>
<td>Mich Mich</td>
<td>5,037</td>
<td>1954</td>
</tr>
<tr>
<td></td>
<td>al-Buss</td>
<td>10,107</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Rashidieh</td>
<td>25,580</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Burj al-Shamali</td>
<td>18,659</td>
<td>1948</td>
</tr>
<tr>
<td></td>
<td>Nahr al-Bared</td>
<td>31,023</td>
<td>1950</td>
</tr>
<tr>
<td></td>
<td>Bedawi</td>
<td>16,198</td>
<td>1955</td>
</tr>
<tr>
<td>Country</td>
<td>Camp Name</td>
<td>Population</td>
<td>Year</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------</td>
<td>------------</td>
<td>-------</td>
</tr>
<tr>
<td>Palestine</td>
<td>Nablus</td>
<td>-</td>
<td>1948</td>
</tr>
<tr>
<td>Palestine</td>
<td>al-Taybeh</td>
<td>-</td>
<td>1948</td>
</tr>
<tr>
<td>Palestine</td>
<td>Ramadani</td>
<td>1,000</td>
<td>1956</td>
</tr>
<tr>
<td>Egypt</td>
<td>al-'Abbasiyya</td>
<td>-</td>
<td>1948</td>
</tr>
<tr>
<td>Egypt</td>
<td>al-Qanatarah</td>
<td>-</td>
<td>1948</td>
</tr>
<tr>
<td>Libya</td>
<td>Saloum</td>
<td>-</td>
<td>1995-1997</td>
</tr>
</tbody>
</table>


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

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

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

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

(5) As of 31 December 2003, 4,990 persons were registered refugees.

(6) As of 31 December 2003, 20,643 persons were registered refugees.

(7) As of 31 December 2003, 18,511 persons were registered refugees.

(8) As of 31 December 2003, 21,542 persons were registered refugees.

(9) As of June 2001, 10,565 persons were registered refugees.

(10) As of 31 December 2003, over 15,000 persons were registered refugees.

(11) Population figures for unofficial camps in Jordan are for 2000.

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

(13) Population figures for unofficial camps in Lebanon are for 2001.

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

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

The majority of Palestinian refugees live outside of camps located in and around cities and towns in the host countries and often in areas adjacent to refugee camps. While there are fewer refugees in the West Bank than in the Gaza Strip living in camps there are a large number of villages and towns with a significant refugee population. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50 percent of the total population.

Table 2.6 – Major Localities in the 1967 Occupied Palestinian Territories, by Refugee Population

<table>
<thead>
<tr>
<th>Region</th>
<th>Refugee Status (%)</th>
<th>Number of non-camp localities with a population of &gt; 50% refugees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Non-refugees</td>
<td>Refugees</td>
</tr>
<tr>
<td>Gaza</td>
<td>47.4</td>
<td>52.0</td>
</tr>
<tr>
<td>Deir al-Balah</td>
<td>14.1</td>
<td>85.5</td>
</tr>
<tr>
<td>North Gaza</td>
<td>28.7</td>
<td>70.9</td>
</tr>
<tr>
<td>Rafah</td>
<td>15.8</td>
<td>70.9</td>
</tr>
<tr>
<td>Khan Younis</td>
<td>42.7</td>
<td>56.9</td>
</tr>
<tr>
<td>Hebron</td>
<td>81.7</td>
<td>17.4</td>
</tr>
<tr>
<td>Tubas</td>
<td>83.5</td>
<td>15.8</td>
</tr>
<tr>
<td>Jericho</td>
<td>49.2</td>
<td>49.7</td>
</tr>
<tr>
<td>Jerusalem</td>
<td>58.1</td>
<td>40.8</td>
</tr>
<tr>
<td>Ramallah</td>
<td>70.1</td>
<td>28.1</td>
</tr>
<tr>
<td>Jenin</td>
<td>70.7</td>
<td>28.8</td>
</tr>
<tr>
<td>Tulkarem</td>
<td>67.9</td>
<td>31.5</td>
</tr>
<tr>
<td>Nablus</td>
<td>74.1</td>
<td>25.4</td>
</tr>
<tr>
<td>Bethlehem</td>
<td>71.3</td>
<td>28.0</td>
</tr>
<tr>
<td>Qalqilya</td>
<td>59.6</td>
<td>39.9</td>
</tr>
<tr>
<td>Salit</td>
<td>34.4</td>
<td>65.4</td>
</tr>
</tbody>
</table>

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

Table 2.7 – Distribution of Palestinian Refugees Outside Camps in Lebanon

<table>
<thead>
<tr>
<th>Location</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Marginal ‘Camps’ (1)</strong></td>
<td></td>
</tr>
<tr>
<td>Jal al-Bahar</td>
<td>905</td>
</tr>
<tr>
<td>al-Burghia</td>
<td>128</td>
</tr>
<tr>
<td>al-Wasta</td>
<td>708</td>
</tr>
<tr>
<td>al-Eitania</td>
<td>269</td>
</tr>
<tr>
<td>al-Sika</td>
<td>660</td>
</tr>
<tr>
<td>al-Baraksat</td>
<td>2,535</td>
</tr>
<tr>
<td>Bustan al-Yahodi</td>
<td>1,210</td>
</tr>
<tr>
<td>al-Hamshri</td>
<td>1,200</td>
</tr>
<tr>
<td>Mustashfa Gaza</td>
<td>600</td>
</tr>
<tr>
<td>al-Tariq al-Jadida</td>
<td>257</td>
</tr>
<tr>
<td>al-Aramel</td>
<td>867</td>
</tr>
<tr>
<td>al-Muhajariin</td>
<td>1,029</td>
</tr>
<tr>
<td><strong>Refugee ‘Gatherings’ (2)</strong></td>
<td></td>
</tr>
<tr>
<td>al-Ghazia</td>
<td>1,305</td>
</tr>
<tr>
<td>Wadi al-Ziny</td>
<td>8,825</td>
</tr>
<tr>
<td>al-Naimi</td>
<td>4,480</td>
</tr>
<tr>
<td>Bar Elias</td>
<td>2,940</td>
</tr>
<tr>
<td>Taba al-Batia</td>
<td>4,140</td>
</tr>
<tr>
<td><strong>Cities</strong></td>
<td></td>
</tr>
<tr>
<td>Sur</td>
<td>4,916</td>
</tr>
<tr>
<td>Sida</td>
<td>17,336</td>
</tr>
<tr>
<td>Beirut</td>
<td>13,817</td>
</tr>
<tr>
<td>Tripoli</td>
<td>3,726</td>
</tr>
</tbody>
</table>


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

(2) Refugee ‘Gatherings’ are located far from the cities and are largely inhabited by refugees who have moved out of the camps due to improved socio-economic status. Unlike camps, refugees in gatherings own their homes.
In Syria almost 40 percent of the refugees live in urban centers with a small number living in rural areas. In pre-war (2003) Iraq, the majority (90 percent) of Palestinian refugees lived in the greater Baghdad area, with a smaller concentration living in the north of the country. As of 1998 a small population of Palestinians, approximately 1,000, resided in the northern city of Mosul, with another 700-1,000 persons in the southern city of Basra.

Demographic Indicators

The Palestinian refugee and IDP population is young, it has high but declining fertility and low mortality. An average of 40 percent of the Palestinian refugee population in major Arab host countries is below the age of fifteen. Approximately 35 percent of all registered refugees are below age fifteen. There are no statistics for internally displaced Palestinians; however, differences between refugees and non-refugees in major Arab host states, except Lebanon, are negligible. The age structure of internally displaced Palestinians is therefore likely to follow that of Palestinians inside Israel and in the occupied Palestinian territories.

Figure 2.2 – Age Structure of Palestinian Refugees

Refugees have a high fertility rate but there is a consistent decline in the fertility rate among Palestinian refugees in Jordan, the occupied West Bank and in Lebanon due to a postponement of marriage and an increase in the proportion of women remaining single. The decline in the Gaza Strip is much slower. In all major Arab host countries Palestinian refugees have a lower fertility rate than the non-refugee population. The fertility rate among internally displaced Palestinians inside Israel and in the occupied Palestinian territories is likely to be similar to the non-refugee Palestinian population.
Table 2.8 – Total Fertility Rate (TFR) of Palestinian Refugees

<table>
<thead>
<tr>
<th>Host Country</th>
<th>Total Fertility Rate (TFR)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gaza</strong></td>
<td></td>
</tr>
<tr>
<td>Refugees</td>
<td>7.69</td>
</tr>
<tr>
<td>Camp refugees</td>
<td>7.47</td>
</tr>
<tr>
<td>Non-camp refugees</td>
<td>7.95</td>
</tr>
<tr>
<td><strong>West Bank</strong></td>
<td></td>
</tr>
<tr>
<td>Refugees</td>
<td>5.50</td>
</tr>
<tr>
<td>Camp refugees</td>
<td>5.68</td>
</tr>
<tr>
<td>Non-camp refugees</td>
<td>5.44</td>
</tr>
<tr>
<td><strong>Jordan</strong></td>
<td></td>
</tr>
<tr>
<td>Refugees</td>
<td>4.85</td>
</tr>
<tr>
<td>Camp refugees</td>
<td>5.25</td>
</tr>
<tr>
<td>Non-camp refugees</td>
<td>4.77</td>
</tr>
<tr>
<td><strong>Lebanon</strong></td>
<td></td>
</tr>
<tr>
<td>Camp refugees</td>
<td>3.90</td>
</tr>
<tr>
<td><strong>Syria</strong></td>
<td></td>
</tr>
<tr>
<td>Camp and non-camp refugees</td>
<td>5.2</td>
</tr>
</tbody>
</table>


Infant and child mortality rates of the refugee population are relatively low and have also declined over the past five decades. Infant mortality rates, for example, declined from around 200 per 1,000 births in 1950 to around 27 per 1,000 births in the 1967 occupied Palestinian territories and 10 per 1,000 births inside Israel in 2000. Trends for Jordan’s refugees and Lebanon’s camp refugees are similar but the decline is smaller.

Table 2.9 – Infant and Child Mortality of Palestinian Refugees

<table>
<thead>
<tr>
<th>Country</th>
<th>Infant Mortality</th>
<th>Child Mortality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan</td>
<td>24.9</td>
<td>27.4</td>
</tr>
<tr>
<td>Lebanon</td>
<td>31.5</td>
<td>36.8</td>
</tr>
<tr>
<td>Gaza Strip</td>
<td>28.2</td>
<td>35.0</td>
</tr>
<tr>
<td>West Bank</td>
<td>25.7</td>
<td>31.0</td>
</tr>
<tr>
<td>Jordan</td>
<td>23.9</td>
<td>25.8</td>
</tr>
<tr>
<td>Syria</td>
<td>23.5</td>
<td>26.5</td>
</tr>
</tbody>
</table>


The Palestinian refugee and IDP population also has a high growth rate. This is similar to the Palestinian population as a whole, which has roughly doubled every twenty years. The rate of natural growth is highest (over 4 percent) among Bedouin refugees, refugees residing in Jordan and internally displaced Palestinians inside Israel. Survey data suggests that the growth rate in the OPTs has accelerated during intifada years.
As of the end of 2003 there were an estimated 7.5 million Palestinian refugees and displaced persons comprising more than three-quarters of the total Palestinian population worldwide.

The registered refugee population grew by an average of 2.74 percent in 2003. UNRWA’s Registration Division witnessed a sharp increase in the number of refugees updating their registration records as a result of the political and humanitarian crisis in the OPTs. A total of 145 refugee families entered into the official registration system between July 2002 and June 2003. Inquiries were directed to the Agency regarding registration of Palestinians in Iraq and members of two Palestinian tribes (Baqara and Ghanamah) in Syria.

UNRWA’s Registration Division continued the amalgamation of the ex-code process, which integrates the records of the original 1948 refugee families with all other documents related to their descendants. Eighty-three percent of the files in Lebanon and 67 percent of those in the West Bank were amalgamated by June 2003. Amalgamation of ex-codes will commence in Jordan when the family files are digitally scanned. Amalgamation was completed in Syria and the Gaza Strip in 2002.

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

Developments in 2003
Most host countries outside the Middle East region continue to exclude Palestinian refugees as a category of refugees in asylum statistics. In June 2003, however, the Parliament of the Council of Europe (CoE) called upon member states (Resolution 1338, 25 June 2003) to include information on Palestinian origin in statistics concerning asylum seekers and refugees. Information on changes in policy among CoE member states was not available at the end of 2003.

During 2003 there was a significant increase in internal displacement in the occupied Palestinian territories, due, primarily, to Israel’s construction of a separation (‘apartheid’) Wall in the occupied West Bank for alleged security reasons. It is estimated that more than 2,300 Palestinians were displaced in 2003 by the Wall.\(^3\) A survey at the end of 2003 found that 5 percent of the Palestinian households west of the Wall changed or were considering changing their place of residence. Another 4.9 percent of Palestinian households east of the Wall had also moved or were considering moving as a result of the Wall.\(^4\)

In total approximately 200,000 Palestinian residents of the occupied West Bank, including eastern Jerusalem, will be affected by the Wall. While they may not be displaced physically, they will be economically and socially cut off from neighborhoods to which they were formerly connected. This includes 80,000 Palestinians who will be surrounded by the Wall in enclaves and 20,000 who are or will be wedged between the Wall and the 1949 Armistice Line (‘Green Line’). More than 76,000 of those affected by the Wall are registered refugees.\(^5\)

Prolonged curfews, house demolitions and harassment and attacks from Jewish settlers continue to force Palestinians in the 1967 occupied Palestinian territories to relocate. In the southern West Bank city of Hebron, for example, 75 of 169 families (43 percent) living in area ‘H2’ under Israeli security control in the center of the city were forced to relocate elsewhere due to constant harassment and pressure from Israeli military forces and Jewish settlers. Approximately 35,000 Palestinians live in H2 (4.3 sq. km) alongside 500 Jewish settlers.\(^6\)

The distribution of Palestinian refugees and IDPs remained largely unchanged in 2003 except for the displacement of Palestinians within the occupied Palestinian territories as a result of the separation Wall and a significant displacement of Palestinian refugees in Iraq who sought refuge in border areas due to the April 2003 war and US-led occupation of the country. By the end of 2003, however, most of the refugees ‘voluntarily’ returned to Iraq after UNHCR was unable to find a second country of asylum. A small number remained in Ruweished refugee camp on the border with Jordan.
Annex 2.1 – Notes for Table 2.1

(1) 1948 registered refugees – UN Relief and Works Agency for Palestine Refugees (UNRWA). UNRWA figures are based on data voluntarily supplied by registered refugees. Figures as of 30 June each year. UNRWA registration statistics do not claim to be and should not be taken as statistically valid demographic data. It is collected by UNRWA for its own internal management purposes, and to facilitate certification of refugees' eligibility to receive education, health and relief and social services. New information on births, marriages, deaths and change in place of residence is recorded only when a refugee requests the updating of the family registration card issued by the Agency. UNRWA does not carry out a census, house-to-house survey or any other means to ascertain whether the place of residence is the actual place of residence; refugees will normally report births, deaths and marriages when they seek a service from the Agency. New births, for instance, are reported early if the family avails itself of the UNRWA maternal and child health services or when the child reaches school age if admission is sought to an UNRWA school, or even later if neither of these services is needed. While families are encouraged to have a separate registration card for each nuclear family (parents and children), this is not obligatory. Family size information may therefore include a mix of nuclear and extended families, in some instances including as many as four generations.

(2) 1948 non-registered refugees – Derived from The Palestinian Nakba 1948, The Register of Depopulated Localities in Palestine. London: The Palestinian Return Centre, 1998, and the average annual growth rate of the Palestinian refugee population (3.5 percent). The figures do not account for the small number of refugees reunified with family inside Israel.

(3) 1967 first time displaced refugees – Derived from Report of the Secretary General under General Assembly Resolution 2252 (EX-V) and Security Council Resolution 237 (1967), UN Doc. A/6797, 15 September 1967 and the average annual growth rate of the Palestinian population (3.5 percent). The figures do not include 1948 refugees displaced for a second time in 1967. The figures for 1967 exclude those refugees who returned under a limited repatriation program in August-September 1967. The figures do not account for Palestianis who were abroad at the time of the 1967 war and unable to return, refugees reunified with family inside the occupied Palestinian territories, or those refugees who returned since 1994 under the Oslo political process.

(4) ‘Other’ refugees - Derived from George F. Kossaifi, The Palestinian Refugees and the Right of Return. Washington, DC: The Center for Policy Analysis on Palestine, 1996, based on an average forced migration rate of 21,000 persons per year. Includes those Palestinian refugees who are neither 1948 or 1967 refugees and are outside the Palestinian territories occupied by Israel since 1967 and unable due to revocation of residency, denial of family reunification, deportation, etc., or unwilling to return there owing to a well-founded fear of persecution. The figures are based on the percentage of non-refugee Palestinians in the OPTs (57 percent) and the average annual growth rate of the refugee population (3.5 percent). The figures do not account for family reunification, those refugees who returned to the occupied Palestinian territories since 1994 under the Oslo political process and for a small number of Palestinians from inside Israel who have sought refugee asylum.

(5) 1948 internally displaced persons – Derived from initial registration figures from UNRWA in Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, UN Doc. A/1905, 30 June 1951 and an estimated average annual growth rate of the Palestinian population inside Israel between 1950 and 2001 (4.2 percent). According to the Israeli Central Bureau of Statistics, the Palestinian Muslim population inside Israel (which comprises 82 percent of the total Palestinian population inside Israel) increased annually by 4.4 percent between 1948 and 2001. Israel Central Bureau of Statistics, 2002. Statistical Abstract of Israel, No. 53. A significant number of internally displaced Palestinians received assistance from UNRWA until the Agency turned over responsibilities for the internally displaced to Israel in 1952. The population estimate for 1950 was likely included as UNRWA registered refugees. The figure does not include those Palestinians internally displaced after 1948, conservatively estimated at 75,000 persons. Internally Displaced Palestinians, International Protection, and Durable Solutions. BADIL Information & Discussion Brief No. 9 (November 2002). The average annual growth rate of the IDP population is upgraded by a quarter of a percentage point to allow for further internal displaced after 1948 due to internal transfer, land confiscation and house demolition.

(6) 1967 internally displaced persons – The estimate includes persons internally displaced during the 1967 war from destroyed Palestinian villages in the OPTs. This figure is upgraded by the average annual growth rate of the refugee population (3.5 percent). Internally Displaced Palestinians, International Protection, and Durable Solutions. BADIL Information & Discussion Brief No. 9 (November 2002). The figure is upgraded to include the average number of Palestinians displaced by house demolition (1,037) each year between 1967 and 2000. The number of Palestinians affected by house demolition is not upgraded according to the average annual population growth due to the fact that it is unknown how many IDPs return to their home of origin. The number of IDPs in the occupied Palestinian territories for 2003 is based on the estimated number of IDPs displaced during the 1967 war and the estimated number of Palestinian homes demolished in 2003 as punitive punishment. Table, Demolition of Houses by Years in the al-Aqsa Intifada, B’tselem – The Israeli Information Center for Human Rights in the Occupied Territories [www.btselem.org]. The number of Palestinians displaced is based on an average household size of 6.4 persons. Table 3.2.14, Percentage Distribution of Households by Average Household Size and Region, 2002. Palestinian Central Bureau of Statistics, 2003, Statistical Abstract of Palestine No. 4. The figures do not include the number of Palestinians displaced due to the proximity of their homes to Israeli military checkpoints and colonies (i.e. settlements). The figure also includes the number of persons displaced in 2003 by Israel's separation wall, Palestinian Central Bureau of Statistics, 2003. Survey on the Impact of Separation Wall on the Localities Where it Passed Through. The significant difference between 2002 and 2003 is due to the mass but temporary internal displacement resulting from the Israeli military reinvasion of Palestinians towns, villages and refugee camps in 2002.

(7) Convention Refugees – UNHCR, 2003 Global Refugee Trends, Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers and Other Persons of Concern to UNHCR. Geneva: Population Data Unit/PGDS, Division of Operational Support, UNHCR, 15 June 2004. Data reported by UNHCR country offices generally reflect the view of the host country. The statistics are provisional and subject to change. This figure includes approximately 428,000 Palestinian refugees of concern to UNHCR.
Endnotes

1 The term 'country of origin' used here “is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. This would be the case, for example, of nationals of a country who have there been stripped of their nationality in violation of international law, and of individuals whose country of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them.” See, Human Rights Committee, General Comment 27, Freedom of Movement (Article 12), UN Doc. CCPR/C/21/Rev.1/Add.9 (1999).

2 The definition of a Palestinian refugee used here is based on the 1951 UN Conciliation Commission for Palestine draft definition of a Palestine refugee. Addendum to Definition of a 'Refugee' Under Paragraph 11 of General Assembly Resolution of 11 December 1948 (Prepared by the Legal Advisor), UN Doc. W/61/Add.1, 29 May 1951.


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

5 Annual Report of the Director of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, 1 July 1951 – 30 June 1952. UN GAOR, 7th sess., Supp. No. 13 (A/2171), 30 June 1952, para. 8. Initial registration files for the internally displaced Palestinians include 6 boxes consisting of 11,304 family cards and 5,155 correction cards. Each card contains the names, ages, sex, occupation, past address and ‘distribution center’ to which the family was attached. UNRWA refers to these files as ‘dead’ files. Reinterpreting the Historical Record, supra note 4, p. 45.


8 UNRWA collects statistics for internal management purposes and to facilitate certification of refugees' eligibility to receive education, health and relief and social services. New information on births, deaths and change in place of residence is recorded only when a refugee requests the updating of a family registration card issued by the Agency. UNRWA does not carry out a census, house-to-house survey or any other means to ascertain whether the place of residence is the actual place of residence; refugees will normally report births, deaths and marriages when they obtain a service from the Agency.

9 For more information on UNHCR's mandate for Palestinian refugees see, 'Note on the Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees,' October 2002. For analysis refer to Chapter Five of the Survey.


11 Israel last carried out a census of the IDP population in 1949 to plan for internal transfer of the Palestinian population remaining after the 1948 war. According to the census there were 7,005 IDPs from 56 villages of origin residing in 26 different Palestinian villages in the Galilee. The census did not cover all areas of the state. Central Zionist Archive, A-206/246. Censuses are archived in the Central Zionist Archive, Yosef Weitz file, 296/246 and 206/246. Cited in Hillel Cohen, The Status of Palestinian Refugees in International Law, supra note 4, p. 45.

12 Table 11 – Distribution of localities which continued to exist in northern Israel, by the number of refugees who entered them, Charles S. Kamen, “After the Catastrophe I: The Arabs in Israel, 1948-51,” Middle Eastern Studies, p. 473.


15 Table 5, Palestinian Estimates of Displaced Persons and Refugees During the 1967 War, Tayseer Amro, “Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadrupartite Committee] (not including spouses and descendants).” Article
23 The majority of refugees in two West Bank camps, Aqabat Jabr and ‘Ein al-Sultan, however, were displaced to Jordan during the 1967 war. Prior to the 1967 Arab-Israeli war, the number of registered refugees in Aqabat Jabr refugee camp totalled some 30,000. There were 20,000 refugees in ‘Ein al-Sultan camp.
27 Inside Israel 39.7 percent of the Palestinian population is under the age of 15. Table 2.2.3, Percentage Distribution of Palestinians in Israel by Age Groups and Sex (End of 2002), *Statistical Abstract of Israel No. 4.* Ramallah: Palestinian Central Bureau of Statistics, 2003, p. 140. In the occupied Palestinian territories 45.8 percent of the Palestinian population is under the age of 15. Table 2.3.2, Projected Population in the Palestinian Territory in the End Year by Age Groups and Sex, 2002, *ibid,* p. 191.
29 Finding Means, supra note 26, p. 25.
28 Table 2, Palestinian Mortality, 1860-2000, Justin McCarthy, *Palestinei Population During the Ottoman and the British Periods.* Available at, [http://www.palestineremembered.com/Acre/Palestine-Remembered/Story559.html Table%202](http://www.palestineremembered.com/Acre/Palestine-Remembered/Story559.html Table%202) [last visited 22/10/04].
29 Between 1950 and 1995, the Palestinian population in 16 selected regions of the Middle East grew by an average of 3.3 percent per annum. For the last five-year period, the Palestinian population in these 16 countries increased at the highest rate ever, 3.7 percent per year. Arjun L. Adlakha, Kevin G. Kinsella and Marwan Khawaja, *Demography of the Palestinian Population with Special Emphasis on the Occupied Territories.* Available at, [http://www.undp.org/popin/regional/escwa/popbull/bull43/chapter2.html](http://www.undp.org/popin/regional/escwa/popbull/bull43/chapter2.html) [last visited 15/06/01].
30 Finding Means, supra note 26, p. 20.
35 Hebron – Area H2, Settlements Cause Mass Departure of Palestinians. Jerusalem: Btelem, 2003, p. 8. The families lived on three streets: al-Casbah, small Shalala, and Shuhada. Since the beginning of the second intifada 2,000-2,500 businesses have closed in the Casbah and Bab az-Zawiya. Out of 500 shops on Casbah street only 15 are open. The number of pupils in Qordoba school dropped from 500 to 130.
Living Conditions

Preface

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

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

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

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

Protracted conflict, shortfalls in donor contributions and inadequate protection have led to a steady decline in Palestinian living conditions over the last decade. In many areas, the status of Palestinian refugees and IDPs compares unfavorably with that of host country nationals and when compared to relevant international standards.
Employment, Labor Force Participation and Income

Employment, labor force participation and income are related to access to labor markets, education, health, the role of women in the workplace and political stability. In some host states, like Lebanon, Palestinian refugees do not have access to all sectors of the labor market. There is a mixed association between refugee education and employment in Arab host states.

Sub-standard living conditions, especially in camps, lead to health problems which affect labor force participation. Across the region economic indicators for women lag behind those for men. The 1990-91 Gulf war, the civil war in Lebanon (1976-1991) and the first and second intifadas in the 1967 occupied Palestinian territories have had a negative impact on access to employment, labor force participation and household income.

Employment Structure: Construction, industry and services are the largest sectors of employment for refugees residing in the occupied Palestinian territories, Jordan, Lebanon and Syria and among internally displaced Palestinians in Israel. Approximately half of all refugee men and IDPs are employed in construction, trade and manufacturing. Women are more often employed in health, education and administration. While a majority of refugees and IDPs originate from rural villages, few today are employed in agriculture.

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

Table 3.1 - Employment Structure of Refugees in Lebanon and Jordan

<table>
<thead>
<tr>
<th></th>
<th>Jordan</th>
<th>Lebanon</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Camp</td>
<td>Non-camp</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>F</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Agriculture</td>
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</tr>
<tr>
<td>M</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td>F</td>
<td>30</td>
<td>12</td>
</tr>
<tr>
<td>Mining, Manufacturing</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade, Hotels, Restaurants</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>Public Administration</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Education, Health, Social</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Other Services</td>
<td>11</td>
<td>9</td>
</tr>
</tbody>
</table>


* Israel does not maintain separate statistics for internally displaced Palestinians. (see Chapter Two - Population) Living condition surveys of the Palestinian refugee population conducted in the 1990s and early 2000s do not include IDPs. There are few differences in living conditions of refugees and non-refugees in the occupied Palestinian territories. It is assumed that this trend holds true for Palestinians inside Israel. Figures for IDPs are therefore indicative rather than conclusive.
Sewing shop in Khan Younis refugee camp. © BADIL.
Palestinian refugees are under-represented in the public administration and agricultural sectors compared to host country nationals. The same applies to internally displaced Palestinians inside Israel relative to Jewish nationals. In the 1967 occupied Palestinian territories, however, there are few differences between the refugee and non-refugee Palestinian population, although slightly more non-refugees are employed in agriculture. (See Annex for more details)

**Labor force participation:** Less than half of the total refugee labor force is economically active. The labor force participation rate is the proportion of every employed and unemployed person above 15 years of age to the total population above that age. Employed persons include everyone who worked for at least one hour in a reference period, for pay in cash or kind, or was temporarily absent from a job to which the person has a firm attachment. Unemployed persons include everyone who did not work at all in the reference period, even for one hour, and who was available for work and actively sought work in the reference period.

Participation among refugee women compared to refugee men is very low. Labor force participation rates for refugee men are approximately 70 percent and 9-18 percent for refugee women. Labor force participation generally increases with higher education, especially among women. Education is the most important reason for economic inactivity among younger men. Older men cite health reasons. Young women cite education and family duties as the most important reason for economic inactivity; among older women family duties is most important.

**Figure 3.1 – Refugee and IDP Total Labor Force Participation**

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Table 3.2 - Reasons for Non-Participation in Labor Force (by age) in Jordan and Lebanon Camps

<table>
<thead>
<tr>
<th></th>
<th>Jordan</th>
<th>Lebanon</th>
<th>Jordan</th>
<th>Lebanon</th>
<th>Jordan</th>
<th>Lebanon</th>
<th>Jordan</th>
<th>Lebanon</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Disabled or retired</td>
<td>7</td>
<td>1</td>
<td>8</td>
<td>1</td>
<td>53</td>
<td>3</td>
<td>47</td>
<td>4</td>
</tr>
<tr>
<td>Lost hope of finding job</td>
<td>12</td>
<td>2</td>
<td>17</td>
<td>6</td>
<td>25</td>
<td>4</td>
<td>38</td>
<td>5</td>
</tr>
<tr>
<td>Full-time student</td>
<td>72</td>
<td>41</td>
<td>62</td>
<td>30</td>
<td>5</td>
<td>1</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Family disagree</td>
<td>-</td>
<td>7</td>
<td>-</td>
<td>14</td>
<td>-</td>
<td>2</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td>Housewife and care</td>
<td>-</td>
<td>44</td>
<td>-</td>
<td>43</td>
<td>-</td>
<td>86</td>
<td>-</td>
<td>81</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
<td>5</td>
<td>13</td>
<td>4</td>
<td>17</td>
<td>4</td>
<td>-</td>
<td>2</td>
</tr>
</tbody>
</table>


Refugees in camps tend to have slightly lower rates of labor force participation. Camp men tend to enter and exit the labor force at an earlier age, possibly due to health problems related to camp living conditions and employment in more difficult working conditions. In Lebanon refugees in camps have slightly higher rates of participation than refugees in gatherings outside camps. Refugee camps in the occupied Gaza Strip have the lowest rate of labor force participation.

Labor force participation rates in Jordan, Lebanon and Syria are higher among non-refugees as compared to refugees and higher among Jews than Palestinians inside Israel. In the 1967 occupied Palestinian territories there are few differences between refugees and non-refugee Palestinians. (See Annex for more details)

Unemployment: Unemployment rates range from 5 to 35 percent, although rates in the occupied Palestinian territories are substantially higher today due to Israeli military practices during the second intifada. Unemployed persons include everyone who did not work at all in the reference period, even for one hour, and who was available for work and actively sought work in the reference period. The unemployment rate is the proportion of unemployed persons to the total labor force.

Unemployment is higher among refugee women than among men in Jordan, Syria and Lebanon but there are few differences between refugee women and men in the 1967 OPTs and among IDPs in Israel. Unemployment is also high among young refugees. Education has a mixed association with unemployment rates. In the occupied West Bank education makes almost no difference to unemployment rates; in the occupied Gaza Strip and Lebanon unemployment rates decrease with higher education.

Table 3.3 - Unemployment Rates (by age) in Jordan, Lebanon, 1967 OPTs and Syria

<table>
<thead>
<tr>
<th></th>
<th>Jordan Camp</th>
<th>Jordan Non-camp</th>
<th>Lebanon Camp</th>
<th>Lebanon Non-camp</th>
<th>West Bank Camp</th>
<th>West Bank Non-camp</th>
<th>Gaza Strip Camp</th>
<th>Gaza Strip Non-camp</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>11</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>12</td>
<td>9</td>
<td>19</td>
<td>17</td>
<td>13.2</td>
</tr>
<tr>
<td>F</td>
<td>13</td>
<td>30</td>
<td>18</td>
<td>22</td>
<td>13</td>
<td>9</td>
<td>20</td>
<td>17</td>
<td>15.5</td>
</tr>
</tbody>
</table>

The relationship between camp residence, education and unemployment is also mixed. In Jordan unemployment among refugees in camps increases significantly with education compared to rates among refugees outside camps. Unemployment among camp refugees in the occupied Gaza Strip decreases with higher education, but appears to make little difference among camp refugees in the occupied West Bank.

Unemployment rates among refugees in Lebanon are higher than rates among Lebanese nationals. There is little difference between refugees and non-refugees in Jordan. Unemployment rates outside camps in the 1967 occupied Palestinian territories tend to be similar with non-refugee Palestinians. (See Annex for more details)

**Income:** Annual per capita incomes range from US$450 to $600. Household incomes are higher among refugees in the 1967 occupied Palestinian territories than elsewhere and lowest among refugees in Syria. Gross national income in Lebanon, however, is nearly four times higher than in Syria and double that of Jordan. Most refugee households rely on income from wages and self-employment. The remaining households that depend on transfers are a vulnerable low income group.

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

Poverty and Palestinian Refugees

Poverty is largely associated with family size, health, access to paid work, and access to transfers from others. The worst off families are those that do not qualify for assistance and they have no employed members. Slightly better off, but constituting a far larger proportion of the total, are large families with few employed members and many dependents. By contrast, female- or elderly-headed households with no earners are often poor, but are generally better off than the other two poor groups. This is because they more often qualify for assistance from UNRWA or receive help from family members.

Refugees in Lebanon are worst off because they are excluded from the formal labor market and they have poorer health. They make up the highest proportion of families with no employed member and the transfers they receive cannot compensate for this. Refugees in Syria are better off than those in other fields, despite Syria being the poorest country. This is because many women refugees in Syria work, and because the education level of middle-aged working refugees in that country is higher than in other fields, facilitating relatively higher incomes.

In Syria the national economy is relatively poor. But, many members of the household work - more than any other field. The net result is lower levels of poverty among camp refugees in Syria than elsewhere despite living in a relatively ‘poor’ country.

Lebanon has a higher per capita national income than other countries but refugees are poorer than anywhere else. Fewer refugees are employed with lower refugee participation in the labor force, which is the result of chronic illness and poor access to labor market. The combination of virtually no access to large-scale social welfare and limited access to labor income translates into very high rates of poverty among camp and gathering refugees, regardless of the national wealth and economic development.

In Jordan while there is some exclusion of refugees from the labor market, they have good access to large-scale government social welfare. These characteristics keep a huge proportion of refugees in Jordan away from the brink of poverty.

Camp population has weak safety net structure to resist economic downturns. Many camp dwellers are poor, with the proportion of people earning less than two dollars a day per person ranging from some 25 percent in Syria to 35 percent in Lebanon. In the camps the winners are those with a high level of education and those who work for UNRWA or other international organizations. Also, in Lebanon there are more ultra-poor people among camp and gathering refugees than in the other fields.

Table 3.4 - Main Sources of Income

<table>
<thead>
<tr>
<th></th>
<th>Jordan Camp</th>
<th>Jordan Non-camp</th>
<th>Lebanon Camp</th>
<th>Lebanon Non-camp</th>
<th>Syria Camp</th>
<th>Syria Non-camp</th>
<th>Gaza Camp</th>
<th>Gaza Non-camp</th>
<th>West Bank Camp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wage</td>
<td>62</td>
<td>60</td>
<td>56</td>
<td>67</td>
<td>63</td>
<td>62</td>
<td>55</td>
<td>59</td>
<td>73</td>
</tr>
<tr>
<td>Self-Employment</td>
<td>17</td>
<td>21</td>
<td>23</td>
<td>14</td>
<td>21</td>
<td>24</td>
<td>12</td>
<td>16</td>
<td>12</td>
</tr>
<tr>
<td>Transfers</td>
<td>19</td>
<td>14</td>
<td>18</td>
<td>17</td>
<td>13</td>
<td>11</td>
<td>27</td>
<td>20</td>
<td>16</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>9</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>


Figure 3.2 - Household Poverty Rates

Living Conditions

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

**Housing**

Substandard housing is an indicator of the lack of development. It is also linked to poor health and has the greatest impact on women and other caregivers, children, handicapped and the elderly. In some areas camp refugees may have better infrastructure due to more international assistance. Thousands of refugee shelters in the 1967 occupied Palestinian territories and in Lebanon have been destroyed during periods of conflict.

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

**Crowding:** More than a quarter of all refugee households in the 1967 occupied Palestinian territories, Jordan, Lebanon and Syria are crowded. The international standard for crowding is three or more persons per room. Overcrowding is related to

Figure 3.3 – Percent of Households with 3+ Persons per Room

lack of resources to expand existing shelters or build new ones, planning and building restrictions and household size. Refugee dwellings comprise an average of three rooms. Average household size is smallest in Lebanon and Syria; households in the occupied Palestinian territories are larger than elsewhere.\(^6\)

Housing densities in camps are the highest in the 1967 occupied Palestinian territories followed by Jordan, Syria (excluding Yarmouk camp) and Lebanon. More than one-third of camp refugees live in overcrowded conditions. The average household size in camps is smallest in Lebanon. This is related to migration and lower female fertility.\(^7\) The area of housing units in camps in the 1967 occupied Palestinian territories and in Jordan is larger than in Lebanon.\(^8\)

Non-refugee households in Lebanon are less crowded than refugee households. There are fewer differences in crowding between non-refugee households and refugee households outside camps in Jordan and in the 1967 occupied Palestinian territories. In Israel housing density among Palestinians is significantly higher than among Jews.\(^9\) Non-camp and non-refugee populations in Jordan and the 1967 occupied Palestinian territories generally have larger dwellings than camp residents. (See Annex for more details)

**Infrastructure:** Most refugee households are connected to a municipal sewage system or a septic tank. Eight-five percent or more have a stable supply of electricity and two-thirds or more have piped water or water delivered by tanker truck. Infrastructure problems are most severe among households in Lebanon. Lebanon does not allow camps to connect to municipal sewage systems. The primary infrastructure problem facing all refugee households is access to a safe and stable supply of drinking water.
Living Conditions

Figure 3.4 - Percent of Households with Lack of Safe Drinking Water, Sanitation and Electricity

Camp households may have better infrastructure than households outside of camps, however, more than two-thirds of households without basic infrastructure are in camps. Residents of rural camps generally face a higher risk of poor infrastructure than residents of urban camps. Camps in the occupied Palestinian territories have historically had better household infrastructure. Residents of Yarmouk camp and in gatherings in Syria have better infrastructure than camp refugees in Jordan and Lebanon.

Access to basic infrastructure in refugee camps is generally better than in the group of Arab countries as a whole. (See Annex for more details)

Indoor Environment: Since 1948 cinder block and concrete shelters have eventually replaced tents, huts and other forms of emergency shelters. Housing made of concrete or concrete block is difficult to insulate in the winter and keep dry from the damp increasing the risk of sickness and disease. Refugee households in Lebanon have the most severe indoor living conditions. Satisfaction among refugees about indoor living conditions is highest in Syria.

Table 3.5 - Percent of Households with Indoor Environment Problems

<table>
<thead>
<tr>
<th></th>
<th>Lebanon Camp</th>
<th>Lebanon Non-camp</th>
<th>Jordan Camp</th>
<th>Jordan Non-Camp</th>
<th>Yarmouk Camp</th>
<th>Yarmouk Non-Camp</th>
<th>Syria Camp</th>
<th>Syria Non-camp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Humid</td>
<td>66</td>
<td>62</td>
<td>60</td>
<td>61</td>
<td>41</td>
<td>53</td>
<td>46</td>
<td>56</td>
</tr>
<tr>
<td>Cold in winter</td>
<td>66</td>
<td>68</td>
<td>56</td>
<td>49</td>
<td>48</td>
<td>61</td>
<td>56</td>
<td>36</td>
</tr>
<tr>
<td>Hot in summer</td>
<td>64</td>
<td>58</td>
<td>65</td>
<td>39</td>
<td>52</td>
<td>60</td>
<td>51</td>
<td></td>
</tr>
<tr>
<td>Poor Ventilation</td>
<td>41</td>
<td>28</td>
<td>45</td>
<td>22</td>
<td>22</td>
<td>24</td>
<td>13</td>
<td></td>
</tr>
</tbody>
</table>

Indoor living conditions are generally worse among camp refugees than non-camp refugees. Between one and three percent of camp refugees live in temporary or sub-standard housing. Rural refugees outside of camps in Jordan and the 1967 occupied Palestinian territories are more likely to reside in makeshift or otherwise unsafe housing. Poor outdoor environment is also a problem in camps including few if any public outdoor areas and green space, lack of garbage collection, noise, air pollution and lack of safe outdoor spaces for children.

### Destruction of Refugee Camp Housing

![Destruction in Jenin refugee camp after the Israeli military invasion of 2002. © BADIL.](image)

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

### Table 3.6 – Destroyed Refugee Camps in Lebanon

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

Living Conditions

Some of the displaced refugees from Dbaieh camp who remained in Lebanon later returned to the camp during the mid-1990s, but most of the camp housing is occupied by other refugees and displaced (Lebanese and Palestinians). After 1982 some Palestinian refugees, especially from other areas, found shelter in Mieh Mieh camp.

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

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

In the occupied West Bank Israeli military operations resulted in damage to more than a thousand homes in 2002 alone. In Jenin refugee camp some 400 families were rendered homeless after the April 2002 assault and siege of the camp. Between September 2000 and December 2003, more than 14,000 Palestinian refugees had been made homeless after the Israeli military destroyed refugee shelters in the 1967 occupied Palestinian territories.

Education

Education is highly valued as a means of reaffirming identity and an opportunity for a better life in the face of the protracted nature of the Palestinian refugee crisis. Many refugees have benefited from quality elementary education provided by UNRWA. Access to secondary and higher education in some host countries is restricted. Financial constraints prevent other refugees from continuing education.

Refugees have different education problems in each host country including a serious gender gap in the 1967 occupied Palestinian territories, poor education among young camp men in Jordan, a high number of young adults in Syria without basic education and high illiteracy at all levels. During the civil war and Israeli invasion of Lebanon some refugee children lost more than a year of schooling. In the 1967 OPTs refugee children lost between 35 and 50 percent of class time during the first intifada.

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

Table 3.7 – Enrollment Levels (by age) in Lebanon, Jordan and Syria

<table>
<thead>
<tr>
<th></th>
<th>Lebanon</th>
<th></th>
<th>Jordan</th>
<th></th>
<th></th>
<th>Syria</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>7-9</td>
<td>97</td>
<td>98</td>
<td>100</td>
<td>100</td>
<td>98</td>
<td>98</td>
</tr>
<tr>
<td>10-14</td>
<td>87</td>
<td>91</td>
<td>93</td>
<td>94</td>
<td>91</td>
<td>91</td>
</tr>
<tr>
<td>15-18</td>
<td>42</td>
<td>61</td>
<td>60</td>
<td>51</td>
<td>48</td>
<td>55</td>
</tr>
<tr>
<td>19-24</td>
<td>11</td>
<td>11</td>
<td>12</td>
<td>14</td>
<td>14</td>
<td>17</td>
</tr>
</tbody>
</table>

Among refugees in camps non-enrollment generally increases at a higher rate among young refugee men, however, camp refugees in the occupied Palestinian territories stay in school longer than in other fields. Non-camp refugees in Jordan have higher preparatory and secondary enrolment rates than camp refugees; however, in Lebanon secondary enrolment among refugees outside camps is also very low.

In the 1967 occupied Palestinian territories non-refugee Palestinians have a slightly lower enrolment rate than camp and non-camp refugees.

**Education attainment:** Palestinian refugees in Jordan have the highest level of education followed by refugees in the 1967 occupied Palestinian territories. Education attainment is lowest in Lebanon where many adults have not completed basic education. In the OPTs education attainment among women lags behind that of men, however, there are more refugee women in the OPTs who have at least secondary education than refugee women elsewhere.

Refugees in camps in the occupied Palestinian territories have the lowest number of persons with less than basic education with the exception of non-camp refugees in Jordan. In Syria, Jordan and Lebanon there has been no improvement among camp men below age fifty and a decline among men in the lowest age group. In Jordan there are more camp refugees without basic education than refugees outside camps but the opposite holds true for Syria.
Tables 3.8 – Highest Level of Education Completed in Lebanon, Jordan and Syria

<table>
<thead>
<tr>
<th></th>
<th>Lebanon</th>
<th>Jordan</th>
<th>Syria</th>
<th>OPTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor and above</td>
<td>3.0</td>
<td>16.0</td>
<td>3.7</td>
<td>14</td>
</tr>
<tr>
<td>Associate diploma</td>
<td>2.0</td>
<td>6.6</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>Secondary</td>
<td>5.5</td>
<td>8.0</td>
<td>8.9</td>
<td>44</td>
</tr>
<tr>
<td>Preparatory</td>
<td>16.1</td>
<td>19.3</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>34.5</td>
<td>14.0</td>
<td>34.2</td>
<td>5</td>
</tr>
<tr>
<td>Less than elementary</td>
<td>38.9</td>
<td>62.0</td>
<td>27.3</td>
<td>1</td>
</tr>
</tbody>
</table>

Refugees in camps in Jordan and Lebanon have lower levels of education than host country nationals. Palestinians inside Israel also have lower levels of attainment as compared to Jews. In the 1967 occupied Palestinian territories there are few differences between attainment levels of camp refugees and non-refugee Palestinians. *(See Annex for more details)*

**Literacy:** Refugee men and women in Syria have the highest rate of literacy followed by male refugees in the 1967 occupied Palestinian territories. Literacy is defined as persons who could read or write and do so easily or with difficulty. Those who said they could do either with difficulty or easily were considered literate. In the OPTs female illiteracy is nearly three times that of males. Refugees in Lebanon have the
highest illiteracy rates. The fact that there is no gender gap in Lebanon reflects the high rate of illiteracy among refugee men.\textsuperscript{16}

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

Table 3.9 – Illiteracy (by age) in Lebanon, Jordan and Syria

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


Literacy levels among Palestinian refugees are generally higher than for the Arab states as a group.\textsuperscript{17} This is especially the case for refugee women. In Lebanon, however, there is high illiteracy among refugees compared to the national population. There is little difference between refugees and non-refugee Palestinians in the 1967 occupied Palestinian territories.

Health

The health status of Palestinian refugees is in transition from a developing to a developed stage. Women and children’s health has improved dramatically over the course of the last five decades. Best reported health outcomes are in the 1967 occupied Palestinian territories, Jordan and Syria. Armed conflict, ineffective protection and insufficient assistance leave refugees in Lebanon most vulnerable to health problems.

Some 30-40,000 Palestinian refugees were killed during Lebanon’s internal wars and conflicts between the PLO and Israel. There were more than 73,000 casualties and fatalities during the first \textit{intifada} (1987-1992) in the 1967 occupied Palestinian territories, with even higher annual rates during the second \textit{intifada} that began in September 2000. Massive destruction of housing in the OPTs has further exacerbated refugee health.
Chronic illness/disability: Refugees in Lebanon more often report problems with chronic illness, disability and psychological distress than refugees elsewhere. There are few differences in self-assessed health among refugee men and women in Jordan, Lebanon and Syria, however, more women than men report higher levels of psychological distress and more refugees in Lebanon report bad assessed self-assessed health than elsewhere.

Table 3.10 - Percentage of Adults (ages 15+) with Select Health Problems

<table>
<thead>
<tr>
<th></th>
<th>% chronic illness or injury</th>
<th>% bad self-assessed health</th>
<th>% with 3 out of 7 psychological distress items</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Jordan Camp</td>
<td>19</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Jordan Non-camp</td>
<td>12</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Lebanon Camp</td>
<td>26</td>
<td>17</td>
<td>16</td>
</tr>
<tr>
<td>Lebanon Non-camp</td>
<td>26</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>Syria Camp</td>
<td>17</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Syria Non-camp</td>
<td>14</td>
<td>7</td>
<td>6</td>
</tr>
</tbody>
</table>


Refugees in camps tend to have higher incidence of chronic illness or injury, bad self-assessed health and psychological distress. In Lebanon there are few differences between camp refugees and those residing outside of camps except for women in gatherings who have a higher degree of psychological stress than men. Three times more camp and gathering refugees in Lebanon report their health as poor or very poor than elsewhere. Refugee women in gatherings in Syria also report high incidence of psychological distress.

Refugees report more psychological distress than non-refugees.18
Women’s health: Palestinian refugee mothers have fairly good health indicators. Nearly all refugee women visit health centers during pregnancy and the vast majority receive qualified birth assistance. Lebanon and Syria have a lower level of assisted births and especially among refugees outside camps in Syria. Maternal mortality rates are highest in Lebanon and lowest in Syria.

Refugee women in camps also have good health indicators. Camp women in Jordan have higher rates of pre-natal coverage but lower rates in the occupied West Bank. The camp/non-camp distinction makes no difference in the occupied Gaza Strip and in Syria. There is also no difference in assisted births between camp and non-camp refugees except in Jordan where there is less delivery assistance among camp women.

Table 3.11 – Select Health Indicators for Women

<table>
<thead>
<tr>
<th></th>
<th>Maternal Mortality Rate (per 100,000 live births)</th>
<th>% Receiving Prenatal Care</th>
<th>% Deliveries Assisted</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Bank Camp</td>
<td>112</td>
<td>90</td>
<td>98</td>
</tr>
<tr>
<td>West Bank Non-camp</td>
<td>-</td>
<td>95</td>
<td>97</td>
</tr>
<tr>
<td>Gaza Strip Camp</td>
<td>81</td>
<td>99</td>
<td>98</td>
</tr>
<tr>
<td>Gaza Strip Non-camp</td>
<td>-</td>
<td>99</td>
<td>99</td>
</tr>
<tr>
<td>Jordan Camp</td>
<td>n.a.</td>
<td>95</td>
<td>87</td>
</tr>
<tr>
<td>Jordan Non-camp</td>
<td>-</td>
<td>86</td>
<td>95</td>
</tr>
<tr>
<td>Lebanon Camp &amp; Non-camp</td>
<td>239</td>
<td>95</td>
<td>83</td>
</tr>
<tr>
<td>Syria Camp &amp; Non-camp</td>
<td>75</td>
<td>96</td>
<td>84</td>
</tr>
</tbody>
</table>


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

**Children’s health:** Low birth weight is not a considerable problem among refugees; rates are more typical of developed countries than developing countries. The international standard for low birth rate is less than 2,500 grams. Childhood malnutrition is not a significant problem. Standard vaccination programs are well implemented although rates are lower among refugees in Syria and Lebanon. Infant mortality rates are also low. Refugee children in Lebanon have the highest rates of chronic illness.

There are no significant differences in low birth weights between camp and non-camp refugee children. Acute malnutrition is more problematic in camps in Lebanon and Syria than in Jordan. Rates of chronic illness are higher among refugee boys in camps compared to refugee girls and refugee children outside camps. Camps in Syria have particularly low infant mortality rates, while the Lebanese rates are the highest.

Table 3.12 - Select Child Health Indicators

<table>
<thead>
<tr>
<th></th>
<th>Infant Mortality Rate (per 1,000 live births)</th>
<th>% Low birth weight (infants)</th>
<th>% 12-13 mos. Fully vaccinated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>West Bank Camp</td>
<td>29.5</td>
<td>21.9</td>
<td>9</td>
</tr>
<tr>
<td>West Bank Non-camp</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gaza Strip Camp</td>
<td>32.9</td>
<td>23.4</td>
<td></td>
</tr>
<tr>
<td>Gaza Strip Non-camp</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jordan Camp</td>
<td>26.6</td>
<td>23.2</td>
<td>6</td>
</tr>
<tr>
<td>Jordan Non-camp</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lebanon Camp &amp; Non-camp</td>
<td>39.7</td>
<td>23.3</td>
<td>7</td>
</tr>
<tr>
<td>Syria Camp &amp; Non-camp</td>
<td>24.9</td>
<td>21.5</td>
<td>8</td>
</tr>
</tbody>
</table>

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

Non-refugees in Jordan and Lebanon have higher incidences of low birth weights. Vaccination rates for refugees in Syria and Lebanon are lower than reported rates for host country nationals. Infant mortality rates are higher among host country nationals in Jordan and Syria but lower in Lebanon. (See Annex for more details)

**Developments in 2003**

Israel’s ongoing military occupation of the West Bank and Gaza Strip continued to have serious consequences for the living conditions of Palestinian refugees and internally displaced. The socio-economic situation of refugees in Lebanon and in Iraq remained critical in 2003 due to poor respect for basic human rights of Palestinian refugees in Lebanon and the impact of the US-led war and occupation of Iraq.

During the year there was a stabilization of the economic situation in the occupied Palestinian territories at a very high level of poverty and unemployment. One of the outcomes of the second intifada has been the narrowing of the gap between the various socio-economic segments of the Palestinian society, which have all been impoverished. In other words, there are fewer differences in the socio-economic status of refugees and non-refugees.
The construction of a separation Wall in the occupied West Bank threatened to further exacerbate the humanitarian crisis in the OPTs. The Wall will effectively isolate Palestinian communities from their economic and social means of support – further exacerbating the process of fragmentation caused by internal closure and curfew. Communities affected by the construction of the first phase of the Wall in the northern West Bank in 2003 reported greater difficulties in reaching health and education facilities and places of employment.

Unemployment across the occupied Palestinian territories increased slightly in 2003 to around 30 percent, not including discouraged workers. By mid-year, however, refugee camps were no longer areas of highest unemployment in the occupied West Bank as compared to the previous year. This can be explained, in part, by higher levels of focused international assistance for refugees living in camps. This was not the case, however, for refugees in camps in the occupied Gaza Strip where the number of employed persons continued to decline.

Long-term unemployment in the 1967 occupied Palestinian territories, however, was more of a problem for camp refugees than for Palestinians outside camps. At the end of 2003 unemployment in the areas affected by the Wall in the northern West Bank remained similar to unemployment levels across the occupied West Bank. However, the rate of underemployment (i.e. employment is inadequate in relation to alternative employment) was nearly double that of the occupied Palestinian territories as a whole.

Table 3.13 - Labor Force Participation in the 1967 OPTs, by Place of Residence

<table>
<thead>
<tr>
<th></th>
<th>Full-time</th>
<th>Part-time</th>
<th>Few hours a day</th>
<th>Unemployed</th>
</tr>
</thead>
<tbody>
<tr>
<td>WB non-camp</td>
<td>45</td>
<td>11</td>
<td>15</td>
<td>29</td>
</tr>
<tr>
<td>WB camp</td>
<td>52</td>
<td>20</td>
<td>8</td>
<td>20</td>
</tr>
<tr>
<td>Jerusalem</td>
<td>51</td>
<td>26</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>GS non-camp</td>
<td>52</td>
<td>10</td>
<td>18</td>
<td>20</td>
</tr>
<tr>
<td>GS camp</td>
<td>46</td>
<td>7</td>
<td>20</td>
<td>27</td>
</tr>
</tbody>
</table>


Income levels in refugee camps in the 1967 occupied Palestinian territories continued to be less favorable as compared to the incomes of non-refugees. The number of Palestinian households in the occupied West Bank with household incomes of more than NIS 2000 (US$ 450) was nearly double that of households in West Bank refugee camps. There were fewer differences between camp and non-camp households in the occupied Gaza Strip.

There was a similar decline in the number of households with incomes below NIS 2000 in the occupied Gaza Strip during the year. In the occupied West Bank, however, there was a slight increase of refugee camp households in this category. Palestinian households affected by the Wall, which includes more than 76,000 registered refugees, reported negative impact on household income. Due to the construction of the Wall more than two-thirds of affected households west of the Wall no longer had sufficient income to meet household needs compared to more than fifty percent to the east of the Wall.
More non-refugees in the occupied Palestinian territories were above the poverty line at mid-year than refugees and refugees comprised the greater number of hardship cases. Only one-third of refugees were above the poverty line compared to more than half of the non-refugee population. Refugee camps were the main areas of poverty. Approximately two-thirds of refugees in camps were above the poverty line in mid-2003. In all areas the number of persons above the poverty rate decreased except in refugee camps in the occupied West Bank.

Figure 3.5 - Poverty Rates in the 1967 OPTs, by Place of Residence

According to UNRWA, there is an emerging trend in feminization of poverty among Palestinian refugees, not only in the 1967 occupied Palestinian territories, but also in Jordan, Lebanon and Syria, as the incidence of female-headed vulnerable households increases. Even though females headed only 13.6 percent of the households within the overall refugee population, they headed 44.7 percent of the special hardship families, illustrating the feminization of poverty largely with in those family units headed by elderly females or single women under the age of 60 (widows, divorced or deserted).

During the year refugee housing conditions continued to be of serious concern as the number of punitive house demolitions in the occupied Palestinian territories continued to rise. During the first half of 2003 Israeli military forces demolished double the number of refugee shelters compared to the same period in 2002. This was compounded by a shortage of international funds to repair and rebuild damaged and destroyed refugee shelters. In the occupied West Bank, one-fifth of Palestinian households west of the Wall were totally or partially destroyed with nearly one-third similarly affected in areas east of the Wall.
The highest agricultural damage in the occupied West Bank was linked to the building of the separation Wall by Israel which resulted in land requisitions, and destruction of agricultural lands and assets, including water resources. Businesses owned by slightly less than ten percent of households west of the Wall were damaged or destroyed due to construction of the Wall with the rate around two percent to the east of the Wall. Another seven percent of households west and twelve percent of households east of the Wall had land confiscated for the construction of the Wall.

Educational achievements in the OPTs continued to under serious threat with a decline in registration and postponement of higher education. The quality of education was further compromised as teachers failed to meet curricula requirements and children are unable to concentrate on their studies. Falling exam results reflected the negative impact of Israel's military activity in the occupied territories. Pass rates for Arabic language in UNRWA schools in the occupied Gaza Strip, for example, fell to 39 percent, but improved to 81 percent after three months of remedial classes. Refugees and non-refugees residing in areas of the northern West Bank affected by the Wall reported problems reaching schools and universities.

High unemployment rates and consequent acute impoverishment resulted in serious deterioration of the health status of refugees in the 1967 occupied Palestinian territories and increased the demand on UNRWA medical care services at a time when the healthcare system was unable to function at optimal capacity. The frequent closures, curfews, military incursions into camps and uprooting of trees brought about additional health hazards to refugees in camps. Medical consultations at UNRWA health centers increased by 45.1 percent in the occupied Gaza Strip and 40.3 percent in the occupied West Bank. Refugees and non-refugees residing in areas of the northern West Bank affected by the Wall reported problems reaching clinics and hospitals.

Figure 3.6 - Perception of Households in the 1967 OPTs on General Health Status


There were no major improvements in the socio-economic situation of Palestinian refugees in Lebanon where economic, housing, education and health indicators are the poorest. In addition the ban on property ownership (See Chapter Five – Protection)
Palestinian refugees in Lebanon continued to face basic infrastructure problems. During the year the Lebanese government moved forward with plans to separate electricity supplied to refugee camps from their neighboring areas. Electrical costs are expected to sky-rocket under new billing procedures.

Education performance of Palestinian refugees in Lebanon also declined. Students sitting for third preparatory level tests achieved a 42 percent pass rate in test scores released for 2002, down by about seven percent from scores for the previous year. It should be noted, however, that scores in government schools also declined over the same period. There was a similar decline in test scores in UNRWA's five secondary schools in Lebanon with refugees achieving a 67 percent pass rate compared to 74 percent in the previous year and compared to 83 percent in government and private secondary schools.

Inside Israel Palestinians continued to experience high rates of unemployment compared to Jewish nationals. Of the 25 towns and villages with unemployment levels above ten percent, 24 were Palestinian. Many of the towns and villages affected include significant IDP populations. The Supreme Court dismissed a petition demanding equal representation for Arabs citizens of Israel - women and men - on the boards of directors of governmental companies, in accordance with the 1993 and 2000 amendments to the Governmental Companies Law (1975).

The US/UK led war and occupation of Iraq exposed Palestinian refugees there to new risks as thousands were displaced from their homes. Instability in the regional economy and re-focusing of international donor aid on Iraq, moreover, had implications for Palestinian refugees and internally displaced elsewhere, particularly with regard to international emergency assistance in the 1967 occupied Palestinian territories. Already at the beginning of the year, UNRWA warned that donors were holding back contributions to the Agency due to the impending war in Iraq.
Annex 3.1

Table A3.1 - Employment Structure of Refugees in Syria

<table>
<thead>
<tr>
<th>Percent of the Employed</th>
<th>Camp</th>
<th>Non-camp</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Agriculture, Fishing</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Mining, Manufacturing</td>
<td>18</td>
<td>23</td>
</tr>
<tr>
<td>Construction, Electricity, Gas</td>
<td>18</td>
<td>0</td>
</tr>
<tr>
<td>Trade, Restaurants, Hotels</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>Transportation, Storage Communication</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Public Administration</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td>Education, Health and Social Work</td>
<td>7</td>
<td>39</td>
</tr>
<tr>
<td>Other Services</td>
<td>18</td>
<td>18</td>
</tr>
</tbody>
</table>


Table A3.2 - Employment Structure of Refugees in the 1967 OPTs

<table>
<thead>
<tr>
<th>Percent of the Employed</th>
<th>Camp</th>
<th>Non-camp</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Agriculture</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>Mining, Manufacturing</td>
<td>14</td>
<td>-</td>
</tr>
<tr>
<td>Construction</td>
<td>23</td>
<td>-</td>
</tr>
<tr>
<td>Commerce, Restaurants, Hotels</td>
<td>14</td>
<td>-</td>
</tr>
<tr>
<td>Transportation, Communication</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>Services and Other</td>
<td>41</td>
<td>-</td>
</tr>
</tbody>
</table>


Table A3.3 - Employment Structure of Palestinians in Israel

<table>
<thead>
<tr>
<th>Percent of the Employed</th>
<th>M</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>3.9</td>
<td>2.2</td>
</tr>
<tr>
<td>Industry and Manufacturing</td>
<td>16.7</td>
<td>12.3</td>
</tr>
<tr>
<td>Electricity, Gas and Water</td>
<td>0.5</td>
<td>-</td>
</tr>
<tr>
<td>Construction</td>
<td>21.4</td>
<td>1.0</td>
</tr>
<tr>
<td>Wholesale/Retail Trade and Repair</td>
<td>18.0</td>
<td>13.1</td>
</tr>
<tr>
<td>Hotels and Restaurants</td>
<td>7.2</td>
<td>3.4</td>
</tr>
<tr>
<td>Transport and Communication</td>
<td>7.8</td>
<td>1.9</td>
</tr>
<tr>
<td>Financial Intermediation</td>
<td>0.6</td>
<td>1.6</td>
</tr>
<tr>
<td>Real Estate and Business</td>
<td>5.6</td>
<td>6.6</td>
</tr>
<tr>
<td>Public Administration</td>
<td>3.6</td>
<td>3.3</td>
</tr>
<tr>
<td>Education</td>
<td>6.0</td>
<td>33.5</td>
</tr>
<tr>
<td>Health Services</td>
<td>4.2</td>
<td>14.8</td>
</tr>
<tr>
<td>Public Services</td>
<td>3.4</td>
<td>4.4</td>
</tr>
<tr>
<td>Publication Organization</td>
<td>0.2</td>
<td>1.7</td>
</tr>
<tr>
<td>Not Stated</td>
<td>0.9</td>
<td>0.2</td>
</tr>
</tbody>
</table>

### Table A3.4 - Reasons for Non-Participation in Labor Force (ages 15+) in Syria

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percent of Persons not in the Labor Force</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
</tr>
<tr>
<td>Disability</td>
<td>4.8</td>
</tr>
<tr>
<td>Retired</td>
<td>3.4</td>
</tr>
<tr>
<td>Do not need work</td>
<td>0.9</td>
</tr>
<tr>
<td>Study</td>
<td>10.7</td>
</tr>
<tr>
<td>Housekeeping</td>
<td>-</td>
</tr>
</tbody>
</table>


### Table A3.5 - Reasons for Non-Participation in Labor Force in the 1967 OPTs

<table>
<thead>
<tr>
<th>Reason</th>
<th>Camp</th>
<th>Non-camp</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Old/ill</td>
<td>22</td>
<td>8</td>
</tr>
<tr>
<td>Home making</td>
<td>2</td>
<td>72</td>
</tr>
<tr>
<td>Studying or training</td>
<td>47</td>
<td>17</td>
</tr>
<tr>
<td>Other</td>
<td>29</td>
<td>3</td>
</tr>
</tbody>
</table>


### Table A3.6 - Unemployment Rates of Palestinians (ages 15-64) in Israel

<table>
<thead>
<tr>
<th>Age</th>
<th>Percent of Persons Unemployed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
</tr>
<tr>
<td>15-24</td>
<td>16.1</td>
</tr>
<tr>
<td>25-44</td>
<td>8.7</td>
</tr>
<tr>
<td>45+</td>
<td>8.7</td>
</tr>
</tbody>
</table>


### Table A3.7 - Annual Household and Per Capita Income Levels (nominal and PPP)

<table>
<thead>
<tr>
<th>Region</th>
<th>Annual household income/consumption (US$)</th>
<th>Annual per capita income (US$)</th>
<th>Annual per capita income PPP* (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Syria camps and non-camps</td>
<td>2,186</td>
<td>456</td>
<td>1,622</td>
</tr>
<tr>
<td>Lebanon camps and non-camps</td>
<td>3,686</td>
<td>794</td>
<td>1,444</td>
</tr>
<tr>
<td>Jordan camps</td>
<td>3,577</td>
<td>616</td>
<td>1,357</td>
</tr>
<tr>
<td>West Bank camps (total consumption)</td>
<td>4,907</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Gaza camps (total consumption)</td>
<td>4,206</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>


*Purchasing Power Parity. Non-camp refugees in Syria and Lebanon only include those residing in refugee gatherings. A gathering is defined as a community outside a camp with 25 or more households.
Table A3.8 - Rooms per Dwelling

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of rooms per dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lebanon Non-camp</td>
<td>2.5</td>
</tr>
<tr>
<td>Lebanon Camp</td>
<td>3.0</td>
</tr>
<tr>
<td>Jordan Non-camp</td>
<td>3.2</td>
</tr>
<tr>
<td>Jordan Camp</td>
<td>2.8</td>
</tr>
<tr>
<td>OPT Non-camp</td>
<td>3.5</td>
</tr>
<tr>
<td>OPT Camp</td>
<td>3.1</td>
</tr>
<tr>
<td>Syria Non-camp</td>
<td>2.9</td>
</tr>
<tr>
<td>Syria Camp</td>
<td>3.0</td>
</tr>
</tbody>
</table>


Table A3.9 – Percent of Households with Makeshift Dwelling and/or Unsafe Materials

<table>
<thead>
<tr>
<th>Location</th>
<th>Makeshift dwelling and/or unsafe materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lebanon Camp</td>
<td>1</td>
</tr>
<tr>
<td>Lebanon Non-camp</td>
<td>4</td>
</tr>
<tr>
<td>Jordan Camp</td>
<td>1</td>
</tr>
<tr>
<td>Jordan Non-camp</td>
<td>1</td>
</tr>
<tr>
<td>OPT Camp</td>
<td>2</td>
</tr>
<tr>
<td>OPT Non-camp</td>
<td>3</td>
</tr>
<tr>
<td>Syria Yarmouk Camp</td>
<td>0</td>
</tr>
<tr>
<td>Syria Other Camps</td>
<td>3</td>
</tr>
<tr>
<td>Syria Non-camp</td>
<td>14</td>
</tr>
</tbody>
</table>


Table A3.10 – Percent of Highest Level of Education Completed among Palestinians in Israel

<table>
<thead>
<tr>
<th>Level</th>
<th>Percent of Highest Level of Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor and above</td>
<td>3.7</td>
</tr>
<tr>
<td>Associate diploma</td>
<td>5.5</td>
</tr>
<tr>
<td>Matriculation</td>
<td>13.7</td>
</tr>
<tr>
<td>Secondary</td>
<td>11.0</td>
</tr>
<tr>
<td>Primary or intermediate</td>
<td>37.2</td>
</tr>
<tr>
<td>No certificate</td>
<td>15.8</td>
</tr>
<tr>
<td>Never studied</td>
<td>10.7</td>
</tr>
</tbody>
</table>


Table 3.11 - Percent of Children (ages 5-14) Chronically Ill or Disabled

<table>
<thead>
<tr>
<th>Location</th>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan Camp</td>
<td>3.6</td>
<td>5.2</td>
</tr>
<tr>
<td>Jordan Non-camp</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Lebanon Camp</td>
<td>6.6</td>
<td></td>
</tr>
<tr>
<td>Lebanon Non-camp</td>
<td>8.2</td>
<td>10.8</td>
</tr>
<tr>
<td>Syria Camp</td>
<td>2.6</td>
<td>4.0</td>
</tr>
<tr>
<td>Syria Non-camp</td>
<td>2.9</td>
<td>2.9</td>
</tr>
</tbody>
</table>

Bank refugee camps decreased from 41 percent in November 2002 to 20 percent in July 2003. The number of full-time employed dropped and unpaid family labour, in particular involving women and children, rose. The donor countries’ continued budget support to the Palestinian Authority enabled the PA to continue to employ civil servants without major employment cuts thereby cushioning the impact of economic decline. For more details see Finding Means, UNRWA’s Financial Crisis and Refugee Living Conditions. Vol. I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip. Laurie Blome Jacobsen (ed.). Oslo: FAFO, Institute for Applied Social Science, 2003, p. 113.


Finding Means, supra note 1, p. 80.

Finding Means, supra note 1, p. 83.

Literacy rates for Palestinian refugee men and women are upwards of 80 and 70 percent, respectively, compared to 72 and 45 percent for men and women in Arab states. UNDP, Finding Means, supra note 1, p. 82. The UNDP measure of literacy (proportion aged 15 and above who can, with understanding, both read and write a short, simple statement about their everyday lives) is more restrictive than that employed by the FAFO survey, which may explain some of the differences between refugees and the Arab states as a group.

Finding Means, supra note 1, p. 158.

Finding Means, supra note 4, p. 10. Some 80 percent of camp refugee children have receive their full range of vaccinations at 12 through 23 months in the occupied Palestinian territories and Jordan, 70 percent in Syria and 75 percent in Lebanon.

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

Continuing economic deterioration in 2003 was evident in the reduced number of Palestinian employers, increasing levels of self-employment, as people turned to low-paid and insecure petty trade and productive activities. Waged workers in the labor market dropped and unpaid family labour, in particular involving women and children, rose. The donor countries’ continued budget support to the Palestinian Authority enabled the PA to continue to employ civil servants without major employment cuts thereby cushioning the impact of economic decline. For more details see Consolidated Appeals Process (CAP), Occupied Palestinian Territories 2004. New York and Geneva: United Nations, November 2003.


The Impact of Israel’s Separation Barrier on Affected West Bank Communities, Report of the Mission to the Humanitarian and Emergency Policy Group (HEPG) of the Local Aid Coordination Committee (LACC), 4 May 2003, para. 23.

Consolidated Appeals Process, supra note 21, p. 17. The rate increases to around 40 percent if discouraged workers are included.

The Role of International and Local Aid during the Second Intifada, Report VI, supra note 22, pp. 52-53. Unemployment in West Bank refugee camps decreased from 41 percent in November 2002 to 20 percent in July 2003. The number of full-time employed
refugees in the Gaza Strip camps, meanwhile, decreased from 51 to 46 percent during the same time period. *Ibid.*


27. According to an October 2003 survey, 23.6 percent of the households living to the west of the Wall at least one of their employed members changed their work totally (activity and place of work), compared with 21.7 percent of the households to the east of the Wall. As of December 2003, 21.9 percent of households affected by the Wall had changed work, 8.7 percent had changed their place of work while 69.4 percent experienced no change. *Ibid.*


31. Hardship cases comprised 30 percent of the refugee population compared to only 19 percent of the non-refugee population. *The Role of International and Local Aid during the Second Intifada*, Report VI, supra note 22, p. 34.


34. *Impact of the Separation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Separation Wall Passes Through*, supra note 30, p. 5.

35. UNRWA Emergency Appeal 2004, supra note 33, p. 28.


39. According to an October 2003 survey, 15.2 percent of the households with at least one of their members attending school or university faced difficulties reaching their school/university, with 29.4 percent in the west of the Wall and 13.9 percent to the east of the Wall. *Impact of the Separation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Separation Wall Passes Through*, supra note 30, p. 5.


41. According to a survey conducted in October 2003, after the construction of the separation Wall, 80.1 percent of the households to the west of the separation Wall need to travel more than 4 km to reach the nearest hospital compared to 48.3 percent of the households to the east of the Wall. The survey also revealed that 73.7 percent of the households to the west of the Wall indicated that separation from the health centers (hospitals and medical centers) cause an obstacle for them to get the required health services, while 38.6 percent of the households to the east of the Wall considered separation from the health services centers as an obstacle to get their health services. *Impact of the Separation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Separation Wall Passes Through*, supra note 30, p. 5.


43. *Ibid.* The future collective bill for the camp is estimated to exceed 150 million Lebanese pounds (US$ 103,000). Currently the majority of residents in Ain al-Hilweh, whose numbers exceed 70,000, pay monthly subscriptions amounting to approximately 20,000 Lebanese pounds (US$ 14), collected in coordination with bill-collectors from within the camp.


47. “Aid to Palestinians Suffers due to Focus in Iraq.” UNRWA Press Release, 10 February 2003.
Chapter Four
National Assistance

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

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

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

**Assistance in Arab Host States**

More than two-thirds of Palestinian refugees reside in Arab host states. Jordan, the 1967 occupied Palestinian territories⁹, Syria, Lebanon, Saudi Arabia, Iraq and Egypt host the majority of Palestinian refugees in the Arab world. Most Arab host states have established special bodies to administer humanitarian affairs of resident Palestinian refugees and coordinate delivery of international assistance.

These include the Department of Palestinian Affairs in Jordan, the Directorate General for Palestinian Affairs in Lebanon, the General Authority for Palestine Refugees in Syria, the Office of the Military Governor in Egypt, the Department of Palestinian Affairs in Iraq and the PLO Department of Refugee Affairs, in cooperation with the Palestinian Authority in the 1967 occupied Palestinian territories. The PLO Department is responsible generally for all Palestinian refugees.

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

Arab host states generally provide Palestinian refugees with access to health care, education, and basic infrastructure for the camps. The nature and scope of assistance, however, varies considerably among Arab host states. Levels of assistance are highest in Jordan and Syria where the majority of Palestinian refugees have the same status as host country nationals and therefore have access to services on par with Jordanian and Syrian nationals. In many states levels of assistance are often a reflection of national and regional political considerations.
National health assistance is important due to fact that the United Nations Relief and Works Agency does not operate secondary health facilities, with the exception of a maternity hospital in the occupied Gaza Strip and a hospital in occupied West Bank city of Tulkarem. The Agency does provide patient reimbursement in public hospitals (ranging from 75-90 percent of hospitalization costs) and contracts hospital beds from host governments. (See International Assistance below)

In Syria Palestinian refugees have access to the state-run public health system which provides universal health coverage. This includes hospitals, clinics and mother care centers. Prenatal care and primary care for children under three years of age is available at government clinics. Prenatal monitoring, young child monitoring and vaccination is provided free of charge. While the public health system provides universal coverage, it is facing difficulties meeting demands due to population growth. Private clinics and hospitals and UNRWA play a greater role than government clinics and hospitals in treating refugees for unexpected illness or injury. A reported six percent of the refugee population has private insurance. Four percent do not have insurance.

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

While refugees have access to public health care in Lebanon the government does not reimburse expenses. Public health insurance programs cover upwards of eighty percent of the consultation, medicines and hospitalization costs. Few refugees are able to afford private health care in Lebanon, which plays a larger role in the delivery of health care than private health care in other Arab host countries, and few refugees (less than ten percent) are covered by insurance. Nearly all secondary and tertiary care is provided by private institutions which most refugees are unable to afford. UNRWA and private health clinics and hospitals play a greater role than government hospitals and clinics in treating refugees with unexpected illness and injury. This can be explained by the under-developed state health care system. Similar to the situation in the 1967 occupied Palestinian territories, private health care expanded significantly during periods of conflict of Lebanon and the collapse of state services.

Refugees in the occupied Palestinian territories also have access to the public health system. Prenatal care and primary care for children under three years of age is available at government clinics. Women with government health insurance can use maternity services at government hospitals free of charge in the OPTs. Prenatal monitoring, young child monitoring and vaccination is provided free of charge. Fees, however, are charged at OPT government facilities for postnatal health care checkups. Like Jordan government-sponsored family planning is not available in the occupied Palestinian territories. The health care system faces severe obstacles due to Israel’s protracted military occupation. Other problems include weak information links and referral systems between the various types of providers and types of care, poor supply in rural areas and less than adequate secondary care and personnel training. UNRWA and private clinics play a greater role than government clinics in treating refugees for unexpected injury and illness. Approximately fifty percent of refugees do not have health insurance. Vulnerable low-income households can apply to the Ministry of Social Welfare for temporary (six months) insurance. Private insurance at higher premiums is also available.

Table 4.1 - Refugee Medical Consultation by Provider

<table>
<thead>
<tr>
<th>Provider</th>
<th>No Care</th>
<th>UNRWA Clinic</th>
<th>Gov’t Clinic or Hospital</th>
<th>Private Clinic or Hospital</th>
<th>NGO Clinic Dispensary</th>
<th>Pharmacy Other</th>
<th>PRCS Clinic or Hospital</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan camp</td>
<td>18</td>
<td>25</td>
<td>27</td>
<td>26</td>
<td>-</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>Jordan non-camp</td>
<td>40</td>
<td>2</td>
<td>27</td>
<td>29</td>
<td>-</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>Lebanon camp</td>
<td>24</td>
<td>35</td>
<td>2</td>
<td>24</td>
<td>4</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Lebanon non-camp</td>
<td>29</td>
<td>28</td>
<td>3</td>
<td>24</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Syria camp</td>
<td>20</td>
<td>18</td>
<td>10</td>
<td>41</td>
<td>1</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Syria non-camp</td>
<td>19</td>
<td>23</td>
<td>7</td>
<td>47</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>


National education assistance is important because UNRWA only provides elementary and preparatory level education, except in Lebanon where the Agency operates five secondary schools due to the special circumstances of Palestinian refugees in Lebanon.
Moreover, shortfalls in donor contributions to UNRWA have resulted in a suspension of the Agency’s scholarship program for post-secondary education.

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

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

Palestinian refugees in the occupied Palestinian territories also have access to government education. There is ten years of compulsory education in the OPTs. UNRWA plays
the most important role in providing education for refugees at the elementary and preparatory level. Slightly less than one-third of refugees are enrolled in government schools. \(^23\) Those who can afford tuition fees may attend private schools. Refugees may attend post-secondary institutions in the occupied Palestinian territories.

Refugee access to public and private education in Lebanon is limited. Government schools may admit non-Lebanese students, but no more than three per class. \(^24\) Government schools provide elementary education to few refugees but more than one-third of preparatory level students are enrolled in such schools. Most secondary students attend one of the five UNRWA-operated secondary schools in Lebanon. Few attend government-run secondary schools. In Lebanon, similar to health, there is a greater focus on private education. Private education is not affordable for most families. Refugees have access to public and private education. The Faculty of Arts (education) at the Lebanese University, however, only accepts Lebanese nationals. \(^25\) Few refugees are able to afford private post-secondary education in Lebanon.

Table 4.2 - Refugee Students in UNRWA, Government and Private Schools

<table>
<thead>
<tr>
<th>Host Country</th>
<th>UNRWA</th>
<th>Government</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jordan</td>
<td>61</td>
<td>34</td>
<td>5</td>
</tr>
<tr>
<td>Syria</td>
<td>78</td>
<td>21</td>
<td>1</td>
</tr>
<tr>
<td>Lebanon</td>
<td>84</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>Preparatory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jordan</td>
<td>60</td>
<td>38</td>
<td>2</td>
</tr>
<tr>
<td>Syria</td>
<td>83</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>Lebanon</td>
<td>56</td>
<td>37</td>
<td>7</td>
</tr>
<tr>
<td>Secondary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jordan</td>
<td>-</td>
<td>97</td>
<td>3</td>
</tr>
<tr>
<td>Syria</td>
<td>-</td>
<td>96</td>
<td>4</td>
</tr>
<tr>
<td>Lebanon</td>
<td>84</td>
<td>6</td>
<td>10</td>
</tr>
</tbody>
</table>


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

In Syria the government provided land for the establishment of refugee camps, some of which were located in old military barracks. The Syrian government and UNRWA are currently working in cooperation to bring housing standards in camps situated in old barracks up to international levels. This includes reconstruction work in Neirab refugee camp. The Syrian government also covered the cost of linking water and sanitation systems in the camps to municipal networks and costs of improving other basic infrastructure in refugee camps. \(^26\)

In Jordan, refugee camps are located on both state land and land rented by the government from private property owners. The government owns less than one-third of the built-up areas of the camps. \(^27\) The Jordanian government also provides water, electricity and communications for the camps and takes care of pathways and roads. The Jordanian government also provides in cash assistance to approximately 120,000 displaced persons. \(^28\)

In the occupied Gaza Strip approximately two-thirds of camp lands are government
land and one-third private. In the occupied West Bank most of the camps are established on private lands. The occupied West Bank is connected to the Israeli electrical grid.

In Lebanon camps were established on government and private land. In the 1950s, however, some private landowners resorted to the courts in order to remove Palestinian refugees from their lands. The government demanded that UNRWA relocate some of the refugee camps to other places in Lebanon or replace some refugees who were resettled around the official camps without providing alternative land for that purpose. Refugee camps are not permitted to connect up to the nearest municipal sewerage network.

Egypt established refugee camps in Cairo (al-'Abbasiyya) and in al-Qantarah. These camps were eventually closed in 1949. A smaller number of refugees managed to secure private accommodation in the country. In Iraq Palestinian refugees were originally housed in schools and other public buildings. The government also rented houses for the refugees. In the 1970s the government built high-rise apartment blocks to resolve the housing crisis in Baghad and Mosul, but this came to a halt in 1980.

Arab host states made significant contributions towards assistance programs for Palestinian refugees during the early years of displacement after the 1948 war. The US Department of State, for example, noted that during the last nine months of 1948 Arab states had borne “the great brunt of relief expenditures” and that the sum of their contributions (US$ 11 million) “in light of the very slender budgets, is relatively enormous.”
Today these states also contribute an annual average of less than two percent to the general budget of the UN Relief and Works Agency; however, these states have committed themselves to fund 7.73 percent of the Agency’s budget. Since 1950 the Saudi Arabia, Kuwait and Libya have been the largest Arab state donors to UNRWA’s regular budget.

Table 4.3 - Arab State Contributions to UNRWA, 1950-2003

<table>
<thead>
<tr>
<th>Host State</th>
<th>Contribution (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>-</td>
</tr>
<tr>
<td>Bahrain</td>
<td>538,867</td>
</tr>
<tr>
<td>Djibouti</td>
<td>-</td>
</tr>
<tr>
<td>Egypt</td>
<td>6,211,696</td>
</tr>
<tr>
<td>Iraq</td>
<td>10,157,229</td>
</tr>
<tr>
<td>Jordan</td>
<td>13,187,191</td>
</tr>
<tr>
<td>Kuwait</td>
<td>55,048,680</td>
</tr>
<tr>
<td>Lebanon</td>
<td>2,483,272</td>
</tr>
<tr>
<td>Libya</td>
<td>23,824,386</td>
</tr>
<tr>
<td>Mauritania</td>
<td>543</td>
</tr>
<tr>
<td>Morocco</td>
<td>8,231,738</td>
</tr>
<tr>
<td>Oman</td>
<td>613,000</td>
</tr>
<tr>
<td>Palestine</td>
<td>8,700,868</td>
</tr>
<tr>
<td>Qatar</td>
<td>6,145,728</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>121,819,656</td>
</tr>
<tr>
<td>Somalia</td>
<td>-</td>
</tr>
<tr>
<td>Sudan</td>
<td>199,999</td>
</tr>
<tr>
<td>Syria</td>
<td>4,771,706</td>
</tr>
<tr>
<td>Tunisia</td>
<td>1,210,233</td>
</tr>
<tr>
<td>United Arab Emirates</td>
<td>16,155,902</td>
</tr>
<tr>
<td>Yemen</td>
<td>2,000</td>
</tr>
</tbody>
</table>


Assistance in Israel

More than a quarter of million internally displaced Palestinians reside in Israel, which is also the country of origin for the majority of Palestinian refugees. The government of Israel assumed responsibility for internally displaced Palestinians in 1952. During the early years of displacement Israel provided limited assistance to IDPs, either through regular government services, or through the Refugee Rehabilitation Authority, which operated during the early 1950s primarily in official and semi-official ‘shelter villages.’ The number of refugees handled by the RRA was small.

RRA programs were guided by two basic criteria: preservation of the demographic changes that took place during the 1948 war; and, preservation of Jewish control of Palestinian land temporarily abandoned during the war. Services were conditioned with cancellation of IDP claims to property and lands in the villages of origin. The RRA re-settled 204 families (1,020 persons) in Israel and transferred 1,489 persons outside the borders of Israel.

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

There is currently no separate agency responsible for IDPs inside Israel today. Israel has contributed nearly US$ 15 million to UNRWA between 1950 and 2003. Israel is also responsible as the Occupying Power for the civilian population in the 1967 occupied Palestinian territories. In 1967 the government signed an agreement (Comay-Michelmore agreement) setting out Israel’s relationship to UNRWA in the 1967 occupied Palestinian territories. The agreement subordinated all other considerations to Israeli security.

UNRWA could its privileges and immunities in protests to the government; threaten to raise the issue to high diplomatic levels, and use press releases and its annual reports to describe events and problems in the territories. “For its

The PLO and Refugee Assistance

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

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

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

### Table 4.4 – Palestine Red Crescent Society Services

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

*Source: Palestine Red Crescent Society (1997).*

The level of PLO assistance, however, has been susceptible to political developments in host countries. In Lebanon, for example, the expulsion of the PLO in 1982 led to a significant reduction in assistance to Palestinian refugees. In the 1990s the three main PLO associations left in Lebanon were the Palestinian Red Crescent, the Martyrs families associations and the Union for the Palestinian Women. Following to the departure of the PLO from the country, in addition many NGOs were established in the refugee camps.

In Egypt, the PLO was the primary employer of Palestinians until the establishment of the Palestinian Authority in the occupied Palestinian territories in 1995. The redirection of resources to the OPTs led to a reduction of salaries in Egypt, and an end to all aid programs, scholarships and grants.

Israel has contributed nearly US$ 15 million to UNRWA between 1950 and 2003. Israel is also responsible as the Occupying Power for the civilian population in the 1967 occupied Palestinian territories. In 1967 the government signed an agreement (Comay-Michelmore agreement) setting out Israel’s relationship to UNRWA in the 1967 occupied Palestinian territories. The agreement subordinated all other considerations to Israeli security.

UNRWA could its privileges and immunities in protests to the government; threaten to raise the issue to high diplomatic levels, and use press releases and its annual reports to describe events and problems in the territories. “For its
part, the Israel government will facilitate the task of UNRWA to the best of its ability, subject only to regulations or arrangements which may be necessitated by considerations of military security.”

Non-Governmental Organizations

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

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

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

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

The increase can be attributed to growing international awareness about the refugee issue, investment related to the Oslo process, political developments in the 1967 occupied Palestinian territories and greater political freedoms. Palestinian refugees themselves became more active as they sought means for influence and change. In the past, many refugee communities did not have the right to organize. In Lebanon, for example, organizations were barred from operating in the camps between 1959 and 1969 and camps were placed under military surveillance. Moreover, Lebanese law prevented the provision of NGO services to non-Lebanese, including the Palestinian refugees.

Table 4.5 – Institutions and the NGOs in Palestinian Refugee Localities

<table>
<thead>
<tr>
<th></th>
<th>NGOs</th>
<th>NGO Centers</th>
<th>% Distribution of Registered Refugees</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Bank</td>
<td>92</td>
<td>92</td>
<td>16.0</td>
</tr>
<tr>
<td>Gaza Strip</td>
<td>61</td>
<td>61</td>
<td>22.0</td>
</tr>
<tr>
<td>Lebanon</td>
<td>46+20</td>
<td>264</td>
<td>10.0</td>
</tr>
<tr>
<td>Jordan</td>
<td>50</td>
<td>146</td>
<td>42.0</td>
</tr>
</tbody>
</table>


The majority of the institutions working in the refugee community are multi-service oriented (27 percent in the 1967 occupied Palestinian territories). A large number of the institutions focus on women and education (19.7 percent on women; 9.2 percent on education training, and displaced 15.8 percent in the occupied Palestinian territories).

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

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

The majority of the institutions serving Palestinian refugees are private non-governmental organizations; the rest are either semi-private organizations or organizations established by the government in the host countries. Most of the NGOs have local and limited services to a clientele of less than 1,000 persons.
International Assistance

International assistance is required when states are unable or unwilling to provide assistance to refugees and internally displaced persons within their borders. The primary body mandated to provide international assistance to refugees is the Office of the UN High Commissioner for Refugees. There is no single international agency with a mandate to provide international assistance to internally displaced persons.

The United Nations established several disaster relief programs in 1948 to coordinate and fund humanitarian operations in Palestine. In 1949 the United Nations established a separate organ – the UN Relief and Works Agency for Palestine Refugees in the Near East – to provide international assistance to all persons displaced during the 1948 war. The Agency officially took over the humanitarian relief operations in the Jordanian-controlled West Bank, Egyptian-controlled Gaza Strip, Jordan, Lebanon and Syria in May 1950. There is no international agency with a specific mandate to provide assistance to internally displaced Palestinians in the 1967 occupied Palestinian territories.

The UN Relief and Works Agency for Palestine Refugees

The UN Relief and Works Agency for Palestine Refugees in the Near East was established under General Assembly Resolution 302(V), 8 December 1949. The General Assembly accorded UNRWA a short-term mandate based on the expectation that the plight of the refugees would soon be resolved in accordance with the framework set forth in General Assembly Resolution 194(III).[^40] (See Chapter Six - Durable Solutions) UNRWA’s mandate has been extended on a regular basis, however, (with the exception of assistance to internally displaced Palestinians terminated in 1952 at the request of the Israeli government) due to the lack of durable solutions for Palestinian refugees. The United Nations later requested UNRWA to provide international assistance to Palestinian refugees displaced for the first time in 1967 under UN General Assembly Resolution 2252 (ES-V), 4 July 1967.

Early work programs and regional economic development programs aimed to increase the “practical alternatives” available to the refugees and thus encourage a more “realistic” view of the future.[^41] Western powers hoped that economic development would encourage resettlement of the refugees in Arab host countries and lead to a “liquidation” of the refugee problem. By the end of the 1950s, however, the United Nations had concluded that the economic development programs had failed to provide a solution to the refugee problem.[^42] “Although the refugee problem might … be studied in economic and political terms,” stated the UN Secretary General in 1959, “it was basically a human problem. No reintegration would be satisfactory, or even possible, were it to be brought about by forcing people into new positions against their will.”[^43]

Plagued by high overhead costs, lack of regional cooperation and beset by strong opposition among refugees to *de facto* resettlement, UNRWA refocused its humanitarian operations on the delivery of basic education, health and social assistance services.[^44] These three areas continue to comprise the bulk of international assistance programs for eligible Palestinian refugees.
At the beginning of the Oslo process in 1993 UNRWA began to examine how to prepare for the eventual hand over of its installations and programs to Palestinians in the 1967 occupied Palestinian territories. A 1995 report by the Agency noted, “For the first time since [UNRWA] was established, it is possible to see on the horizon the end of the Agency’s mission.” Nearly a decade later, however, UNRWA continues to provide education, health and social services to more than 4 million refugees.

Israel’s refusal to allow refugees to return to their homes of origin and the failure of the international community to facilitate durable solutions for Palestinian refugees consistent with international law, as affirmed in Resolution 194(III), “has forced UNRWA to metamorphose into an all-purpose vehicle.” The Agency thus continues to provide “essential humanitarian services and empower the refugees through developing their human capital until there is a just solution to the refugee problem.”

**Education:** UNRWA’s education program is the largest of the Agency’s programs with more than 660 schools in its five areas of operations and more than 15,800 educational staff (including teachers, head teachers, school supervisors and administrative staff). UNRWA’s education budget comprises over 50 percent of the Agency’s total budget for re-current costs. Education staff comprises three-quarters of the Agency’s total staff. The largest student population served by UNRWA schools is in the occupied Gaza Strip with approximately 192,000 pupils enrolled in elementary and preparatory education. (figures as of 31 December 2003).

Refugee children registered with UNRWA have access to free elementary (6 years) and preparatory (3-4 years) education. In Lebanon UNRWA also operates five secondary schools (since 1993) due to limited access to public secondary education and the high cost of private secondary schooling. The Agency also offers special education for children with learning difficulties. UNRWA’s education program follows the
education structure of host governments in order to facilitate the transition of UNRWA students to secondary and post-secondary level education provided by government and private schools and universities. Not all refugee students registered with UNRWA attend Agency schools. Students at UNRWA schools regularly out-perform students in government schools in state qualifying examinations. The system has high retention rates and low dropout rates. The schools also enjoy gender parity.

UNRWA also operates eight vocational and technical training centers – four in the 1967 occupied Palestinian territories, two in Jordan, and one each in Lebanon and Syria. The centers offer training in a variety of trades courses as well as technical/semi-professional courses. Graduates of UNRWA centers also have achieved high pass rates in state certifying examinations and a high success rate in finding jobs. UNRWA also operates a teacher education program and regular in-service training. A limited number of scholarships, contingent on special funding, are offered for study at universities in Arab countries.

Table 4.6 – UNRWA School Population, Number of Schools, Teachers, Training Places

<table>
<thead>
<tr>
<th>Year</th>
<th>Elementary, Preparatory, and Secondary Pupils</th>
<th>Schools</th>
<th>Teachers</th>
<th>Vocational, Technical, and Teacher-Training Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>41,053</td>
<td>64</td>
<td>-800</td>
<td>-</td>
</tr>
<tr>
<td>1955</td>
<td>104,751</td>
<td>264</td>
<td>2,670</td>
<td>303</td>
</tr>
<tr>
<td>1960</td>
<td>123,883</td>
<td>382</td>
<td>3,494</td>
<td>805</td>
</tr>
<tr>
<td>1965</td>
<td>167,993</td>
<td>406</td>
<td>4,904</td>
<td>2,621</td>
</tr>
<tr>
<td>1970</td>
<td>219,578</td>
<td>480</td>
<td>6,268</td>
<td>3,656</td>
</tr>
<tr>
<td>1975</td>
<td>275,306</td>
<td>575</td>
<td>8,000</td>
<td>4,936</td>
</tr>
<tr>
<td>1980</td>
<td>314,164</td>
<td>627</td>
<td>9,479</td>
<td>4,695</td>
</tr>
<tr>
<td>1985</td>
<td>345,844</td>
<td>640</td>
<td>10,163</td>
<td>5,002</td>
</tr>
<tr>
<td>1990</td>
<td>357,706</td>
<td>631</td>
<td>10,503</td>
<td>5,026</td>
</tr>
<tr>
<td>1995</td>
<td>408,669</td>
<td>644</td>
<td>11,966</td>
<td>5,168</td>
</tr>
<tr>
<td>2000</td>
<td>468,651</td>
<td>640</td>
<td>14,298</td>
<td>4,680</td>
</tr>
<tr>
<td>2003</td>
<td>490,949</td>
<td>656</td>
<td>17,572</td>
<td>5,101</td>
</tr>
</tbody>
</table>

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

Health: UNRWA operates 122 primary health care facilities and one hospital in its five areas of operations. The Agency’s health care budget comprises around 17 percent of the total budget. The more than 3,600 staff employed in UNRWA’s health program comprises approximately 15 percent of the total Agency staff. The occupied Gaza Strip, which has the second highest refugee population in the five areas of UNRWA operations has one of the highest number of patient visits to Agency facilities followed by Jordan and the occupied West Bank. (figures as of 30 June 2003)

UNRWA health services include: primary health care, nutrition and supplementary feeding, assistance with secondary health care and environmental health in refugee camps. Primary health services covering medical care, family health, disease control and prevention and health education are provided directly and at no cost to refugees registered with UNRWA. Hospital beds are contracted with public and private hospitals with the exception of one Agency-run hospital in the occupied West Bank town of Qalqilya. Not all refugees registered with UNRWA use Agency health facilities. The Agency runs one of the most cost effective health services in the region with comparable or higher results than other health services in the region. Refugees share health-care costs through co-payment towards secondary care, tertiary care,
prosthetic devices, specialized medical investigations and non-program life-saving medicines. Owing to especially difficult socio-economic conditions in Lebanon refugees are exempt from the co-payment system in place in other fields, although co-payments are required for specialized life-saving treatment. Some environmental health services in refugee camps are also provided through contractual arrangements with local municipalities or private contractors.

Table 4.7 – UNRWA Health Facilities and Programs

<table>
<thead>
<tr>
<th>Health facilities and programs</th>
<th>Number of facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary health care facilities</td>
<td>122</td>
</tr>
<tr>
<td>Dental care</td>
<td>89</td>
</tr>
<tr>
<td>Family planning</td>
<td>122</td>
</tr>
<tr>
<td>Special non-communicable disease care</td>
<td>112</td>
</tr>
<tr>
<td>Specialist services</td>
<td>76</td>
</tr>
<tr>
<td>Laboratories</td>
<td>96</td>
</tr>
<tr>
<td>Health Sta</td>
<td>3,607</td>
</tr>
</tbody>
</table>

Source: UN Relief and Works Agency for Palestine Refugees (UNRWA). (Figures as of 30 June 2003)

Relief and Social Services: UNRWA’s relief program provides food support for special hardship case families, shelter rehabilitation and selective cash assistance. Eligibility and registration for UNRWA services also falls under the relief program. The social services program consists of five main sub-programs: organizational development of community-based organizations, women in development, a disability program, youth activities and the poverty alleviation program. The relief and social services budget constitutes approximately 10 percent of the Agency’s total budget, with the largest share (84 percent) allocated to assist special hardship families. The program employs 671 staff persons. The largest number of households receiving special assistance is
Throughout its five decades of operation, UNRWA has provided emergency humanitarian assistance, consisting of emergency medical assistance, remedial education programs, food and cash assistance, psychological counseling, post-injury rehabilitation, as well as repair and reconstruction of refugee shelters and Agency infrastructure during political and humanitarian crises in its five areas of operation.

During the early 1980s, the Israeli invasion of Lebanon largely undid the Agency’s work of three decades in the country. Emergency operations included food rations, distribution of blankets, mattresses, kitchen supplies and clothing, water, and medical supplies. Following the withdrawal of Israeli forces from Beirut, UNRWA was left with the task of providing emergency care to the wounded as well as the families of the victims of some 3,000 refugees massacred by Israeli-allied Lebanese Phalangist militiamen in the Beirut camps of Sabra and Shatila and the reconstruction of camps and Agency infrastructure. Many of these same emergency services were provided to Palestinian refugees during the first intifada in the occupied Palestinian territories that began in December 1987.

Since September 2000, UNRWA has again been forced to supplement regular services with emergency programs in the 1967 occupied territories during the second intifada including emergency poverty alleviation, maintenance of nutritional safety nets, repair of damaged shelters, provision of services to those disabled during confrontations with or attacks by occupying Israeli military forces, and delivery of health through mobile health units; ensuring emergency preparedness with full medical supplies, adequate transport facilities, post-injury physical rehabilitation capacities, and compensatory education; and, consciously attempting to guarantee that violence and economic decline do not irrevocably erode the gains of the past years and create new costs in both social and financial capital in the period to come.

Between November 2000 and the end of 2003 UNRWA made six appeals (not including a supplementary appeal in 2002 as a result of Israel’s massive military re-invasion of Palestinian cities, towns and refugee camps) to the international community for special funding of emergency operations in the 1967 OPTs. The appeals amounted to around half a billion US dollars. The largest portion of the emergency programs focus on emergency employment and food aid.

There was a further erosion of donor support to the emergency in 2003. By the end of the year UNRWA had only received 45 percent of its total requirements as set out in its two Emergency Appeals. Lack of funds meant a cancellation or severe curtailing of priority programs in the area of education, health and shelter repair and reconstruction.

**Table 4.8 - Summary of Emergency Appeal Programs, 2000-2003**

<table>
<thead>
<tr>
<th>Number of work days created</th>
<th>c. 4 million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of infrastructure projects completed</td>
<td>130 classrooms, 6 schools</td>
</tr>
<tr>
<td>Number of shelters reconstructed for SHCs</td>
<td>355</td>
</tr>
<tr>
<td>Number of food parcels distributed</td>
<td>3.4 million</td>
</tr>
<tr>
<td>Tents</td>
<td>1,631</td>
</tr>
<tr>
<td>Blankets</td>
<td>102,762</td>
</tr>
<tr>
<td>Kitchen kits</td>
<td>3,874</td>
</tr>
</tbody>
</table>

*Source: UN Relief and Works Agency for Palestine Refugees (UNRWA).*

Located in Lebanon and the occupied Gaza Strip due to the difficult socio-economic conditions faced by refugees. (figures as of 30 June 2003)

UNRWA began to offer special assistance to refugee households qualifying as "special hardship cases" in 1978. Refugees who qualify as special hardship cases are eligible for food and selective cash assistance, hospitalization subsidies, shelter rehabilitation
and are given priority in programs offered by the social services division and preference in enrolling in vocational training schools. Food assistance includes five basic commodities distributed on a quarterly basis (flour, rice, sugar, milk and oil). Cash subsidies (US$ 40 per year) are provided on a case-by-case basis to SHC families (approximately 20 percent of SHC cases) facing emergency situations, such as the loss of goods or income due to fire, flooding, death or incapacity of heads of households or primary income earners. Fluctuations in currency exchange rates, however, often result in a reduction of total per capita allocations for cash assistance. Food and cash subsidies amount to around US$ 106 per person per year (30 June 2003).

The social services division encourages self-reliance in the refugee community through poverty alleviation schemes and community-based, locally-managed institutions and services concerned with women and development, the rehabilitation and integration of refugees with disabilities and youth activities and leadership training. Poverty alleviation schemes offer both financial and non-financial services, including various credit products, to individuals and groups for projects such as business start-ups and for training in technical and business skills. The size of most loans falls with the range of US$ 500 to 10,000.

UNRWA has established 71 Women's Program Centers, 27 Youth Activities Centers (primarily located in the 1967 occupied Palestinian territories) and 36 community-based rehabilitation centers/programs. Some 59 percent of all community-based organizations have gained full self-management capacities. In the 1967 occupied territories, approximately two-thirds of community-based organizations have registered with the Palestinian Authority as independent legal entities. However, few community-based institutions have achieved financial sustainability.
Women’s program centers provide skills training for women and disabled persons, technical assistance for refugee-owned and/or operated income-generation enterprises and public awareness drives on social issues, such as early marriage, drug addiction, smoking and domestic violence. Support services for women, such as counseling, legal advice and kindergartens as well as recreational and cultural activities are also offered. Youth centers organize a wide range of community service, recreational and educational activities, such as repair of camp roads, public library services, sporting events, film screenings, plays and lectures on a wide range of community issues.

Since 1991 UNRWA has also operated a microfinance and micro-enterprise program in the 1967 occupied Palestinian territories. The program was launched in response to deteriorating economic conditions following the outbreak of the first intifada in 1987 and the Gulf war in 1991. The program is organized around three revolving loan funds in the occupied Gaza Strip and two in the occupied West Bank. Loans are given to small-scale enterprises in the occupied territories, to women organized in groups in the occupied Gaza Strip and to micro-enterprise in the occupied territories. In 2003 UNRWA expanded the program into Jordan and Syria.

Table 4.9 – UNRWA Centers and Programs by Location

<table>
<thead>
<tr>
<th></th>
<th># UNRWA Centers/programs by location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gaza Strip</td>
</tr>
<tr>
<td>Women’s Program Centers</td>
<td>10</td>
</tr>
<tr>
<td>Youth Activities Centers</td>
<td>8</td>
</tr>
<tr>
<td>Community-based rehabilitation centers</td>
<td>7</td>
</tr>
</tbody>
</table>

Source: UN Relief and Works Agency for Palestine Refugees (UNRWA). Figures as of 30 June 2003.

**League of Arab States**

The League of Arab States was established in 1945 with the “purpose of … draw[ing] close the relations between member States and coordinate[ing] their activities with the aim of realizing a close collaboration between them …” The League comprises

**Humanitarian Access**

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

UNRWA, however, has faced various restrictions on delivery of humanitarian assistance to Palestinian refugees. During the first Palestinian intifada in the 1967 occupied Palestinian territories, for example, Israeli authorities refused to allow entry of donations of foodstuffs and medical supplies through the port of Ashdod for so-called health and security considerations. The humanitarian aid supplies eventually had to be rerouted for use in Lebanon. Since the beginning of the second intifada in September 2000, UNRWA has faced a variety of restrictions and violations of its privileges and immunities. These include arrest and detention of local staff, restrictions on entry and exit of local staff, restrictions on freedom of movement within the West Bank and Gaza Strip affecting delivery of humanitarian aid, confiscation of ID cards of local staff, denial of access of teachers to schools and training centers and doctors and nurses to medical centers and hospitals, special permits to bring certain goods into the Gaza Strip and armed interference with Agency staff.
Since it was established in 1950 UNRWA has faced continual shortfalls in donor contributions related to the system of voluntary funding by UN member states, delays in contributions for current budget cycles, political and humanitarian crises which necessitate emergency programs\(^{53}\) and rising costs and inflation.\(^{54}\) The lack of a durable solution places further strain on Agency services. UNRWA currently requires a budget growth of 7.5 percent per annum based on an average 3.5 percent growth in the refugee population and an annual weighted average rate of inflation in the Agency’s areas of operation of 4 percent.\(^{55}\)

Since 1950, 116 donor states, in addition to the European Union and non-governmental sources, have contributed US$ 6.9 billion (not including inflation) to provide international assistance to Palestinian refugees. The largest single donor between 1950 and 2003 is the United States (US$ 2,709,545,685). Calculated as contributions per capita and as a percent of total GDP, however, Norway, Sweden and Denmark are the most ‘generous’ donor states among the top 13 donors to UNRWA when total contributions as of 2000 are calculated on a per capita basis as well as percent of GDP.

In absolute terms, the largest funding for UNRWA comes from the United States (28 percent), the European Union (24 percent), Japan (9 percent) and Sweden (6 percent). The most generous UNRWA donors in terms of the proportion of aid channelled to UNRWA are Sweden, Norway, the United States and Switzerland – each of which give approximately 1 percent of total overseas development aid (ODA) funding to UNRWA.\(^{56}\) Since 1972 UNRWA has received about 200 million USD (in constant 1982 USD) yearly, but the amount has varied somewhat between the different years. The registered number of refugees has increased during the period, but the real number of refugees resident in UNRWA’s fields of operations has not increased as fast. The number of users of UNRWA services has not increased as much as the number of registered refugees. This is partly because those users who can afford to use services other than those provided by UNRWA often do so.

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

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

In health services donor shortfalls have resulted in strict controls on referrals and duration of hospital stays in some areas and some redeployment of contracted beds from the private sector to less expensive NGO hospitals, below average per capita expenditure on health services\(^{61}\), a higher number of patients per health personnel\(^{62}\) and difficulties in maintaining competitive salaries for recruitment of high quality health care professionals.

UNRWA is also unable to provide relief and social service assistance to all of those refugees who are in need of services provided by the Agency. UNRWA has been forced to adopt increasingly stringent criteria for qualification as a special hardship case, limit special cash assistance to acute crises\(^{63}\), and limit needed shelter rehabilitation\(^{64}\). Agency social workers have an excessively high patient caseload.\(^{65}\)

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

### Table 4.10 - Selected Indicators for Impact of Donor Shortfalls to UNRWA

<table>
<thead>
<tr>
<th></th>
<th>West Bank</th>
<th>Gaza Strip</th>
<th>Jordan</th>
<th>Lebanon</th>
<th>Syria</th>
<th>All Fields</th>
</tr>
</thead>
<tbody>
<tr>
<td>% schools on double shifts</td>
<td>41.4</td>
<td>78.1</td>
<td>91.6</td>
<td>50.6</td>
<td>92.8</td>
<td>75.8</td>
</tr>
<tr>
<td>% schools in rented premises</td>
<td>15.8</td>
<td>0</td>
<td>25.8</td>
<td>45.6</td>
<td>9.9</td>
<td>17.2</td>
</tr>
<tr>
<td>% classes with 48+ students</td>
<td>4.8</td>
<td>60.3</td>
<td>14.0</td>
<td>6.3</td>
<td>26.9</td>
<td>29.3</td>
</tr>
<tr>
<td># daily consultations per doctor</td>
<td>104</td>
<td>109</td>
<td>103</td>
<td>82</td>
<td>94</td>
<td>98</td>
</tr>
</tbody>
</table>

Source: UN Relief and Works Agency for Palestine Refugees (UNRWA). (Figures as of 31 October 2001)
three main bodies: the Council of Ministers, the General Secretariat and the Permanent Committees for each field of cooperation between members.67

In October 1951 the Director of UNRWA was invited to consult with a special committee established by the League of Arab States to consider the Agency’s new program and its recommendations to the 6th Session of the GA. As of September 1951 the League had contributed an estimated 3.5 million USD. It also assisted by way of free transport and distribution of relief supplies. The LAS also conducted, with cooperation of UNRWA, a survey of educational and social conditions among the refugees.

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

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

**Developments in 2003**

Major developments during the year include ongoing emergency assistance in the 1967 occupied Palestinian territories, continued shortfalls in donor funding for the UN Relief and Assistance Agency and joint UNRWA/UNHCR assistance to Palestinian refugees displaced from Iraq during the war and US-UK led occupation of the country.

Arab League funding for UNRWA’s general budget continued to fall well below the 7.73 percent ceiling set in 1981. During 2003 Arab host states contributed US$ 4.96 million to UNRWA’s general budget (1.6 percent), in addition to another US$ 27 million pledged by the United Arab Emirates for the rebuilding of Jenin refugee camp after Israel destroyed around 400 shelters during the military invasion of the camp in 2002 and a US$ 700,000 by Saudi Arabia for special projects.68

Arab host states also provided in-kind support to UNRWA during the year. This included vaccines in the 1967 occupied Palestinian territories, Jordan, and Syria. During the year, however, the Syrian Ministry of Health was forced to discontinue vaccine support due to financial constraints. The Ministries of Health of Jordan, Lebanon and Syrian provided refugee patients with anti-tuberculosis drugs and provided laboratory support for surveillance of vaccine preventable diseases targeted for elimination and other diseases such as measles, rubella and HIV/AIDS.

In the 1967 occupied Palestinian territories, the Palestinian Authority made available to UNRWA a total of 153 dunums of land in the occupied Gaza Strip, valued at more than US$ 4 million. This land is being used to provide re-housing for 620 nuclear and extended families in the Khan Yunis and Rafah areas, where repeated Israeli military
action caused the destruction of that number of shelters. Due to ongoing military operations it was not possible to reconstruct the shelters in their original location.

In addition to UNRWA funding, Jordan reported an expenditure of approximately US$ 423 million on refugee education, health care, social services, subsidies and rations, rent and utilities and public security. Syria reported expenditures for similar services totaling nearly US$ 94 million. Israel did not contribute to UNRWA's budget in 2003 and does not provide assistance to the civilian population in the occupied territories in violation of its obligations under international law as the occupying power.

Refugees themselves continued to make significant contributions in 2003 to cope with the impact of Israel's military and economic siege in the occupied Palestinian territories. This included the donation of more than US$ 1.5 million by UNRWA staff in Lebanon, Jordan, and Syria, as well as refugees and nationals in Syria and the Palestine Right of Return Coalition. In all fields except Gaza, nominal contributions at prescribed rates were collected from pupils and trainees on a voluntary basis to improve facilities and equipment in schools and training centers. Overall contributions collected in 2002/2003 amounted to more than half a million dollars.

UNRWA schools in the 1967 occupied Palestinian territories experienced higher than average enrollment levels during the year due to the inability of families to pay for alternative private education. Due to funding shortfalls during the reporting period, UNRWA was only able to implement limited curricula changes adopted by host governments in all areas of operation. The Agency remains unable to support its scholarship program (suspended in 1997/1998) through its regular budget. Twenty-six UNRWA students and 2 staff were killed during the reporting period.

High rates of poverty in the OPTs due to Israel's military re-occupation of areas under Palestinian Authority administration led to a breakdown of cost-sharing arrangements in the West Bank regarding secondary care. Three additional hospitals were contracted due to lack of freedom of movement. UNRWA continued to operate a double-shift clinic at the health centers in the five largest camps in the Gaza Strip to address the gap between limited resources and increasing needs of the refugee population. The Agency continued to make improvements in environmental health conditions in refugee camps. Special attention continued to be paid to the early detection and management of micro-nutrient disorders, especially iron deficiency anaemia that was still highly prevalent among pre-school children and women of reproductive age.

UNRWA's special hardship program also faced increased demand due to the difficult socio-economic situation in Jordan, continuing restrictions on employment of Palestinian refugees in Lebanon, and the situation in the occupied Palestinian territories. The number of special hardship cases increased by 1.6 percent from the previous period. Insufficient resources permitted only $500,000 to be allocated as cash assistance during the reporting period, well below the $2.9 million peak in 1996. Funding shortfalls also meant that UNRWA was only able to rehabilitate a fraction of the total number of refugee shelters in need of urgent repairs.
During 2003 UNRWA’s microenterprise program expanded its operations into Jordan and Syria. The credit operations of UNRWA’s microfinance and microenterprise program were severely hampered owing to the disastrous economic consequences of Israeli-imposed military closures and other measures restricting the movement of labor and goods. The program was unable to maintain its normal state of financial self-sufficiency for a second year. For the second year the program ate into its capital base to survive these recessionary forces.

UNRWA also continued to provide emergency food, cash, employment and shelter rehabilitation services to Palestinian refugees in the 1967 occupied Palestinian territories during 2003. More than US$ 64 million was budgeted for emergency food assistance with more than US$ 55 million allocated for emergency employment creation during 2003. Approximately US$ 36 million was budgeted for emergency shelter rehabilitation.

There was renewed strain on UNRWA’s general budget in 2003. UNRWA ended the year 2003 with a deficit of $5.9 million in the cash portion of the regular budget, when income was measured against planned expenditures. The Agency was not able to implement fully its planned activities owing to the lack of full funding of its budget and therefore was compelled to incur expenditure only as pledges were received. In real terms, the Agency’s biennium budget for 2002-2003, and the 2004-2005 budget which was under preparation during the latter half of the reporting period, revealed negative growth when adjusted for increase in the beneficiary population and underlying inflation.

During 2003, eighteen United Nations and international organizations sent a public letter of protest to Israel against the restrictions. Six UNRWA staff members were killed during the period, including UNRWA’s project manager in Jenin who was killed by Israeli sniper fire inside a clearly-marked UNRWA compound, while arranging for the evacuation of his staff as a result of an Israeli military operation. There were no instances during the reporting period of armed interference with UNRWA personnel or vehicles by the Palestinian, Jordanian, Syrian or Lebanese authorities.

In June 2002 the World Jewish Congress launched an international campaign calling for the integration of UNRWA with the Office of the UN High Commissioner for Refugees and the creation of the plan for the mass resettlement of Palestinian refugees in host and third countries. The WJC used the occasion of the renewal of UNRWA’s mandate in June 2003 and a session of the UN Sub-Commission on the Promotion and Protection of Human Rights in August to press its case. The WJC campaign was motivated by a political objective that aimed to extinguish Palestinian refugee rights.

During 2003 UNRWA was actively involved in the United Nations contingency planning efforts in Iraq before the conflict erupted, and followed developments closely as they affected tens of thousands of Palestinians living in Iraq, many of them Palestinian refugees. UNRWA remained in close touch with the Office of the United Nations High Commissioner for Refugees throughout the crisis to address the needs of the persons affected. The Agency also participated in delivering emergency assistance to Palestinian families fleeing the conflict and temporarily accommodated in tented camps on the Jordanian-Iraqi border.
Table 4.11 - Estimated Losses due to Restrictions on Humanitarian Access (USD)

<table>
<thead>
<tr>
<th>Type of Restriction</th>
<th>Cost (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of working hours in Gaza Strip due to closures and curfews</td>
<td>141,000</td>
</tr>
<tr>
<td>Accommodation of staff unable to return home due to closure</td>
<td>54,058</td>
</tr>
<tr>
<td>Transit fee at Karni crossing into Gaza</td>
<td>233,245</td>
</tr>
<tr>
<td>Excess storage and demurrage charges due to closure</td>
<td>369,500</td>
</tr>
<tr>
<td>Damage to UNRWA installations in West Bank</td>
<td>66,300</td>
</tr>
<tr>
<td>Damage to UNRWA installations in Gaza Strip</td>
<td>46,000</td>
</tr>
<tr>
<td>Lost teacher days in West Bank schools</td>
<td>830,000</td>
</tr>
<tr>
<td>Lost teacher days in Gaza Strip schools</td>
<td>491,900</td>
</tr>
<tr>
<td>Lost instructor days in West Bank Vocational and Training Centers</td>
<td>162,000</td>
</tr>
<tr>
<td>Lost instructor days in the Gaza Strip Vocational and Training Center</td>
<td>32,200</td>
</tr>
</tbody>
</table>

Source: UN Relief and Works Agency for Palestinian Refugees (UNRWA). Figures as of 30 June 2003.

Figure 4.1 – UNRWA Emergency Appeals Expenditures (as of 31 December 2003)

Source: UN Relief and Work Agency for Palestinian Refugees (UNRWA)
Figure 4.2 – Top 13 Donors to UNRWA Regular, Emergency and Project Budgets, 2003

<table>
<thead>
<tr>
<th>Donor Country</th>
<th>Contributions (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>134,096,362</td>
</tr>
<tr>
<td>European Community</td>
<td>99,611,362</td>
</tr>
<tr>
<td>UK and Northern Ireland</td>
<td>32,700,942</td>
</tr>
<tr>
<td>Sweden</td>
<td>24,647,731</td>
</tr>
<tr>
<td>Norway</td>
<td>18,169,357</td>
</tr>
<tr>
<td>Netherlands</td>
<td>14,325,159</td>
</tr>
<tr>
<td>Germany</td>
<td>11,694,505</td>
</tr>
<tr>
<td>Denmark</td>
<td>10,225,505</td>
</tr>
<tr>
<td>Italy</td>
<td>10,161,193</td>
</tr>
<tr>
<td>Switzerland</td>
<td>9,266,619</td>
</tr>
<tr>
<td>Japan</td>
<td>8,256,261</td>
</tr>
<tr>
<td>Canada</td>
<td>8,003,834</td>
</tr>
<tr>
<td>France</td>
<td>3,687,100</td>
</tr>
</tbody>
</table>

Source: UN Relief and Work Agency for Palestinian Refugees (UNRWA)

Figure 4.3 – Top 13 Donors to UNRWA Emergency Appeals from 4 October 2000 - 31 December 2003

<table>
<thead>
<tr>
<th>Donor Country</th>
<th>Pledged Contributions (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>112,285,212</td>
</tr>
<tr>
<td>ECHO*</td>
<td>40,263,271</td>
</tr>
<tr>
<td>UK</td>
<td>39,639,307</td>
</tr>
<tr>
<td>Red Crescent Society (UAE)</td>
<td>27,000,000</td>
</tr>
<tr>
<td>Netherlands</td>
<td>21,082,214</td>
</tr>
<tr>
<td>Norway</td>
<td>9,214,546</td>
</tr>
<tr>
<td>Sweden</td>
<td>8,218,055</td>
</tr>
<tr>
<td>Germany</td>
<td>7,504,509</td>
</tr>
<tr>
<td>Switzerland</td>
<td>6,907,322</td>
</tr>
<tr>
<td>Italy</td>
<td>6,317,513</td>
</tr>
<tr>
<td>Denmark</td>
<td>5,684,546</td>
</tr>
<tr>
<td>Islamic Development Bank</td>
<td>5,076,000</td>
</tr>
<tr>
<td>Ireland</td>
<td>4,867,327</td>
</tr>
</tbody>
</table>

Source: UN Relief and Works Agency for Palestine Refugees (UNRWA). (Includes cash and in-kind pledges. US pledges include USAID.) *European Commission Humanitarian Office
Endnotes

1 Article 2(7), *Charter of the United Nations*, 26 June 1945. “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall required the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.”


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

8 These states include Algeria, Egypt, Libya, Mauritania, Sudan and Tunisia. According to UNHCR statistical reports for 2002-2003 there were 4,005 Palestinian refugees of concern to UNHCR in Algeria, 70,195 (Egypt) and 8,604 (Libya). 2002 *Statistical Yearbook*, supra note 3, pp. 199, 369 and 391. 2003 *Global Refugee Trends, Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers and Other Persons of Concern to UNHCR*, supra note 3, p. 29.

9 The 1967 occupied Palestinian territories are included as an Arab host state due to the fact that Palestinian refugees residing therein originate from areas inside the state of Israel. While there is no de jure international border the 1949 armistice line (‘Green Line’) constitutes a de facto international border between Israel and the occupied West Bank.


13 For an overview see, Babille, et. al, supra note 10, pp. 16, 21-22.


15 For a brief overview see, Babille, et. al, supra note 10, pp. 19-20, 22.

16 Ibid, p. 22.

17 For an overview see, Babille, et. al, supra note 10, pp. 17-19, 23.


19 *Finding Means, supra note 12*, p. 189. According to a 1997 survey by the Health, Development and Policy Institution (HDIP), approximately 40 percent of refugees seek treatment at UNRWA, 31 percent at private clinics and 25 percent at government clinics. Id.


21 For a brief overview see, Babille, et. al, supra note 10, p. 60.

22 *Atlas of Palestinian Refugee Camps in Jordan*. Amman: Department of Palestinian Affairs, 2001. In 2001 this included 10 secondary schools: 4 in Baq’a camp, two in Azmi al-Mufti, two in Hittin, one in Jerash and one in Souf refugee camp. From these 10 schools, there are 6 schools for girls and 4 for boys.


25 Natour, supra note 24, p. 46.

31 The Iraqi governments of Abdel-Karim Qassem (1959) and Ahmad Hassan al-Bakr (1970) were responsible for constructing the bulk of Palestinian housing in the al-Salam, al-Horiyya and al-Baladiyat districts of Baghdad to resolve the housing problem of the Palestinian refugees. Following the 1948 exodus to Iraq, many of the Palestinians were housed in old schools and military camps under the direct supervision of the Iraqi ministry of defense, in bad living conditions, Until the 1970s. see, Palestinian Refugees in Iraq. Department of Refugee Affairs, Palestine Liberation Organization, 1999. Under Saddam Hussein’s regime three buildings were constructed in the al-Baladiat area. See, Rasha Saad, “Displaced Yet Again,” Al-Ahram, Issue No. 641, 5-11 June 2003. The Iraqi government also rented houses for Palestinian refugees. As estimated 63 percent of the Palestinian refugees in Baghdad (1,466 families, comprising 8,944 refugees) benefited from such government-provided houses. Palestinian Refugees in Iraq. Department of Refugee Affairs, Palestine Liberation Organization, 1999. [On file with BADIL]
34 The common denominator of shelter villages was that IDPs constitute the majority of the residents. RRA supervised housing construction in the shelter villages. However, the distinction between “shelter villages” and villages that were not designated as such as not absolutely clear. The RRA, for example, also operated in Reine (Nazareth), and shelter villages also absorbed refugees who were not transferred by the RRA. Hillel Cohen, The Present Absentees: Palestinian Refugees in Israel since 1948. Jerusalem: Institute for Israeli-Arab Studies, 2000, pp. 26-27.
35 Ibid.
36 Ibid.
37 The affairs of internally displaced Palestinians were administered until 1953 by a Refugee Rehabilitation Authority (RRA). The primary purpose of the RRA was to protect the Jewish character of the state of Israel and not the rights of the internally displaced Palestinians outside the borders of Israel.
38 Comay-Michelmore Agreement, 14 June 1967. The agreement entered into force on 14 June 1967. Michael Comay was then political advisor to the foreign minister and ambassador at large and Lawrence Michelmore was UNRWA Commissioner General. The agreement is reprinted in Benjamin Schiff, Refugees unto the Third Generation, UN Aid to Palestinians. Syracuse, NY: Syracuse University Press, 1995, pp. 295-96.
40 According to Article 6 of Resolution 302(IV), all relief and works operations were to be terminated by the middle of 1951.
41 During the initial six years of its operations, while providing relief, primary health and education services, UNRWA initiated four types of programmes aimed at reintegrating the refugees into the economic life of the region : i) “Work Relief” i.e. small scale training and employment creation; ii) “Works Projects” i.e. medium-sized public sector government-controlled projects such as road-building and tree- planting aimed at employment creation; iii) assistance to and subsidization for small numbers of Palestine refugees willing to resettle including to places such as: Argentina, Brazil, Bolivia, Canada, Colombia, Chile, Egypt, Honduras, Iran, Iraq, Kuwait, Libya, Qatar, Sierra Leone, Saudi Arabia, United States, Venezuela, Germany, and Yemen; iv) large scale regional development projects with regional governments.
42 See, UNGA Resolution 614 (VII), 6 November 1952 recognising that “immediate realization” of the reintegration goals has not been possible and noting that “increased relief expenditures are therefore required, with a resultant reduction in the reintegration funds”. Also see, Resolution 916 (X), 3 December 1955 noting that “no substantial progress has been made in the programme for reintegration of refugees”.
43 Proposals for the Continuation of United Nations Assistance to Palestine Refugees, Document Submitted by the Secretary-General. UN Doc. A/4121, 15 June 1959, para. 17.
44 See, UNGA Resolution 1315(XIII), 12 December 1958 requesting UNRWA “to plan and carry out projects capable of supporting substantial numbers of refugees and, in particular, programmes relating to education and vocational training”. Also see, Resolution 1456 (XIV), 9 December 1959 directing the Agency “to continue its programme of relief for the refugees and … expand its programme of self-support and vocational training”.
47 On average UNRWA spends US$ 320 (2003) per elementary student and US$ 453 per preparatory student. UNRWA in Figures

UNRWA continued to provide food rations to Palestinian refugees in all areas of operation until the early 1980s. Following the Israeli invasion of Lebanon in 1982 and the ensuing humanitarian crisis, UNRWA rations were redirected from all areas of operations to Lebanon with the consent of refugees. However, following the end of the crisis in Lebanon, rations were not reinstated.

Over the course of its fifty-year history of operations, UNRWA has launched numerous emergency funding appeals to cover the costs of emergency programs. In 1997, for example, UNRWA launched a special emergency appeal for Lebanon totaling US$ 11 million to support essential health, education, and relief and social services to alleviate financial pressures resulting from insufficient resources in the Agency’s regular budget. Two emergency appeals were issued in 2001 covering the period of March to December for a total of US$ 114 million. In 2002 UNRWA issued an appeal for US$ 117 million. Following the massive military assault on Palestinian refugee camps in March and April 2002, UNRWA was forced to issue a supplementary emergency appeal to the international community for US$ 55.7 million to cover additional emergency expenses.

Over the last decade the gap between UNRWA’s budgeted and actual expenditure has reached as much as US $50 to $70 million per year out of a total budget of around US $250 to $300 million.

UNRWA’s *regular budget* comprises recurrent and non-staff costs. It is further divided into cash and in-kind portions. The cash budget is funded through unearmarked cash contributions recorded as income to the General Fund. The in-kind budget represents the value of in-kind donations that the Agency expects to receive based on agreements with donors or past practice (e.g. food aid).

The *project budget* comprises mainly non-recurrent costs funded by earmarked project contributions. Activities are implemented only if donors specifically fund them. Most of the Agency’s capital costs are included in the projects budget, as are certain other one-time activities and essential expenditure that cannot be met by regular budget allocations. Education services account for the majority of UNRWA’s expenditures, followed by health, and relief and social services, with operational and common services making up the remainder of expenditures. Operational expenditures include supply, transport, architectural and engineering services that support all Agency programs. Common services include management and administrative services that support all Agency programs, as well as working capital reserves to be allocated to programs during the budget biennium.


Region-wide, three-quarters of UNRWA schools run on double-shifts. Despite an expanded program of school construction since 1993, the Agency has been unable to reduce the rate of double-shifting. During UNRWA’s last reporting period 77.1 percent of schools operated on a double-shift basis owing to a shortage of school buildings. *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, supra* note 48, para. 46. In Jordan, where the largest number of refugees reside, 92 percent of schools operate in double shifts. In local government schools, the situation is the reverse, with approximately 90 percent being in single-shift operation. Preliminary studies carried out by UNRWA’s Department of Education show that in achievement tests the performance of pupils in double-shift schools is inferior to that of pupils in single-shift schools. *Ibid.*, para. 33.

Shortfalls in donor contributions for the construction of the necessary number of new schools (and restrictions on new construction in Lebanon) has also forced UNRWA to house schools in often unsatisfactory rented premises. Approximately 13 percent of UNRWA schools are located in rented facilities with the situation most severe in Lebanon where 46 percent of Agency schools are located in rented buildings. Between 1993 and 2002, however, special project funds have enabled UNRWA to reduce the overall number of rented school buildings from 94 to 78. *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, supra* note 48, para. 47. Between the 1993/1994 and 2002/2003 academic years, the number of school buildings increased by 0.97 percent and the number of schools increased by 2.5 percent, whereas the total enrolment increased by 23.1 percent. *Ibid.*, para. 45.

The high rate of growth in the student population and lack of funding for new or expanded facilities has also led to overcrowding in Agency schools. Classroom occupancy rates are substantially higher than the rates in host country schools. The average classroom occupancy rate for 2002/2003 was 42.9 students. The rate is particularly high due to extremely overcrowded classrooms (75 percent) in the Gaza Strip. The area per student in UNRWA schools ranges between 0.83 – 1.17 sq. m., an average of 1 sq. m. per student, which is low compared with UNESCO standards (1.40-1.50 sq. m. per student). Classroom occupancy rates continue
to average 44.3 pupils per class, and in some fields this figure rises to 47.1 per class. Overcrowding within the Agency's education system continued, with the average classroom occupancy rate at 42.2 pupils in the 2002/2003 academic year. Occupancy was highest in the Gaza Strip at 47.1 pupils per classroom and lowest in Lebanon at 36.4. \textit{Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, supra note 48, para. 60.}

Since 1997 UNRWA has been unable to provide scholarships for post-secondary education due to funding shortfalls. Existing scholars in the program, however, continue to receive assistance through special project funds until they complete their studies.

Due to funding shortfalls UNRWA per capita health expenditures are considered far below public expenditure on health by countries in the Agency's area of operations and compare with public expenditure in the world's least developed countries. Taking the allocations on environmental health services and food aid separately, the net per capita allocation on the full range of preventive and curative medical care services, both at the primary and secondary levels, was US$ 9.30 for the 2000-2001 biennium.

Lack of sufficient donor contributions to keep pace with the natural growth of the refugee population, moreover, has resulted in extremely high patient loads for health care personnel as much as 20 times higher than the rates in Arab host countries. The overall health personnel/population ratios remained as low as 0.8 doctors and 2.2 nurses per 10,000 refugees (2000-2001 biennium). The corresponding rates are 13.8 doctors and 19.7 nurses/midwives per 10,000 persons in Syria and 16.6 doctors and 30 nurses/midwives per 10,000 persons in Jordan. UNRWA has also been unable to reduce the high number of daily consultations per doctor. On average, UNRWA doctors see more than 106 patients per day (as of December 2001). The long-desired objective of reducing the average number of consultations to not more than 70 per medical doctor per day has not been achieved due to funding shortfalls and a recruitment freeze.

Between 1997 and 2000 UNRWA was forced to suspend allocations for selective cash assistance. Current allocations, reinstated in January 2000, however, only allow the Agency to provide allocations to approximately one-third of the families in need of special assistance.

Available resources for shelter rehabilitation continue to fall short of identified needs. Some 14,000 SHC case families, comprising some 54,000 persons, still live in housing that does not meet minimally acceptable standards for structural soundness, hygiene, ventilation and space relative to family size. An estimated US$ 12 million is needed to repair these shelters.

UNRWA employs 268 social workers with an average caseload of 262 cases per year (June 2002), well in excess of the recommended 250 cases per year. The average caseload of social workers in 2002-2003, at about 258 cases per year, was brought in line with the recommended norm of 250 cases per year. Ten new social worker posts were established in Syria and filled in order to reduce the high-caseload of social workers from 350/400 to 250 cases and meet Agency norms. \textit{Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, supra note 48, para. 91.}

The 21 members of the League of Arab States are Algeria, Bahrain, Djibouti, Egypt, Jordan, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen.

Table 10 – Contributions in Cash and In-kind by Governments and the European Community, \textit{Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, supra note 48.}

\textit{Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, supra note 48, para. 70, para. 92.}

\textit{Ibid, paras. 37 and 39.}

\textit{Ibid, para. 57.}

A new Palestinian curriculum was introduced for the 3rd and 8th grades to replace the Jordanian curriculum in the West Bank and the Egyptian curriculum in the Gaza Strip. In Syria a new study plan, new curricula and textbooks for the elementary and preparatory cycles were gradually introduced. The new format for the 6th elementary grade was fully implemented in UNRWA schools in 2002/2003 while the new format for the 7th grade was implemented in selected UNRWA and government schools.

UNRWA also introduced Computer Science for 8th grade in its schools following the introduction of the subject in government schools in 2002/2003 while the new format for the 7th grade was implemented in selected UNRWA and government schools. In Jordan UNRWA introduced computer science for the 7th and 8th grades. UNRWA was not able to extend the educational cycle from 9 to 10 years in the 1967 OPTs in keeping with changes introduced by the Palestinian Authority. UNRWA was also unable to introduce new courses or expand the capacity of existing courses in the Agency's vocational and technical training centers without reducing old courses. \textit{Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, supra note 48, para. 48.}

In Gaza, UNRWA implemented projects in sewerage, storm water drainage and solid waste management in and outside the camps at a cost of US$ 25.65 million, while projects planned for implementation, subject to availability of funds, are estimated at US$ 14.36 million. In Lebanon, feasibility studies and detailed designs were completed for the rehabilitation and construction of the water and wastewater infrastructure in two camps in Tyre area and one camp each in Saida, Beqaa and the north areas. In Syria, a partnership and financing agreement between the government, the donor and UNRWA, seeks to focus on improvement of water supply systems in Khan Eshieh and Khan Dannoun camps and construction of a sewerage network in Khan Eshieh camp. Capital projects were complemented in all fields by self-help camp improvement activities, to which the Agency contributed material inputs and the community voluntarily provided labor inputs. \textit{Ibid, paras. 260, 207, 224}

The three largest categories of SHC assistance were directed to families whose male breadwinner was incapable of working for medical reasons (35.51 percent), families headed by a widow, divorcee or deserted female (12.9 percent), or the destitute elderly (24.36 percent). \textit{Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, supra note 48, para. 82.}

\textit{Ibid, para. 84.}
Signatories included the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), World Food Programme (WFP), United Nations Development Programme (UNDP), Office for the Coordination of Humanitarian Affairs (OCHA), World Health Organisation (WHO), Office of the High Commissioner for Human Rights, Médecins sans Frontières, Médecins du Monde, Pharmaciens sans Frontières -- Comité International, OXFAM GB, Care International, MERLIN, Enfants Refugiés du Monde, Solidaridad Internacional, CRIC (Centro Regionale d'Intervento per la Cooperazione), Movement for Peace, Disarmament and Liberty, UNA International Service (UK), and World Vision.

The campaign has been joined by the Simon Wiesenthal Center, prominent neo-conservatives such as Daniel Pipes (Director of Middle East Forum), US Congressmen, including Eric Cantor (Chairman of the Congressional Taskforce on Terrorism and Unconventional Warfare) and Tom Lantos (Ranking Democratic Member of the House Committee on International Relations), and the International Association of Jewish Lawyers and Jurists.
Chapter Five
Protection

Preface

Refugees and internally displaced persons are entitled to protection. Protection includes recognition and safeguarding of refugee and IDP rights, security and welfare. National authorities hold the primary responsibility to protect refugees and IDPs within their borders. National protection accorded to Palestinian refugees in host states and internally displaced in Israel and in the occupied Palestinian territories varies. Few host states where the majority of Palestinian refugees reside are signatories to relevant international instruments. Interpretation of relevant instruments by signatory host states is inconsistent.


The Office of the UN High Commissioner for Refugees is the primary body mandated to provide international protection for refugees worldwide. The Office works closely with other international and national organizations and states. The United Nations established a separate organ – the UN Conciliation Commission for Palestine – to provide international protection to all persons displaced during the 1948 war in Palestine. The UN did not establish a special organ for Palestinian refugees displaced for the first time in 1967 or for internally displaced Palestinians in the occupied Palestinian territories. There is no single UN agency mandated to protect internally displaced persons. The League of Arab States established several organs to monitor the treatment of Palestinians in member states.

Significant gaps exist in the protection of Palestinian refugees and internally displaced persons due to the collapse of UNCCP protection, limited protection afforded by the UNHCR, lack of effective protection by the Arab League and varying interpretation of relevant instruments.
National Protection

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

States signatories to the 1951 Convention Relating to the Status of Refugees² are obligated to guarantee refugees within their borders the right to employment, housing, public education, property ownership, freedom of movement, identity papers, travel documents and social security. The Refugee Convention requires that most of these rights be guaranteed at the same level as nationals of the state; all are guaranteed at least at the same level as other foreign aliens. Most states in the Middle East where the majority of Palestinian refugees reside are not signatories to the 1951 Refugee Convention.³

Arab states signatories to the 1965 Protocol on the Treatment of Palestinians⁴ recognize the right of Palestinian refugees to employment, freedom of movement, residency and travel documents. Most of these rights are to be guaranteed at the same level as nationals of the state. Not all member states of the Arab League are signatories to the Casablanca Protocol.⁵ The 1969 Convention Governing Specific Aspects of Refugee Problems in Africa⁶ applicable to African-Arab states includes provisions for residency, travel documents and voluntary repatriation. Few Palestinian refugees reside in OAU Convention signatory states.⁷

Protection in Arab Host States

More than two-thirds of Palestinian refugees reside in Arab host states. Jordan, the 1967 occupied Palestinian territories⁸, Syria, Lebanon, Saudi Arabia, Iraq and Egypt host the majority of Palestinian refugees in the Arab world. Refugee protection is often a reflection of national and regional political considerations.

Employment: Implementation of the Casablanca Protocol with respect to the right to employment on par with host state nationals is subject to numerous restrictions. Most Palestinian refugees in Syria, Jordan and Iraq have the right to employment on par with host state nationals although they may experience informal discrimination.⁷ A smaller number of unregistered refugees, including those who subsequently entered Syria from other Arab states, and refugees from the occupied Gaza Strip who entered Jordan during or immediately after the 1967 war do not have full access to employment.¹⁰

Palestinian refugees and internally displaced persons in the 1967 occupied Palestinian territories have the same right to employment as non-refugee Palestinians. Access to employment, however, is often restricted by Israel’s military occupation and related regime comprising military closures, permit system, roadblocks, curfews and property destruction. Israel does not accept the de jure application of international humanitarian law in the West Bank (including eastern Jerusalem) and the Gaza Strip.¹¹ Access to employment is particularly difficult for Palestinians, the majority of whom are refugees, in the occupied Gaza Strip. The construction of a separation Wall in the occupied West Bank beginning in 2002 has imposed further restrictions on access to employment.
Palestinian refugees in Egypt have the same right to employment as other foreign aliens who find it difficult to obtain work permits. Refugees wishing to practice a profession must hold Egyptian residence and obtain a permit issued by the Ministry of Labor and Training. Employment in the civil service is based on reciprocal rights for Egyptian nationals in the foreigner’s state of citizenship. Due to the fact that most Palestinian refugees in Egypt are stateless, there is no possibility of reciprocal agreements and no possibility of public sector employment. Holders of Egyptian travel documents endorsed with a visa other than for a tourist visit, however, are formally exempt from the requirement that native workers be given priority for employment.

In Lebanon and Kuwait Palestinian refugees do not have the same right to employment as other foreign aliens. Both countries reserve the right to restrict access to employment under the Casablanca Protocol. Only naturalized citizens are eligible for civil service employment. Palestinians are barred from employment in nearly seventy different professions in Lebanon. Entry into professional associations and employment is based on the individual having Lebanese nationality for a minimum of ten years and reciprocal rights for Lebanese citizens in the foreigner’s state of citizenship. Due to the fact that most Palestinian refugees are stateless, there is no possibility of reciprocal agreements and no possibility of entry into professional associations. Work permits are not required for work in agriculture, construction and day labor; however, work in these fields is irregular and low paid. Foreigners must leave Kuwait upon termination of employment. Non-Kuwaitis are not permitted to join professional associations.
**Education:** Most Arab host states provide Palestinian refugees with access to public elementary, secondary and post-secondary education. Access may be restricted due to limited spaces available for foreigners, including Palestinian refugees and for financial reasons. Jordan, Syria and Iraq accord most Palestinian refugees access to all levels of education on par with host state nationals. Palestinian refugees from the occupied Gaza Strip who entered Jordan during and after the 1967 war, however, must compete for a limited number of spaces available to Arab students for post-secondary education; fees must be paid in foreign currency and candidates must have a clean security record.

In the 1967 occupied Palestinian territories Palestinian refugees and internally displaced persons have the same right to education as non-refugee Palestinians. Access to education, however, is often restricted by Israel’s military occupation and related regime comprising military closures, permit system, roadblocks, curfews and property destruction. The construction of a separation Wall in the occupied West Bank beginning in 2002 has imposed further restrictions on access to employment.

Palestinian refugees in Egypt, Lebanon and Kuwait are treated as other foreigners. This includes quotas for admission of foreigners in public schools and universities. Like ex-Gazan refugees in Jordan, Palestinian refugees in Egypt are required to pay university fees in foreign currency. Children of government employees (including retirees), children of Egyptian widows and divorcees, children of mothers who passed their Egyptian high school exams, continuous residents of Egypt and students in need of financial
assistance, however, are exempt from ninety percent of school and university fees. Since 2000 Palestinian students at Egyptian schools are exempt from paying fees due to the economic difficulties facing Palestinians as a result of the second intifada. [24]

**Travel Documents:** Most Palestinian refugees and internally displaced are stateless persons (See box below – Status of Palestinian Refugees under the Statelessness Conventions) and require travel documents in order to move across international borders. Most Arab host states issue travel documents in accordance with provisions in the Casablanca Protocol. Refugees residing in states signatories to the 1951 Refugee Convention and recognized as ‘Convention Refugees’ are eligible for Convention travel documents. Some states, including Iraq and Syria require all persons, including Palestinian refugees to obtain special permission to travel abroad.

Refugees in Egypt and Iraq are eligible for a five-year travel document. [25] Syria issues six-year travel documents. Most refugees in Lebanon receive a single-year travel document; unregistered refugees, however, are only eligible for a document valid for three months with a stamp indicating ‘Not Valid for Return’. [26] Palestinian refugees displaced to Jordan in 1948 hold Jordanian citizenship and do not require travel documents. Palestinian refugees from the occupied Gaza Strip who entered Jordan during and after the 1967 war do not have Jordanian citizenship; many use Egyptian-issued travel documents [27] when traveling abroad.

Egypt is one of the only LAS member states that requires Palestinian refugees holding travel documents to obtain an entry visa, transit or return visa prior to entry or transit through Egypt. [28] Palestinian refugees from the occupied Gaza Strip who entered Jordan during and after the 1967 war also require return visas to re-enter Jordan.

Palestinian refugees and internally displaced persons in the 1967 occupied Palestinian territories may obtain a ‘Palestinian Passport’ that functions as a travel document. [29] Refugees and IDPs who held Jordanian passports before July 1988 [30], are also eligible for a five-year renewable Jordanian passport that functions as a travel document. Holders of a Palestinian passport and a passport from a second state must enter and exit the occupied Palestinian territories on their ‘Palestinian Passport’. Palestinian residents of Jerusalem who hold Jordanian passports and wish to travel via land to Jordan must obtain a permit from the Israeli Ministry of Interior; a laissez passer is required for travel via Israel’s international airport. Since January 2002 holders of Palestinian passports from the occupied West Bank and Gaza Strip, including Palestinians with dual citizenship, are not permitted to exit or enter Israel through Ben Gurion International Airport in Tel Aviv. [31]

**Residency:** Arab states generally grant residency status to Palestinian refugees in accordance with the Casablanca Protocol, however, residency status varies. [32] Palestinian refugees from the occupied West Bank who took up residence in Jordan before 1 June 1983 are eligible for full residency and hold yellow cards. [33] Most Palestinian refugees residing in Egypt hold temporary residency permits valid for one to three years. [34] In Lebanon only those Palestinian refugees who took direct refuge in Lebanon in 1948 are eligible for residency. [35] Since 2002 Arab citizens/residents from non-Gulf Cooperation Council states, including Palestinian refugees, are not allowed to stay in Kuwait for more than three months. [36] Foreigners must leave the country upon termination of employment.
Palestinian refugees and internally displaced persons in the 1967 occupied Palestinian territories have the same residency status as non-refugee Palestinians: they are considered resident aliens or foreigners under Israeli civil and military law. Israel retains overall control of the regulation of residency status in the OPTs.

Egypt and Jordan are the only Arab host states that require Palestinian refugees to regularly renew their residency status. In Jordan, however, only those Palestinian refugees from the occupied Gaza Strip who entered Jordan during and immediately after the 1967 war must renew their residency status on a regular basis.

Dual nationality is generally not recognized in the Arab world. Few Palestinian refugees have acquired citizenship in Arab host states with the exception of refugees in Jordan. Palestinian refugees in Iraq are granted preferential treatment in respect of naturalization. Palestinian refugees in Syria may acquire Syrian citizenship if they are women married to Syrian men, had Syrian citizenship before 1948 or by special dispensation from the Ministry of the Interior. A small number of Palestinian refugees have acquired citizenship in Lebanon. In Kuwait foreigners are required to have ten years residence before becoming eligible for citizenship.

**Housing and Property:** In most Arab host states, except Jordan and Iraq, Palestinian refugees and internally displaced are not permitted to own property on par with host state nationals. The Casablanca Protocol does not address the right to property. Palestinians who took up residency in Jordan during or immediately after...
1967, however, are not permitted to own, rent or sell immovable property without government permission.\textsuperscript{46}

Refugees in Syria and Egypt may own property but subject to restrictions. In Syria refugees may not own arable land; however, they may acquire a single home provided s/he is registered with the General Authority for Palestine Refugees. Palestinian refugees in Egypt have the same right to own immovable property as foreign aliens.\textsuperscript{47} Property ownership in Egypt is limited to a single private residence; a business may be acquired in partnership with an Egyptian national. Foreigners are not permitted to own agricultural land or desert land in Egypt.\textsuperscript{48}

Palestinian refugees in Lebanon and Kuwait are not permitted to own immovable property.\textsuperscript{49} Several tens of thousands of Palestinian refugees who have obtained Lebanese citizenship have the right to own property.

Palestinian refugees and IDPs in the 1967 occupied Palestinian territories have the right to own property. The right to property, however, is often violated by Israel’s military occupation and related regime comprising military closures, permit system, roadblocks, curfews and property destruction. Military orders have enabled Israel to acquire control of vast areas of Palestinian land and property, including refugee property.\textsuperscript{50} Property in the occupied territories held by the state of Israel and the Jewish National Fund may not be transferred by sale or in any other manner.\textsuperscript{51} The construction of a separation Wall in the occupied West Bank beginning in 2002 has imposed further restrictions on the right to property.
Protection

Protection in Israel

More than a quarter of a million internally displaced Palestinians reside in Israel. As a successor state established in three-quarters of the land area of former Palestine, Israel is the ‘country of origin’ for the majority of Palestinian refugees and internally displaced persons. Israel grants preferential treatment to Jewish Israelis in accordance with Israel’s status as a ‘Jewish state’.

Status of Palestinian Refugees under the 1965 Protocol on the Treatment of Palestinians

The 1965 Protocol on the Treatment of Palestinians promulgated by the League of Arab States delineates standards for the treatment of Palestinian refugees in the Arab world. The Casablanca Protocol is narrower in scope than relevant international instruments. It only addresses residency status, travel documents and employment rights. The Casablanca Protocol does not address the specific circumstances of those Palestinians displaced for the first time in 1967, displaced Palestinians who are neither 1948 or 1967 refugees and internally displaced Palestinians. Several other regional agreements (see 1992 Cairo Declaration below) clarify legal principles concerning Palestinian refugees but are not considered binding instruments.

The Casablanca Protocol establishes a set of guidelines for member states of the LAS regarding the treatment of Palestinian refugees. Under the Protocol Palestinians have the right to employment on par with nationals of the host country, the right to leave and enter host states, freedom of movement, the right to a travel document and the right to the same treatment as LAS nationals with regard to visas and residency applications. While the Protocol is narrower in scope than the 1951 Refugee Convention some of its provisions provide greater rights in theory than those set forth in the 1951 Refugee Convention. In the area of self-employment and employment in the liberal professions the Protocol provides for the same treatment as nationals whereas the 1951 Refugee Convention only provides for as favorable treatment as possible and not less than accorded to aliens. Article 26 of the 1951 Refugee Convention provides for freedom of movement within the host country, whereas Articles 2 and 3 of the Casablanca Protocol also provide for freedom of movement between Arab states. The Casablanca Protocol, however, is not a Convention and is not considered to be legally binding on states signatory to the Protocol.

The draft 1992 Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World delineates principles for the protection of refugees and displaced persons in the Arab world but does not have the legal status of a convention. During the 1990s Arab human rights and refugee law experts in the region participated in a joint process with the UNHCR and the San Remo Institute for Humanitarian Law resulting in the draft regional covenant. The declaration emphasizes the need to ensure international protection for Palestinian refugees, encourages Arab states that have not done so to accede to the 1951 Refugee Convention, and calls upon Arab states to provide the LAS with relevant information concerning the status of Palestinian refugees in host countries.

The PLO and Refugee Protection

The PLO Department of Refugee Affairs is responsible for Palestinian refugees in all areas of exile. Historically, the PLO has attempted to protect Palestinian refugees through diplomatic interventions with relevant state authorities. Palestinian refugees with protection concerns are able, in principle, to approach PLO missions in host countries to obtain protection assistance from the organization.

In the 1960s, for example, the PLO appealed to the Kuwaiti government to increase the number of Palestinians admitted into government schools. The situation improved until the 1967 war when additional refugees arrived in the country. The PLO later concluded an agreement with the government that enabled Palestinians to run their own schools. The program lasted until 1976. In the 1980s the PLO made interventions with Egyptian authorities after the introduction of new legislation under which Palestinians in Egypt were no longer permitted to own agricultural land. In the 1990s, the PLO approached UNRWA, UNHCR and other international organizations about the possibility of registering Palestinian refugees in Iraq with UNRWA in order to improve levels of assistance.

Protection provided by the PLO, however, has been susceptible to political developments in host countries. In 1982, for example, the PLO was forced to leave Lebanon leaving Palestinians without a diplomatic address to seek protection assistance. During the late 1970s and again in the 1980s relations between Egypt and the PLO declined leaving Palestinians with less effective protection. In the 1990s, Kuwait severed relations and funding to the PLO after then Chairman Yasser Arafat threw his support behind former Iraqi President Saddam Hussein who had invaded Kuwait. Palestinian refugees in Kuwait were left without effective diplomatic protection and most were forced to leave the country.
**Employment:** Internally displaced Palestinians hold Israeli citizenship and have the same right to employment as Jewish nationals of Israel. Discrimination with regard to employment is prohibited, however, Palestinians experience informal discrimination in the public and private sector.⁵⁹ (See Chapter Three – Living Conditions for indicators)

**Education:** Internally displaced Palestinians also have the right to education. Israel has separate independent education systems – state secular and state [Jewish] religious – in accordance with Israel’s status as a ‘Jewish state’⁶⁰. The education system aims to advance Jewish culture and Zionist ideology. There are no state institutions to meet the distinct religious needs of Palestinian Muslims and Christians.

**Residency:** Internally displaced Palestinians are citizens of Israel.⁶¹ Israel’s nationality law effectively excludes all Palestinians displaced outside the borders of the state from acquiring residency and citizenship. Israeli citizenship is almost never granted to non-Jews. All Jews, regardless of their national origin or citizenship, have the right to residency and citizenship in Israel in accordance with Israel’s status as a ‘Jewish state’.⁶² Palestinian citizens who marry Palestinian residents of the 1967 occupied Palestinian territories may face difficulties in retaining their citizenship and residency status in Israel.

**Housing and Property:** Internally displaced Palestinians have the right to own property, however, Israel has adopted a series of laws to confiscate and transfer immovable property owned by Palestinians to the state and the Jewish National Fund.⁶³ Property held by the state and the JNF may not be transferred by sale or in any other manner.⁶⁴ Internally displaced Palestinians are considered ‘present absentees’ under Israeli law with regard to property owned or used before 1948 and cannot repossess such property now held by the Office of the Custodian of Absentees’ Property. Jews may repossess property managed by the Custodian.

**Protection in Countries outside the Arab World**

More than half a million Palestinian refugees reside outside the Arab world in Europe, the Americas and elsewhere. Most arrived there as a result of either voluntary or forced migration from Arab states of first asylum. National protection varies among host states depending on national asylum law and interpretation and application of the 1951 Refugee Convention. Palestinians seeking protection outside the Arab world generally have the right to stay in the country of asylum during the determination process. In many countries, but not all, asylum seekers are permitted to work and provided with basic housing.

Successful Palestinian applicants are usually not granted asylum/citizenship status but recognized as refugees and afforded protection in accordance with the standards of the 1951 Refugee Convention. Most Palestinian refugees seeking protection outside the Arab world, however, fail to obtain legal status and related protections because national authorities do not apply or apply erroneous interpretations of the 1951 Refugee Convention to Palestinian refugees.

National authorities have adopted at least four different approaches and eight different interpretations of Article 1D of the 1951 Refugee Convention relevant to Palestinian

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¹This section is based on Elna Sondergaard, *Closing Protection Gaps, Handbook on Palestinian Refugees in States Signatories to the 1951 Refugee Convention*. Forthcoming from BADIL 2005.
refugees (See box below — Status of Palestinian Refugees under the 1951 Convention Relating to the Status of Refugees). Only few countries, among them Hungary and Finland, apply Article 1D properly and convey refugee status under Article 1D. Many countries have not incorporated Article 1D into national legislation (e.g. Canada and the US) or do not apply Article 1D in national asylum practice (e.g. Austria, Belgium, Italy, and Switzerland).

Other countries apply Article 1D but based on erroneous interpretations of the meaning of its exclusion and inclusion clauses. In Germany Palestinians can obtain refugee status under Article 1D only if they have not ‘voluntarily relinquished’ UNRWA assistance, in Denmark and France only if UNRWA ceases its functions and in the Netherlands only if they are unable to return to their country of former habitual residence due to a well-founded fear of persecution in that country and cannot invoke UNRWA protection there. In Norway only Palestinian refugees from the occupied West Bank and Gaza Strip are granted refugee status under Article 1D, and in Sweden Article 1D conveys certain rights and benefits only after Palestinian asylum seekers have obtained a permanent residence permit.

In the United Kingdom Article 1D is interpreted as meaning that Palestinians who were born on or before 28 July 1951 and who were assisted by UNRWA on that date are permanently excluded from applying for refugee status under the 1951 Refugee Convention. In other countries (e.g. Australia, New Zealand and the UK) Article 1D is interpreted as not having an inclusion clause which would automatically grant benefits of the 1951 Refugee Convention to Palestinian refugees. It is rather interpreted as a provision which may exclude Palestinian refugees from the scope of the Convention. They may, however, qualify under Article 1A(2).

All these interpretations lead to the same conclusion: that asylum claims submitted by Palestinian refugees are assessed under the criteria set out in Article 1A(2) and/or other criteria, for example, protection on humanitarian grounds. Thus, due to the particular interpretation adopted by national authorities and courts, Palestinian asylum seekers have not derived any rights and benefits from the primary provision of the 1951 Refugee Convention relevant to their case (i.e. Article 1D) beyond the ‘right’ to not be excluded from applying for asylum.

Due to the lack of implementation of Article 1D and the difficulties Palestinian refugees face with fulfilling the criteria set out in Article 1A(2) the availability of complementary forms of protection become important for Palestinian refugees seeking a legal status in third countries. The legal status and rights granted under a complementary form of protection are often similar to those granted to recognized refugees. In Poland, Spain and Sweden Palestinians from the occupied Palestinian territories are currently granted residence permits on humanitarian grounds due to the ongoing conflict. This includes a formal legal status with defined rights. In other countries, such as Germany and Switzerland, however, complementary protection is no more than a temporary suspension of a deportation order.

Few countries possess a specialized procedure designed for examining an applicant’s claim of statelessness. Like in the case of complementary forms of protection this problem is not specifically related to Palestinians. In most countries in which stateless claims are examined, no practice has developed with regard to recognition of Palestinians as stateless persons. This may be explained by the fact that most national authorities examine
Palestinians under domestic asylum law including frameworks for complementary forms of protection. Some Palestinians have been recognized as stateless persons in Belgium, France, Germany and Switzerland, and granted the benefits of the 1954 Convention Relating to the Status of Stateless Persons.\textsuperscript{66} (See box below – The Status of Palestinian Refugees under the Stateless Conventions)

Like other asylum seekers, Palestinians with a final negative decision in their asylum application and not granted a complementary form of protection are requested to leave. As stateless persons, however, they often have no where to go because no state will allow them to (re) enter their territory. They are, therefore, at risk of being caught in a state of legal limbo. In some countries, such as Australia, Spain and the United States, rejected asylum seekers may be detained. In many countries, including Germany, Switzerland, Belgium, France, Sweden and the UK, rejected asylum seekers who cannot be returned or removed are tolerated to stay but without legal status. In other countries, such as Denmark, rejected asylum seekers who cannot be returned may receive a legal status, at least after some time and often in the framework of complementary forms of protection.

**Status of Palestinian Refugees under the 1951 Convention relating to the Status of Refugees**

The primary instrument governing the status of refugees in international refugee law is the 1951 Convention Relating to the Status of Refugees. The Convention requires states to grant refugees certain rights, including freedom of religion, rights in movable and immovable property, access to courts, freedom from undue restrictions on employment, primary education and identity papers.

Palestinian refugees have a unique status under the 1951 Refugee Convention.\textsuperscript{67} The majority of Palestinian refugees are \textit{prima facie} refugees (i.e. refugees in the absence of evidence to the contrary). The factual ‘trigger’ for the inclusion of Palestinian refugees displaced in 1948 as ‘Convention refugees’ is different than that applied to all other refugees. Generally, refugees are considered to be Convention refugees according to the criteria set forth in Article 1A of the Convention. This includes individuals, who have,

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... as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Palestinian refugees displaced in 1948 and 1967, however, fall under the scope of the 1951 Refugee Convention according to the criteria set forth in Article 1D. Article 1D states:

This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.
Protection

Article 1D was inserted into the 1951 Refugee Convention to address: 1) the factual circumstances of Palestinian refugees at the time of the drafting of the Convention; and, 2) possible developments relative to the protection of this particular refugee population in the future.

Due to the fact that Palestinian refugees displaced in 1948 and 1967 were already receiving protection or assistance from the United Nations (i.e. the UN Conciliation Commission for Palestine/UNCCP and the UN Relief and Works Agency/UNRWA, respectively), the international community decided to suspend application of the Refugee Convention (See the first clause of Article 1D) in order to avoid overlapping, and potentially conflicting mandates between the UNCCP and the Office of the UN High Commissioner for Refugees (UNHCR), the UN body mandated to provide protection for refugees worldwide. A number of states also felt at the time that Palestinian refugees should not be placed in a more general category of refugees considering the fact that the United Nations itself was partially responsible for the refugee crisis due to the recommendation to partition Palestine into two states (UNGA Resolution 181) against the express wish of the majority of the indigenous inhabitants of the country. Moreover, there was a concern that Palestinian refugees would be relegated to a position of minor importance within the global refugee regime. Palestinian refugees displaced for the first time in 1967 fall within the provisions set forth in Article 1D due to the fact that they already receive assistance or protection from the United Nations (See the first clause of Article 1D). UNRWA has provided assistance to this group of refugees since 1967 by special request of the UN General Assembly (Resolution 2252 ES-V, 4 July 1967).

In the event that UNCCP protection or UNRWA assistance ceased to exist for any reason, however, the international community included a provision (i.e. ‘trigger’) in the Refugee Convention (See the second clause of Article 1D) to activate the application of the Convention and inclusion of Palestinian refugees as ‘Convention refugees.’ The trigger for the application of the Refugee Convention to Palestinian refugees displaced in 1948 was activated in the early 1950s when the UNCCP ceased to provide effective protection for Palestinian refugees. The trigger for the application of the Refugee Convention (See the second clause of Article 1D) to Palestinian refugees displaced for the first time in 1967 has been activated by the ‘cessation’ of protection for this group of refugees – i.e. the international community has never provided systematic international protection to Palestinian refugees displaced for the first time in 1967. The intent and purpose of Article 1D is to ensure comprehensive international protection and assistance for Palestinian refugees until their situation is resolved according to relevant UN General Assembly resolutions.

Palestinian refugees who are neither 1948 or 1967 refugees and are outside the Palestinian territories occupied by Israel since 1967 and are unable to return due to revocation of residency rights, denial of family reunification, deportation, etc., or unwilling to return there owing to a well-founded fear of persecution fall under Article 1A of the 1951 Refugee Convention. Article 1D of the Refugee Convention does not apply to this group of Palestinian refugees due to the fact that they do not receive protection or assistance from other organs or agencies of the United Nations.

The Refugee Convention also includes specific criteria concerning the cessation of refugee status. Generally, the cessation of refugee status under the Convention is governed by the six conditions set forth in Article 1C. These include the acquisition of effective protection, reacquisition of a lost nationality or the acquisition of a new nationality. It is important to note that cessation of refugee status under the 1951 Refugee Convention does not extinguish the right of a refugee to return to his home of origin. The right to international protection and the right to return are two different rights under international law. A refugee may thus acquire a new nationality, but still be entitled to exercise a right of return.

The Status of Palestinian IDPs under the 1998 Guiding Principles on Internal Displacement

The status of internally displaced Palestinians inside 1948 Palestine/Israel and in the 1967 occupied Palestinian territories is similar to that of other internally displaced persons. Internally displaced persons are not covered by the 1951 Refugee Convention. There is no international convention that sets forth the rights and duties of internally displaced persons and concomitant obligations of states. The 1998 Guiding Principles on Internal Displacement adopted by the UN Commission of Human Rights, however, outlines the specific rights of internally displaced persons, and the obligations of states towards internally displaced population groups. The Guiding Principles, which are based on a review of international instruments, affirm the right of internally displaced persons to request international humanitarian assistance, the right of international actors to offer such assistance, and the duty of states to accept such offers.
The Status of Palestinian Refugees under the Stateless Conventions

A person who is not considered as a national by any State under the operation of its law is called a stateless person. Stateless persons who are refugees are covered by the 1951 Refugee Convention. For stateless persons who are excluded from the coverage of the Refugee Convention, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness provide an additional regime for protection under international law. The Conventions, however, have limited reach as they have been ratified by very few states.

Palestinians became stateless in 1948 with the end of the British mandate and the creation of a Jewish state (i.e. Israel) in 78 percent of the territory of historic mandate Palestine. Palestinian citizenship terminated with the mandate and with the proclamation of the state of Israel on 15 May 1948. Israel’s 1952 Nationality Law confirmed the repeal of the Palestine Citizenship Orders (1925-42), retroactively from the day of the establishment of the state of Israel. Israel’s 1952 Nationality Law effectively denied Israeli citizenship to the majority of 1948 Palestinian refugees – i.e. they were denationalized. While a significant number of states have recognized ‘Palestine’ as an independent state, following the declaration of independence by the Palestine Liberation Organization (PLO) on 15 November 1988, Palestine as an entity still does not meet the international legal criteria of statehood: a permanent population, a defined territory, government, and the capacity to enter into relations with other states. The majority of the Palestinian people worldwide are both refugees and stateless persons.

The 1954 Convention Relating to the Status of Stateless Persons was adopted to regulate and improve the status of stateless persons and assure stateless persons the widest possible exercise of fundamental human rights and freedoms. The 1954 Convention provides stateless persons with similar benefits to those that the 1951 Refugee Convention provides to refugees. The 1961 Convention on the Reduction of Statelessness was drafted to address the gaps left by the 1954 Stateless Convention, and to reduce as much as possible, or eliminate the phenomenon of statelessness. According to Article 1, a contracting state must grant its nationality to a person born in its territory who would otherwise be stateless at birth, by operation of law, or upon application. It also prohibits, with a number of exceptions, depriving someone of their nationality and categorically prohibits denial of nationality on grounds of race, religion or political opinion.

International Protection

International protection is required when states are either unable or unwilling to protect refugees and IDPs. International protection activities include ensuring asylum, securing basic human rights, provision of travel documents as well as facilitating durable solutions and monitoring the treatment of refugees once they return home to ensure provision of national protection.

The Office of the UN High Commissioner for Refugees is the primary international body mandated to provide international protection for refugees worldwide. The Office works closely with other international and national organizations and states. UNHCR does not have an explicit mandate to protect internally displaced persons; however, the refugee agency may carry out expanded functions by request of the UN Secretary General and the General Assembly. The UNHCR only provides protection to eligible Palestinian refugees outside UNRWA areas of operation – i.e. West Bank, Gaza Strip, Jordan, Lebanon and Syria.

The United Nations established a separate organ – the UN Conciliation Commission for Palestine – to provide international protection to all persons displaced during the 1948 war in Palestine. The UN did not establish a special organ for Palestinian refugees displaced for the first time in 1967 or for internally displaced Palestinians.
Protection in the 1967 occupied Palestinian territories. The UNCCP is no longer active.

The League of Arab States has provided a form of temporary protection for Palestinian refugees in member states for more than five decades. This includes the adoption of regional standards for the treatment of Palestinians in Arab states and the establishment of a number of bodies to oversee Palestinian affairs in member states.

The international community currently recognizes no international agency as having an explicit mandate to protect 1948 and 1967 Palestinian refugees and internally displaced persons in UNRWA areas of operation. A number of other international organizations, however, have provided a limited degree of protection for Palestinian refugees over the past five decades. These include the International Committee of the Red Cross and the UN Relief and Works Agency for Palestine Refugees.

**The United Nations Conciliation Commission for Palestine (UNCCP)**

The United Nations Conciliation Commission for Palestine was established under paragraph 2 of UN General Assembly Resolution 194(III). The General Assembly authorized the Commission to protect the rights, property and interests of all persons displaced in 1948. The UNCCP does not have a protection mandate for other categories of Palestinian refugees and internally displaced persons. The Commission is comprised of representatives of the United States, France and Turkey and is empowered to create sub-organs, as necessary, in order to fulfill its mandate. Today the Commission has no budget and no staff. The secretary of the UNCCP is a staff member of the UN Department of Political Affairs.

During its early years of operation, the Commission attempted to provide legal, diplomatic and physical protection for refugees displaced during the 1948 war. The newly-established state of Israel assumed responsibility for Jews displaced during the war. UNCCP protection activities therefore focused on stateless Palestinian Arab refugees. The UNCCP established several subsidiary bodies, including a Technical Committee and an Economic Survey Mission, to investigate and recommend immediate measures, which might be taken to safeguard the rights and property of the refugees.

Immediate efforts were undertaken to persuade Israel to permit the return of certain categories of refugees (without prejudice to the right of all refugees to return to their homes) based on humanitarian considerations. The UNCCP attempted to facilitate the return of owners of citrus groves and their laborers, for example, in order to reduce the total number of persons in need of relief. Similar efforts were made to ensure access for Palestinian Arab farmers who had been cut off from their lands by the 1949 armistice lines.

The UNCCP also attempted to reunite separated Palestinian Arab families. The program focused on repatriation of dependents (i.e. children and female spouses) with breadwinners who had remained in the territory that became the state of Israel. The Commission also appealed to Israeli officials to allow religious leaders and other clergy to return to their places of origin. At the same time, the Commission urged Israel to allow freedom of worship and respect the sanctity of mosques and churches.
Finally, the UNCCP engaged in various activities to protect the legal status and rights of refugees. The Commission drafted a refugee definition to identify those persons in need of international protection. It also worked with Israeli officials to facilitate refugee access to blocked savings accounts and assets in banks inside Israel. Appeals were also made to Israeli officials to abrogate discriminatory laws adopted in the aftermath of the displacement of the Palestinian population and initial efforts were begun to identify and document refugee property inside Israel.

UNCCP efforts met with mixed success. The UN General Assembly adopted the recommendations drafted by one of the Commission’s sub-organs, the Economic Survey Mission, for short and long term economic relief. This included the creation of a new mechanism, the UN Relief and Works Agency for Palestine Refugees. (See Chapter Four – Assistance) The Commission also succeeded in facilitating the release of blocked accounts and assets. The Israeli government and the Israeli Custodian of Absentees’ Property retained a significant proportion of the monetary value of accounts and assets, however, through the imposition of taxes and administration fees.

Through the family reunification program a small number of refugee dependents were able to return. In late 1949 and early 1950, for example, approximately 800 dependents who had been displaced to Jordan and Lebanon were able to rejoin family members inside Israel. In February 1950, 115 refugee dependents were able to cross into Israel from the Gaza Strip. Palestinian inhabitants of two villages cut by the armistice lines were permitted to cultivate their land in territory held by Israel.

At the same time, however, Israel refused to permit the immediate return of owners of citrus groves and their laborers. Israeli officials rejected UNCCP appeals to abrogate discriminatory property laws and refused to release religious property, particularly that belonging to the Muslim community. The UNCCP was unable to significantly advance political negotiations between Israel and the Arab states.

When the United Nations established the UNCCP in 1948 it was assumed that the refugees would return to their places of origin within a short period of time. The Commission was not provided with the machinery or with the resources to protect Palestinian refugees in the context of a protracted conflict. The ability of the Commission to fulfill its mandate, moreover, was compromised by the lack of international political will.

By the early 1950s, the UNCCP had reached the conclusion that it was unable to fulfill its mandate. The UN General Assembly decision to merge refugee protection with the larger task of Arab-Israeli conciliation ultimately compromised the Commission’s ability to protect and promote the legal rights of the refugees. The rights affirmed in Resolution 194(III) were often deferred in light of what the Commission came to view as the practicalities on the ground – i.e. Israel’s opposition to the return of the refugees.

In light of the ongoing stalemate in political negotiations, the UN Secretary General recommended that the UNCCP focus its protection activities on the identification and evaluation of Palestinian property. The General Assembly accepted the recommendation and the UNCCP budget was reduced to conform to the Commission’s limited protection activities. As of 1952, the Commission has taken the
view that the governments concerned have the primary responsibility for the settlement of their outstanding differences, including the plight of the refugees.\textsuperscript{74}

Since this period, the UNCCP has not provided Palestinian refugees with the basic international protection accorded to all other refugees. Today the UNCCP still exists in name and produces an annual one-page report on its activities.

\textbf{The Office of the UN High Commissioner for Refugees}

The United Nations General Assembly established the Office of the UN High Commissioner for Refugees – Resolution 319(IV) – in 1949. It is the primary international body mandated to provide protection to refugees worldwide. This includes persons considered to be refugees under the \textit{1951 Convention relating to the Status of Refugees}. UNHCR is also the primary body mandated to provide protection to stateless persons.\textsuperscript{75}

UNHCR recognizes 1948 and 1967 Palestinian refugees outside UNRWA areas of operation as \textit{prima facie} ‘Convention refugees’ under Article 1D of the 1951 Refugee Convention.\textsuperscript{76} In other words, they do not need to prove individual persecution under Article 1A. Descendants of 1948 and 1967 refugees are also entitled to protection under the Refugee Convention, even if they have never lived in one of UNRWA’s areas of operation.

Other Palestinians displaced after 1967, who are neither 1948 or 1967 refugees, and are considered refugees according to Article 1A of the Convention also fall within the protection mandate of UNHCR. As of 2003 UNHCR statistics indicate that an estimated 428,000 Palestinian refugees or five percent of the total Palestinian refugee population (not including internally displaced persons), fall within the UNHCR mandate.\textsuperscript{77}

UNHCR’s approach to 1948 and 1967 Palestinian refugees may be explained by a variety of factors, including: the absence of an inclusion clause for Palestinian refugees in the 1950 Statute of the UNHCR, similar to the second clause of Article 1D of the 1951 Refugee Convention; the perception that the ‘political character’ of the Palestinian refugee case is incompatible with the ‘neutral character’ of UNHCR protection activities; financial concerns related to the inclusion of millions of additional refugees in UNHCR programs; and, combined Western and Arab opposition to the inclusion of all Palestinian refugees within the protection mandate of the UNHCR.

Agency protection activities for Palestinian refugees include assistance concerning travel documents, renewal of registration cards for refugees outside the areas of UNRWA operations, and facilitation of interim solutions for Palestinian refugees in cases of forced departure from Arab host countries. After the Palestine Liberation Organization was forced to leave Lebanon in 1982, for example, UNHCR intervened with the Lebanese authorities on behalf of Palestinian refugees who had experienced difficulty in obtaining the renewal of Lebanese travel documents.

During the 1990-91 Gulf War UNHCR extended protection services and provided material assistance for several hundred thousand Palestinian refugees in the Gulf States confronted with detention and forced departure. Between 1995 and 1997, UNHCR
provided assistance to Palestinian refugees stranded on the Libyan-Egyptian border after being expelled from Libya in 1995. And UNHCR has provided protection and material assistance to Palestinian refugees displaced during the 2003 war in Iraq.

The UNHCR recognizes the protection gap faced by 1948 and 1967 Palestinian refugees and has issued several calls to remedy the problem. Following the massacre of several thousand Palestinian refugees in Beirut in September 1982 by Israeli-allied Lebanese Phalangist militiamen, for example, the UNHCR Executive Committee, the advisory body to the High Commissioner, “expressed the hope that measures would be taken to protect refugees against such attacks and to aid the victims.”

During the late 1980s and the early 1990s in the context of the first Palestinian intifada in the 1967 occupied territories, the UNHCR issued numerous executive committee conclusions that “[e]xpressed concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would be undertaken within the United Nations system to address their protection needs.” [Emphasis added]

**The League of Arab States (UNHCR)**

The League of Arab States was established in 1945 with the “purpose of ... draw[ing] closer the relations between member States and coordinat[ing] their activities with the aim of realizing a close collaboration between them ....” The League comprises three
main bodies: the Council of Ministers, the General Secretariat and the Permanent Committees for each field of cooperation between members.

The LAS Council and the Council of Arab Ministers of the Interior have adopted a series of resolutions concerning the status and treatment of Palestinian refugees in their territories. Resolutions are based on proposals and suggestions submitted to the League by the permanent Palestinian representative, the General Administration for Palestine Affairs at the General Secretariat and the Supervisory Council on Palestinian Refugees Affairs in Arab host states.

The primary resolution concerning the status and treatment of Palestinian refugees in Arab states is the *1965 Protocol on the Treatment of Palestinians*. (See box above – Status of Palestinians under the 1965 Protocol on the Treatment of Palestinians) Jordan, Algeria, Sudan, Iraq, Syria, Egypt, Yemen, Kuwait, Lebanon, and Libya have ratified the Casablanca Protocol. Kuwait, Lebanon, and Libya endorsed the Protocol but with reservations.\(^1\) Saudi Arabia, Morocco and Tunisia are not signatories. In 1991 the League of Arab states adopted Resolution 5093, which authorized states to treat Palestinian refugees in accordance with local norms rather than the provisions set forth in the Protocol.\(^2\)

Resolutions also address the reunification of divided families (e.g. Resolution 424, 14 September 1954) and the issuance of a standard travel document (e.g. Resolution 18, 9 April 1953). No uniform identity paper or travel document, however, has ever been designed or issued by the Arab League. Travel documents are issued by individual member states. In 1970 the Supervisors Conference adopted Resolution 2600 stating that the acquisition of another nationality would not trigger the cessation of refugee status. In 1977, the PLO proposed that a Palestinian passport be issued which would be recognized beyond the Arab region. The proposal was never implemented, however, due to the absence of a Palestinian state and lack of sufficient Arab political will.

The League has established a number of bodies to oversee Palestinian affairs in member states. This includes the Conference of Supervisors of Palestinian Affairs (‘Supervisors Conference’), comprised of heads of government departments in host countries that administer Palestinian refugee affairs. The Supervisors Conference was established in 1964 to succeed the Heads of Departments of Palestine Affairs, which was set up in 1959 to study all aspects of the Palestinian problem.

The Supervisors Conference meets bi-annually. Membership is limited to supervisors of refugee affairs. Issues of concern include follow-up on UNRWA assistance activities, issues related to refugee travel, residency, education and employment and discussion of all matters related to general developments in the Palestinian issue. Delegations from Jordan, Syria, Lebanon, Egypt, the PLO and the League General Secretariat usually attend.

The Supervisors Conference has conducted investigations into member state compliance with the Casablanca Protocol. During a 1985 field visit to Arab states with significant Palestinian refugee populations, for example, the League obtained written assurances by states to relax arbitrary measures imposed on the refugees. The League has also formed additional committees to investigate specific protection problems. In 1976, for example, the LAS formed a committee comprised of Saudi Arabia, Egypt,
Syria and Kuwait to liaise with Lebanon concerning the implementation of the Cairo Agreement and its annexes.

Implementation of LAS standards varies. Despite the obligation to provide the same treatment as nationals in the areas of employment, the right to leave and enter, travel documents, and visas and residence, treatment accorded to Palestinian refugees in Egypt, Libya, Kuwait and other Gulf states, in particular, is often similar to protection standards accorded to foreigners. In contrast, Palestinian refugees in Jordan, Syria, Iraq, Algeria, Morocco and Tunisia generally enjoy relatively favorable treatment by host country authorities.

LAS monitoring and enforcement initiatives have not produced significant or lasting improvements. Investigations conducted by the Supervisors Conference have concluded that implementation of LAS standards for the treatment of Palestinians in member states is poor. Following the 1991 Gulf war, for example, several states, including Kuwait, Lebanon and Libya that had lifted some restrictions on Palestinian refugees after LAS intervention imposed new restrictions on refugees.

The Arab League and UNHCR have also signed a cooperation agreement that provides for periodical consultation, mutual representation, exchange of documents and information and cooperation with UNRWA. The Arab League and UNHCR have reaffirmed their support in maintaining the United Nations Relief and Works Agency and the continuation of its services to refugees in its five areas of operation until a just solution for the problem of refugees is found on the basis of United Nations resolutions.
The International Committee of the Red Cross (ICRC)

The International Committee of the Red Cross is the main body responsible for the implementation of international humanitarian law. Over the course of five decades of conflict in the Middle East, the ICRC has provided basic protection to Palestinian refugees in cooperation with the League of Red Crescent Societies.

During the 1948 war in Palestine, ICRC civilian programs focused on physical protection, prevention of forced expulsion, tracing of missing persons, family reunification and facilitation of the return of refugees to their places of origin. The Committee established refugee camps to provide shelter and undertook several census operations to register Palestinian refugees. The ICRC also attempted to ensure protection for those refugees who had spontaneously returned to their homes inside Israel.

The ICRC provided similar types of protection during the 1967 Israeli-Arab war. In 1968, for example, the ICRC facilitated the return of some 200 refugee children who had been displaced to Jordan during the war. The ICRC also made numerous appeals to Israeli officials concerning the destruction of Palestinian homes and villages, calling upon Israel to cease demolition operations and assist in the reconstruction of the homes and pay compensation to the owners.

Since 1967, the ICRC has continued to provide protection to Palestinian civilians, including refugees in the occupied Palestinian territories. Under international humanitarian law relevant to occupied territory, the parties to a conflict may appoint a “Protecting Power” to safeguard the interests of parties to a conflict, including citizens. No Protecting Power has been appointed for the 1967 occupied Palestinian territories. In 1972 the ICRC offered to act as a substitute Protecting Power in the territories, however, Israel rejected the offer. ICRC protection, therefore, is limited to the extent that Israel is willing to cooperate.

Protection activities have included intervention concerning special cases seeking family reunification and intervention with the Israeli authorities in response to violations of humanitarian law, such as expropriation of land, deportation and house demolition. When Israel began systematic and widespread demolition of refugee shelters in Gaza camps in the 1970s, the ICRC appealed to the Israeli government for the cessation of the demolition program. Following complaints by refugees, Red Cross officials requested Israel to close down offices located in refugee camps that were offering subsidies to ‘voluntary emigrants’ as a way of facilitating continued transfer of the Palestinian population.

The International Committee of the Red Cross has also worked actively alongside the UN Relief and Works Agency (UNRWA) in the occupied territories and in Lebanon to provide protection for refugees during periods of political crises and popular unrest. Following the outbreak of the second Palestinian intifada in September 2000 and Israel’s military response to the uprising, for example, the ICRC deployed additional delegates in the 1967 occupied Palestinian territories. Delegates monitor developments and work closely with the Palestinian Red Crescent Society (PRCS) to ensure safe passage for emergency medical services.

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

The UN Relief and Works Agency for Palestine Refugees is the primary international body mandated to provide assistance to Palestinian refugees. UNRWA does not have an explicit mandate to provide international protection. As UNRWA noted in reference to the need for international protection of Palestinian refugees in Lebanon in the early 1980s: “The only means at the disposal of [UNRWA] is … to report, to warn and to make representations to the authorities responsible.”

UNRWA officials have made repeated interventions to the United Nations and relevant officials concerning the protection of Palestinian refugees in the 1967 occupied Palestinian territories and in Lebanon. In 1967, for example, then Commissioner-General of UNRWA, Lawrence Michelmore, approached the UN Under-Secretary General seeking international protection for refugees in the occupied territories. The initiative failed to attract sufficient support at the United Nations based on the Under-Secretary’s view that Israel would oppose a protection initiative.

During the first Palestinian intifada in the 1967 occupied territories that began in December 1987 UNRWA recruited additional international staff to provide protection through monitoring, reporting and a limited degree of intervention. By 1991 it had come to include a “legal aid scheme” run by the Agency with the purpose of helping the “refugees deal with a range of problems of life under occupation,” including “sustained follow-up in cases of deaths, injuries and harassment; bureaucratic difficulties in obtaining various permits; discrimination in access to courts of law, welfare benefits, etc.; travel restrictions; and, various forms of collective punishment.” The Refugee Affairs Officer Program (RAO), as it was called, was eventually phased out, first in the occupied Gaza Strip (1994) and then in the occupied West Bank (1996), following the redeployment of the Israeli military and establishment of the Palestinian Authority in the mid-1990s.
The provision of services that guarantee basic economic, social, and cultural rights, particular in emergency humanitarian crises, may also be considered as a type of protection – i.e. “relief protection”. Over the past several decades UNRWA has administered several emergency programs in response to acute and immediate needs of the refugee community, including programs in Lebanon and in the 1967 occupied Palestinian territories. In the fall of 2000 UNRWA began providing emergency assistance in response to rapidly deteriorating conditions in the occupied Palestinian territories as a result of Israel’s attempt to suppress the second Palestinian intifada through military force.

UNRWA has also offered legal advice and assistance to refugees apply for family reunification. Since September 2000, however, Israeli authorities have stopped receiving family reunification applications. UNRWA also handles requests for confirmation of refugee status from Palestinians and from governmental and non-governmental organizations worldwide.

Developments in 2003

Protection gaps in 2003 continue to be most severe in the 1967 occupied Palestinian territories and in Lebanon. Major developments during the year include the war in Iraq, where an estimated 60-90,000 Palestinian refugees reside and Israel's construction of a separation Wall in the occupied West Bank.

In the 1967 occupied Palestinian territories Israeli security forces and settlers killed 664 Palestinians in 2003, 123 of whom were children and 30 women. Another 2,992 were injured. It is estimated that at least half of all fatalities were refugees and internally displaced persons. Violations of the right to property and attacks on refugee camps continued throughout the year. While the overall scale of damage was less than the previous year, the number of refugee shelters destroyed by Israeli forces increased. During the first half of 2003 Israeli forces destroyed on average 73 shelters per month, double the average in 2002. By the end of 2003 more than 14,000 refugees had been made homeless since the beginning of the second intifada in September 2000. The publication of the Road Map (See Chapter Six – Durable Solutions) in April had little impact on the demolition of Palestinian houses by Israeli forces. Between April and June 2003, a total of 244 houses were totally demolished.

Israel’s construction of a separation Wall in the occupied West Bank had grave implications for all aspects of Palestinian life, including the right to work, property, residency, education and health. For households living west of the Wall (i.e. between the Wall and the ‘Green Line’) nearly one-quarter had to change their place of work, one-fifth were partially or totally destroyed, close to one-tenth had property confiscated, nearly a third had difficulties reaching schools or universities and three-quarters had trouble reaching hospitals and medical centers.

The Wall threatens to create a new category of displaced persons in the occupied territories and will also affect refugees living in areas designated for its construction. Approximately one-third of those affected in some degree by phase one of the Wall in the northern West Bank are 1948 Palestinian refugees. This includes 1,870 refugees living in so-called enclaves west of the Wall, 67,250 refugees living in enclaves east of the Wall and another 7,355 refugees living further east but not in enclaves. Approximately five percent of households west and east of the Wall had changed or were intending to change residence.

Palestinians aged sixteen and above who reside in the so-called seam zone (i.e. closed security zone) created by the Wall must obtain a permit from the commander of
Israeli military forces in the occupied West Bank in order to enter and remain in the zone. Persons under age sixteen may remain in the seam zone without a permit but must obtain a permit (except if s/he is under the age of 12) or be accompanied by a person with a permit if s/he wishes to enter the zone. Palestinians not resident in the zone must apply for a permit to enter. Israeli citizens and residents are permitted to enter the zone without obtaining a permit.

Palestinians living in and around Jerusalem continued to face restrictions on residency rights. In the village of Nu’man, for example, Israel has refused to recognize villagers as Jerusalem residents even though the village is located inside the expanded municipal limits. In 2003 Israeli authorities attempted to expel the residents from the village, claiming that they were illegally residing in their homes. The current route of the Wall, moreover, will imprison residents within the village. They are forbidden from entering Israel and will be physically cut off from the occupied West Bank.

Palestinian refugees in Iraq faced renewed threats to life and property as a result of the US/UK-led war in Iraq. The war led to renewed displacement of the refugee population. By the end of July 2003, more than 1,100 Palestinian refugee families (4,000 persons) were evicted from their homes by Iraqi landlords. Approximately one-third of Palestinian refugees displaced were initially accommodated in tents pitched in two soccer fields in Baghdad. Others fled to al-Karama on the Iraq-Jordan border.

The Jordanian government agreed to admit refugees with Jordanian spouses or other close family members of Jordanian nationality. According to the Office of the UN High Commissioner for Refugees (UNHCR), however, authorities required mixed Palestinian/Jordanian families to sign waivers indicating that they would return to Iraq once the crisis was over. The document was collected by Jordanian authorities upon entry of each family into the country. International organizations were not able to view the document.

UNHCR coordinated provision of services to Palestinian refugees displaced during the war. A temporary camp was set up in Baghdad and in camps on the border with Jordan. It subsequently identified a vacant apartment block in Baghdad and secured the agreement of Iraq’s Coalition Provision Authority to house refugees there. UNHCR also set up a registration program to establish the exact number of refugees and issue identity documents.

UNRWA assisted UNHCR with the new case load of refugees. The Agency dispatched several teams to the Jordan-Iraq border to interview refugees newly arrived in Jordan, assess their health status and advise UNHCR on issues relevant to protection and the search for longer-term solutions. UNRWA also provided some refugees with in kind and cash support and facilitated specialized medical treatment. A joint UNRWA-UNHCR information form was developed and used to collect information relevant to both organizations.

UNHCR urged neighboring and refugee-sheltering countries to support Jordan to accommodate refugees from Iraq. By the end of the year, however, several hundred refugees were still in need of solutions. The Iraqi Governing Council, which replaced the former government of Iraq under Saddam Hussein, established a new Ministry of Displacement and Migration in August 2003. The Ministry is responsible for
all matters relating to Iraqi refugees and displaced persons and all non-Iraqi refugees residing in Iraq. The staff of the Palestinian Affairs Office of the former Ministry of Labor and Social Affairs was transferred to the new Ministry.\textsuperscript{95}

In Lebanon the Parliament withdrew draft legislation that would have overturned the ban on Palestinian refugees owning property in the country. Lebanon's constitutional council also asked the Interior Ministry to remove citizenship from Palestinians and Syrians granted citizenship in 1994. It is estimated that up to 300,000 persons would be affected. The granting of citizenship was challenged as inconsistent with Lebanon's constitution which prohibits resettlement of Palestinian refugees in the country.\textsuperscript{96}

Palestinians traveling between the occupied Palestinian territories and Jordan and Egypt via land crossings continued to face restrictions and delays. The new regulations were apparently designed to limit the number of West Bank residents in Jordan. Jordan estimates that tens of thousands of Palestinians have moved to Jordan during the second intifada. Under the new rules most Palestinians would find it difficult to obtain an entry visa. Exceptions apply for humanitarian cases, including medical treatment and attendance at a marriage or funeral in Jordan.

Israel adopted new legislation barring Palestinians from the occupied territories from obtaining citizenship or residency status in Israel by marriage to an Israeli citizen, thus prohibiting them from living in Israel with their spouses.\textsuperscript{97} The law exclusively targets Palestinians; the general policy for residency and citizenship status in Israel for other foreign spouses remains unchanged. In November the Supreme Court issued an order nisi compelling the state to explain why the ban on family reunification should not be declared null and void.

Palestinians inside Israel, including IDPs, also faced continued violations on the right to property in 2003. This included widespread demolitions in the Naqab and in the north of the country.\textsuperscript{98} The government continued its policy of spraying Bedouin crops with toxic chemicals to force them off the land. This included incidents in March, April and June in which more than 4000 dunums of crop land were destroyed. The government also set aside new money to fund a plan to remove the remaining Bedouin living in ‘unrecognized villages’ from their land and extinguish all outstanding land claims. Under the Eviction of Trespassers Law it is not possible to argue that the villages have existed since before the creation of the state of Israel, or in other cases that villagers are living on land where the state transferred them following the confiscation of their original lands.

There were no major developments in addressing the protection gap created by the collapse of the UNCCP. UNRWA continued to provide a limited degree of protection through its Operations Support Officer Program which was expanded in the West Bank from 6 to 10 international staff and re-introduced in the Gaza Strip with four staff. The program facilitates access of staff members and UNRWA vehicles, including ambulances and humanitarian convoys, through checkpoints in the OPTs, in reporting on the developing humanitarian crisis among the Palestinian population and in bolstering UNRWA's resources for monitoring and inspecting Agency installations on a regular basis to ensure that they are not used for unauthorized or improper purposes.
There were few developments in the application by states of the 2002 UNHCR *Note of the Applicability of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*. Most states continue to interpret the 1951 Refugee Convention in Palestinian cases in a manner that is not consistent with the 2002 Note. Most Palestinian refugees seeking protection outside the Arab world are therefore unable to obtain legal status and related protections. In Hungary, however, five cases in which Palestinians were recognized as refugees under the Convention in 2003 were adjudicated generally in accordance with the 2002 Note. In three other cases the proper interpretation was not applied.

In the Netherlands the Minister of Alien Affairs and Integration issued guidelines in 2003 regarding recognition of Palestinian refugees. The guidelines, however, are not consistent with the 2002 UNHCR Note. Among other issues, the guidelines incorrectly state that UNRWA has a protection mandate for Palestinian refugees residing in its areas of operation. Under the guidelines a Palestinian refugee from one of UNRWA’s areas of operation must submit a claim under Article 1A of the 1951 Refugee Convention which will be judged in relation to whether the refugee can invoke UNRWA ‘protection.’ In one case, however, the courts have asked Dutch authorities to re-decide the case because they failed to prove that UNRWA could actually protect the claimant.

The International Committee of the Red Cross also continued to provide limited protection for the civilian population in the 1967 occupied Palestinian territories and persuade Israel to comply with its obligations under IHL. Activities focused on increased protection and assistance to civilian victims of violence and extreme hardship induced by Israeli security restrictions. This included economic security programs and emergency shelter and basic household supplies.

UN Human Rights Treaty Bodies, including the Human Rights Committee, the Committee on Social, Economic and Cultural Rights and the Committee on the Elimination of all Forms of Discrimination addressed protection concerns including inequalities in employment between the Jewish and Arab sectors, access to employment for Palestinians in the OPTs, the education system in Israel, demolition of homes in the OPTs, restitution and compensation for damages to land and property in the OPTs, expropriation of land in the OPTs, access to services in unrecognized villages, demolitions and crop destruction among Bedouin, and Israel’s new law banning family reunification for Palestinians from the OPTs with spouses inside Israel.
Endnotes

1 Article 2(7), Charter of the United Nations, 26 June 1945. “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall required the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.”


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


7 These states include Algeria, Egypt, Libya, Mauritania, Sudan and Tunisia. According to UNHCR statistical reports for 2002-2003 there were 4,005 Palestinian refugees of concern to UNHCR in Algeria, 70,195 (Egypt) and 8,604 (Libya). 2002 Statistical Yearbook, supra note 3, pp. 199, 369 and 391. 2003 Global Refugee Trends, Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers and Other Persons of Concern to UNHCR, supra note 3, p. 29.

8 The 1967 occupied Palestinian territories are included as an Arab host state due to the fact that Palestinian refugees residing therein originate from areas inside the state of Israel. While there is no de jure international border the 1949 armistice line (‘Green Line’) constitutes a de facto international border between Israel and the occupied West Bank.

9 This includes Palestinian refugees who entered Syria and Jordan as a result of the 1948 and 1967 wars, except for those refugees from the Gaza Strip who entered Jordan during and after the 1967 war. For Syria see, Law No. 260, 10 July 1956. Refugees in Syria are exempt from legislation that requires civil servants to hold Syrian nationality for at least five years prior to government service (Decree No. 37 (1949)). Also see, Law No. 65 (1950), Law No. 119 (1951), Law No. 162 (1952) and Law No. 250 (1952) cited in Annual Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period 1 July 1951 to 30 June 1952. UN GAOR, 7th Sess., Supp. No. 13 (A(2171)). 30 June 1952. Palestinian refugees displaced in 1948 hold Jordanian citizenship and have the same right to employment as Jordanian nationals. The Iraqi government upgraded the status of Palestinian refugees vis-à-vis public sector employment in 1965 except with regard to retirement benefits (Decision 15108 (1964)). Since 1969 Palestinian refugees employed in the public sector have also received retirement benefits (Decree No. 336 (1969)). Palestinian Refugees in Iraq. Jerusalem: PLO Refugee Affairs Department, 1999. [On file with BADIL].


11 International consensus affirms the de jure applicability of the 4th Geneva Convention to the 1967 occupied Palestinian territories. Israel argues that because the annexation of the West Bank by Jordan and Egyptian control of the Gaza Strip never received international recognition, the territories do not meet the requirement for application of the Geneva Convention because they were not the territory of a High Contracting Party.

12 During early years of exile in Egypt, Palestinian refugees were forbidden to work for or without wages due to the assumption that refugees would soon return to their homes of origin and because of the serious unemployment situation in Egypt. Egyptian President Gamal Abdel Nasser introduced more favorable employment laws in the 1950s. For further discussion and relevant legislation see, Laurie Brand, Palestinians in the Arab World, Institution Building and the Search for State. New York: Columbia University Press, 1988, pp. 52-53.


14 Law No. 137 (1981). Palestinian refugees had the same right to state employment as Egyptian nationals under the Abdel Nasser regime. Ibid.


16 The Law Regarding Entry to, Residency in and Exit from Lebanon (1962) prohibits non-Lebanese from engaging in work in Lebanon.

17 Kuwait reserves the right to exclude Palestinian refugees from employment in private business on par with Kuwaiti citizens. Lebanon only grants refugees the right to employment based on “the right of keeping their Palestinian nationality, in accordance with prevailing social and economic conditions in the Republic of Lebanon.” Abbas Shibliak, The League Of Arab States and Palestinian Refugees’ Residency Rights, Monograph 11. Ramallah: Shamil Palestinian Diaspora and Refugee Center, 1998, p. 36.


19 Law No. 879 (1970). Also see Decree No. 1658 (1979) permitting foreigners to practice medicine, pharmacy and engineering if they are nationals of state that applies reciprocal treatment to Lebanese nationals. Ibid.

20 According to the Arab ministers of education, Palestinian students are to be treated the same as children of the host state. Brand, supra note 12, p. 119.

21 al-Abed, supra note 10.

22 Palestinians were treated on par with Egyptian nationals until 1978 when the Egyptian government required all Palestinian students to transfer from public to private schools. Children of members of the Palestine Liberation Army and the Administrative Office of the Governor of Gaza were exempt. Between 1978 and 1995 Palestinian students were prohibited from studying medicine, pharmacology, economics, political science and mass communication. Many students were expelled and the General Union of Palestinian Students was closed after student demonstrations against Sadat’s decision to visit Jerusalem in 1977. Scholarships and subsidies for universities were terminated and entry restricted. al-Abed, supra note 13, p. 9. Palestinian refugees were treated on par with Kuwait nationals until the 1960s when the government introduced a quota system to address overcrowding as a result of increased migration and budgetary problems. Brand, supra note 12, p. 118.

23 In Lebanon foreigners are allowed to constitute up to ten percent of state school classes. Few Palestinian refugees can afford private schools which are considered to offer a better education than state institutions. The United Nations Relief and Works Agency (UNRWA) thus operates five secondary schools in Lebanon for Palestinian refugees. The Faculty of Arts in the Lebanese University Education section which prepares teachers for Lebanon secondary schools does not accept Palestinian students. Natour, supra note 16, p. 45. In Kuwait the government limited the number of non-Kuwaitis in government schools in 1965 to 25 percent, however, it allowed the PLO to open its own schools. Some members of the Palestinian communities established several private schools. The PLO was later given permission to operate its own schools with teachers, buildings and furnishings supplied by the Ministry of Education. The program lasted until 1976 and included 22 schools when they were closed for financial and political reasons and the students incorporated into government schools. In the 1980s due to overcrowding the government decided that only children of expatriates who had been in Kuwait as of 1 January 1963 would be permitted to register in government schools. Other children would have to enroll in private schools, tuition for which the government subsequently moved to subsidize by 50 percent for children affected by the ruling. Ten percent of spaces in Kuwait University are available for foreign students. Brand, supra note 12, pp. 119-121.

24 al-Abed, supra note 13, p. 10.

25 In Egypt travel documents are issued to those refugees who took refuge in the country in 1948. A substantial number of holders of Egyptian travel documents no longer have legal residency in Egypt. Between 1960 and 1967 Egypt also issued travel documents to Palestinians in the Gaza Strip, which was under Egyptian administration (Decision No. 28 (1960)), Takkenberg, supra note 16, p. 153; Brand, supra note 12, pp. 50-52. Until 2003 Palestinian refugees in Israel were allowed to leave the country two times per year, once for pilgrimage and once for a visit. Refugees were required to obtain an exit visa. Flight from Iraq: Attacks on Refugees and other Foreigners and Their Treatment in Jordan. New York: Human Rights Watch, 2003, p. 17.

26 In Lebanon refugees registered with UNRWA receive a travel document renewable three times. Refugees registered with the League of Red Crescent Societies (LRCs) in 1948, but not with UNRWA in 1950, are also eligible for a travel document renewable three times. The document is distinguishable from the one accorded to UNRWA registered refugees by a stamp indicating 'Valid for Return'. Refugees eligible only for a three-month travel document include those not registered with UNRWA or the League of Red Crescent Societies. Takkenberg, supra note 16, p. 163.

27 See note 25 above.

28 Takkenberg, supra note 16, p. 153. Between 1995 and early 1999 Palestinian refugees were required to obtain a re-entry visa from a Lebanese Embassy prior to returning to Lebanon. In most cases visa applications were rejected. It is estimated that as many as 100,000 Palestinians were unable to return to Lebanon due to the procedure.

29 Article VI(1)(d), Agreement on the Gaza Strip and the Jericho Area, 4 May 1994. The front cover of the ‘passport’ includes the phrase ‘travel document’. The ‘passport’ is issued jointly by the Palestinian Authority and the Israeli military administration. Restrictions on freedom of movement in the 1967 occupied Palestinian territories, however, may prevent Palestinians from reaching exit crossings from the West Bank and Gaza Strip. For further discussion of these changes see, Manal Jamal and Bethaina Darwish, Exposed Realities, Palestinian Residency Rights in the ‘Self Rule Areas’ Three Years After Partial Israeli Redeployment. Bethlehem: BADIL Alternative Information Center, 1997.
Prior to 1995 Palestinians were issued two-year documents. Between 1948 and 1967 Palestinian residents of the West Bank were able to travel abroad on passports issued by the Jordanian government. After 1967 Israel required Palestinian residents of the occupied territories to obtain special permits to travel abroad. In July 1988 the King of Jordan announced that "legal and administrative links" between the East and West Bank would be severed. West Bank Palestinians who held Jordanian passports thus lost their right to citizenship and residence in Jordan. Palestinian residents of the Gaza Strip were able to travel abroad on special travel documents issued by the All Palestine Government until 1960 when they were replaced with Egyptian travel documents. See note 25 above. After 1967 they also required special Israeli-issued permits.

Palestinians seeking to leave and return via land crossings with Jordan and Egypt face frequent restrictions and delays upon exit and entry.

Those who left the West Bank for Jordan after that date hold green cards and do not have a right of residence in Jordan and can only visit Jordan for up to one month at a time.

Palestinian refugees are eligible for three types of residency: special (valid for ten years), ordinary and temporary. Law No. 89 (1960) as amended by Law No. 49 (1968), Law No. 124 (1980) and Law No. 100 (1983), Takkenberg, supra note 16, p. 151.

Decree No. 319 (1962). Between 1969 and 1987 residency status was regulated by the Cairo Agreement between the PLO and the Lebanese government; the agreement was unilaterally abrogated by the Lebanese parliament in 1987. After the expulsion of the PLO from Lebanon in 1982 the right of Palestinian refugees to reside in Lebanon was severely curtailed. It is estimated that 12,000 refugees who were assumed to have acquired residency or citizenship abroad were removed from the population registry. Palestinian refugees who arrived later – including refugees displaced in 1967 – are not eligible for residency and considered to be residing illegally in Lebanon (Decree No. 136 (1969)). Natour, supra note 16, pp. 12-16.

Nationality Law (1959) as amended by Decree No. 40 (1987), Statute No. 1 (1982), Decree No. 100 (1980) and Statute No. 30 (1970). Palestinian refugees are eligible for residency; which can only be obtained at the request of a Kuwaiti national through the Ministry of the Interior or the Ministry of Social Affairs and Labor. Brand, supra note 12, p. 113. "Kuwait Restricts Stay of Non-GCC Arabs," 4 Middle East New Line 472, 12 December 2002. Under the new regulations, Jordanians, Palestinians, Sudanese and Yemenis are given one-month visas for family visits in Kuwait. After that month, the visa could be extended for up to two more months. At that point, the nationals would be asked to leave the country. Those nationals arriving on business trips would be issued one-month non-renewable visas.


Under the Oslo agreements residency issues are handled jointly between the Israeli District Coordination Office (DCO) and the Civil Affairs Committee of the Palestinian Authority (CAC). Agreements between Israel and the PLO eliminated extended residence abroad as criteria for revocation of residency rights and provided for a joint Israeli-Palestinian committee to find solutions for those persons from the West Bank and Gaza Strip whose residency rights were revoked by Israel. This committee was never established and the issue remains unresolved. For more discussion see, Jamal and Darwish, supra note 29. This process broke down at the beginning of the second intifada in September 2000.

Since the Gulf crisis in the early 1990s and the involuntary migration of Palestinians from Kuwait (many of whom held Egyptian travel documents) renewal of residency permits in Egypt has become more difficult.

Passport Law (No. 2) (1969). In 1968 Jordan issued ex-Gazans a one-year temporary passport which serves as a residency card. At the beginning of the 1980s the government issued a three-year passport to ex-Gazans. This regulation was revoked after the failure of the 1985 ‘Amman Agreement.’ In 1990, the government issued 80,000 two-year passports. More restrictive measures were introduced after the signing of a peace agreement between the PLO and Israel. al-Abed, supra note 10.

Nationality Law (No. 6) (1954). Jordanian law, however, does not provide automatic citizenship to Palestinians who took up residency in Jordan after 1954.

Nationality Law (No. 43) (1963).

Nationality Law (No. 98) (1951).

This includes mostly Christian refugees who were granted citizenship in the 1950s under the presidency of Camille Chamoun to keep the balance between Christians and Muslims in Lebanon. Takkenberg, supra note 16, pp. 16-14.

1994 legislation (Decision No. 23) that annulled all laws allowing foreigners to possess real estate, or invest in companies inside Iraq (Decision No. 133 (1997)). Jamil Mus'ab, *Palestinian Diaspora in Iraq*. A study presented at the conference “Future of Expelled Palestinians,” Amman, Jordan, 11-13 September 2000, p. 10. Natour, *id.*, p. 19. In early 2000 the Iraqi government announced a new policy that Palestinians who had resided in the country since 1948 would be granted the right to own property in Baghdad. However, many refugees stated that legal restrictions prohibiting them from registering homes, cars or telephone lines in their own name remained in force. *Flight from Iraq, supra* note 25, p. 18.

46 Law No. 40 (1953). *Also see*, Cassation Court Decision No. 1930/1966 (30 March 1997) confirming that Palestinian holders of two-year passports are non-Jordanian citizens and cannot rent or sell immovable property without having obtained a permit from the ministerial council.


49 In Kuwait *see*, Law No. 74 (1979). Arab citizens from other Arab states may only a single piece of real estate with approval of the government. The person must have residence in Kuwait for a minimum of ten years, sufficient income and a clean security record. The property must not exceed 1,000 m². It is also based on reciprocal treatment. The land must not be under joint ownership with a Kuwaiti. Natour, *supra* note 45., p. 20. In Lebanon see, Decree No. 296 (2001). Palestinians are prevented from buying real estate, registering real estate and passing property on to heirs.


51 The Jewish National Fund (JNF) was established by decision of the fifth Zionist Congress (1901) to purchase land in Palestine and Syria for Jewish colonization. The JNF was incorporated as an Israeli company in 1953. According to its Memorandum of Association, the JNF is forbidden to sell national land to non-Jews. For further discussion see, Walter Lehn, *The Jewish National Fund*. London: Kegan Paul, 1988. All land classified as ‘Israel Lands’ under the 1960 Basic Law: Israel Lands (Section 1) may not be transferred either by sale or in any other manner.

52 Article 1, *Protocol on the Treatment of Palestinians*. “Whilst retaining their Palestinian nationality, Palestinians currently residing in the land of [ ] have the right to employment on par with its citizens.”


55 Article 4, *Ibid*. “Palestinians who are at the moment in [ ] as well as those who were residing and left to the Diaspora, are given, upon request, valid travel documents. The concerned authorities must, wherever they be, issue these documents or review them without delay.”

56 Article 5, *Ibid*. “Bearers of the travel documents residing in LAS states receive the same treatment as all other LAS state citizens, regarding visa and residency applications.”

57 For further discussion of this concept see, Chapter Two, note 1.

58 The Jewish character of the state is defined by three inter-related components: 1) that the Jews form the majority of the state; 2) that the Jews are entitled to preferential treatment such as the Law of Return; and 3) that a reciprocal relationship exists between the state and the Jews outside of Israel. Ben Shalom vs. Central Election Committee, 43 P.D. IV 221 (1988), in 25 *Israel Law Review* 219 (1991). *Legal Violations of Arab Minority Rights in Israel*. Shaft Amr: Adalah – The Legal Center for Arab Minority Rights in Israel, 1998, pp. 44-45.


61 Nationality Law (1952).


63 Land (Acquisition for Public Purposes) Ordinance (1943); Defense (Emergency) Regulations (1945); Abandoned Areas Ordinance (1948); Emergency Regulations Concerning Absentee Property (1948); Emergency Regulations (Security Zones) (1949); Emergency Regulations (Cultivation of Waste [Uncultivated] Lands) (1949); Absentees’ Property Law (1950); Development Authority (Transfer of Property) Law (1950); Absentees’ Property (Amendment) Law (1956); State Property Law (1951); Prescription Law (No. 38)
(1958); Absentees’ Property (Amendment No. 3) (Release and Use of Endowment Property) Law (1965); Absentees’ Property (Compensation) (Amendment) Law (1976); and, Negev Land Acquisition (Peace Treaty with Egypt) Law (1980).

64 See note 51 above.

65 This may also include Mexico, Nigeria, South Africa but the small numbers of cases do not permit assessment of application by national authorities.


67 Analysis is based on Susan M. Akram and Guy Goodwin Gill, Brief Amicus Curiae, Board of Immigration Appeals, Falls Church, Virginia, published in 11/12 Palestine Yearbook of International Law (2000/2001); and, Takkenberg, supra note 16.

68 Under Article 1(C), refugee status ceases if the refugee: (1) has voluntarily re-visited himself of the protection of the country of his nationality; (2) having lost his nationality, he has voluntarily reacquired it; (3) he has acquired a new nationality, and enjoys the protection of the country of his new nationality; (4) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or (5) he can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality.


71 The United Nations has also recommended various types of monitoring activities in the 1967 occupied Palestinian territories to enhance protection of the Palestinian population. Other UN organs have also addressed the issue of international protection for Palestinians. In 1987 at the beginning of the first intifada in the 1967 occupied Palestinian territories the UN Security Council (Resolution 605, 22 December 1987) called upon the Secretary General to submit recommendations on the “ways and means for ensuring the safety and protection of Palestinian civilians under Israeli occupation.” The recommendations specifically suggested that the UN Relief and Works Agency (UNRWA) add additional international staff; that the UN consider the appointment of an ombudsman for the occupied Palestinian territories; and, that the High Contracting Parties to the Fourth Geneva Conventions use all means at their disposal to persuade Israel to respect the Convention in all circumstances. In 1990 the UN Security Council (Resolution 681, 20 December 1990) requested the Secretary General to monitor the situation of Palestinians under Israeli occupation and submit a tri-annual report to the General Assembly. The initiative was suspended in 1991 at the request of the United States, which argued that the program might interfere with the political process started in Madrid in 1991. The UN General Assembly has also issued numerous resolutions calling for protection of Palestinian refugees and cessation of attacks on refugee camps.


75 UNHCR’s interpretation of the status of Palestinian refugees (see note 75 above) does not provide clear legal analysis on the status of Palestinian refugees as ‘stateless persons.’ The lack of clarity on this matter has negative implications concerning additional provisions for international protection under 1961 Convention on the Reduction of Statelessness.


77 See Chapter Two, note 10.

78 Executive Committee Conclusion No. 27 (XXXIII) – 1982, “Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere.”

79 Executive Committee Conclusion No. 46 (XXXVIII) – 1987. See also, Executive Committee Conclusion No. 50 (XXXIX) – 1988; Executive Committee Conclusion No. 55 (XL) – 1989; Executive Committee General Conclusion on International Protection (XLII) – 1990; Executive Committee General Conclusion on International Protection (XLIII) – 1991; Executive Committee Conclusion No. 68 (XLI) – 1992; and Executive Committee Conclusion No. 71 (XLIV) – 1993. These conclusions ceased following the commencement of the Oslo process in 1993, despite the continued protection gap affecting 1948 and 1967 Palestinian refugees.

80 Pact of the League of Arab States, effective 10 May 1945, 22 March 1945, 70 UNTS, 248, 252. The 21 members of the League of Arab States are Algeria, Bahrain, Djibouti, Egypt, Jordan, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen.

81 Kuwait reserves the right to interpret Article 1 of the Protocol on the basis that it excludes the right of ‘private business’ on par with Kuwaiti citizens. Lebanon reserves the right to interpret Article 1 of the Protocol in accordance with prevailing social and economic conditions in Lebanon and the right of Palestinians to maintain their nationality. It further reserves the right to interpret Article 2 with the added phrase “on equal terms with Lebanese citizens and in accordance with the laws and regulations in operation”; and Article 3 with added phrases “whenever their interests demand it” and “allowing Palestinians into Lebanon is conditional upon their obtaining an entry visa issued by the concerned Lebanese authorities.” It has also submitted reservations on articles 4 and 5. Libya submitted reservations to Article 1 “since dealing with Palestinian citizens in Libya is on par with and equal to dealing with other Arab citizens residing in Libya.” Abbas Shiblak, The League of Arab States and Palestinian Refugees’ Residency Rights. Monograph 11. Ramallah: Palestinian Diaspora and Refugee Centre Shaml, 1998, pp. 35-36.
For a discussion see, Takkenberg, supra note 16, p. 149.


Impact of the Separation Wall on the Socioeconomic Conditions of Palestinian Households in the Localities in which the Separation Wall Passes Through (October 2003). Ramallah: Palestinian Central Bureau of Statistics, 2003. The government of Israel has confiscated over 3,000 acres of Palestinian land for the construction of the wall and an estimated 40,000 acres of high-income land will be affected. For more detailed statistics and legal issues about property see, The Impact of Israel’s Separation Barrier on Affected West Bank Communities, Report to the Mission to the Humanitarian Emergency Policy Group (HEPG) of the Local Aid Coordination Committee (LACC). 4 May 2003 and The Impact of Israel’s Separation Barrier on Affected West Bank Communities, A Follow-up Report to the Humanitarian and Emergency Policy Group (HEPG) and the Local Aid Coordination Committee (LACC). Update No. 3, 30 November 2003.

Order Regarding Security Regulations (Judea and Samaria) (No. 378), 5730-1970, Declaration Concerning Closing an Area no. S/2/03 (Seam Zone). Also see, Order Regarding Security Regulations (Judea and Samaria) (No. 378), 5730-1970) Regulations Regarding Permit to Permanent Resident in the Seam Zone.

Order Regarding Security Regulations (Judea and Samaria) (No. 378), 5730-1970, Regulations Regarding Entry and Stay Permits to the Seam Zone. Order Regarding Security Regulations (Judea and Samaria) (No. 378), 5730-1970, General Permit to Enter the Seam Zone and to Stay in it.


“UNHCR Uses High Tech Gear to Register Palestinians in Iraq,” 17 July 2003. In many cases Iraqi landlords claimed that they were reclaiming property they had been forced by the government to rent out to the refugees for minuscule sums.

Palestinian refugees were not allowed to enter Jordan until 1 May when some 500 Palestinians entered al-Ruweished Camp ‘A’ set up for third-country nationals. al-Ruweished is the last Jordanian town before the border with Iraq.

CPA Order No. 50 defining MDM responsibilities was signed into law on 1 January 2004.

In addition, all movable and immovable property under the control of the Palestinian Affairs Office in the former Ministry of Labor and Social Affairs and the records and data of the Office were transferred to the new Ministry.


Nationality and Entry into Israel Law (Temporary Order), 31 July 2003. The new law will affect thousands of married couples and their children, who are currently living in Israel, as well as newly-married couples, forcing families to separate or to leave the country.


For a discussion see, supra note 16.

Durable Solutions

Preface

Durable solutions to refugee flows include voluntary repatriation, voluntary host country integration and voluntary third country resettlement. Of the three solutions repatriation or return is recognized as an individual right under international law. Voluntariness or refugee choice is the key principle governing these solutions. Refugees also have an individual right to housing and property restitution and compensation for damages and losses.

The United Nations set forth a specific framework for durable solutions for all persons displaced/expelled in 1948. General Assembly Resolution 194(III), 11 December 1948, affirms that the refugees, including those internally displaced within Israel, have a right to return to their homes, repossess housing and property and receive compensation for damages and losses. Those who do not wish to exercise their right of return are entitled to resettlement assistance, restitution and compensation for damages and losses. The UN Security Council affirmed the right of Palestinian refugees displaced in 1967 to return in Resolution 237, 14 June 1967. The UN has repeatedly affirmed the right of return for those Palestinians in refugee-like situations due to expulsion, deportation, denial of residency rights, etc.

The Office of the UN High Commissioner for Refugees is the primary international body mandated to facilitate durable solutions for refugees worldwide. The Office works closely with other international and national organizations and states. The United Nations established a separate organ to facilitate implementation of durable solutions for persons displaced/expelled in 1948 – the UN Conciliation Commission for Palestine. The UNCCP is no longer active. The UN has not established a separate mechanism to facilitate implementation of durable solutions for those persons displaced for the first time in 1967. There is no implementation mechanism for durable solutions for internally displaced Palestinians.

More than fifty years after their initial displacement, Palestinian refugees and IDPs are still denied access to durable solutions in accordance with international law, relevant UN resolutions and best practice. A variety of factors have contributed to this stalemate, including: Israel’s refusal to allow Palestinian refugees to return to their homes and places of origin due to the ethnic-national origins of the Palestinian refugee population; the protracted Israeli military occupation of the West Bank, eastern Jerusalem, and Gaza Strip, and the lack of sufficient international will to enable refugees to exercise their fundamental human rights under international law as affirmed in relevant UN resolutions.
Framework

The three main durable solutions for refugees are repatriation to the country of origin, host country absorption and third state resettlement. Voluntary repatriation in safety and dignity, based on the fundamental right to return to one’s home and country, is recognized as the most appropriate solution to refugee flows. For refugee solutions to be durable they must be voluntary. Voluntariness means that states should not take “measures which push the refugee to repatriate, but also ... [refugees] should not be prevented from returning.”

Numerous peace agreements to conflicts involving situations of mass displacement affirm the right of return of refugees and displaced persons and the right to housing and property restitution. This includes agreements in Macedonia, Kosovo, Croatia, Bosnia-Herzegovina, Tajikistan, Georgia, Burundi, Rwanda, Liberia, Sierra Leone, Mozambique, Cambodia and Guatemala. These rights have also been affirmed in scores of resolutions adopted by the UN Security Council, General Assembly and the Commission on Human Rights.

The framework for durable solutions for all persons displaced in 1948, including internally displaced persons inside Israel is set forth in paragraph 11 of UN General Assembly Resolution 194(III), 11 December 1948. Resolution 194(III) affirms three separate rights – the right of return, the right to housing and property restitution and the right to compensation – and two distinct solutions (return, restitution and compensation or resettlement, restitution and compensation) governed by the principle of individual refugee choice.

Paragraph 11(a) delineates the specific rights and the primary durable solution for persons displaced in 1948. The General Assembly, “[r]esolves that refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid ... for loss of or damage to property...” In other words, the primary durable solution for these refugees is return, housing and property restitution and compensation for loss of or damage to property. Resolution 194(III) does not ‘resolve’ that the refugees should be resettled.

Refugees who choose not to exercise the rights set forth in paragraph 11(a), however, may opt for resettlement in host states or in third countries, as well as housing and property restitution and compensation. Paragraph 11(b) ‘instructs’ the UN Conciliation Commission for Palestine, the body mandated to facilitate implementation of durable solutions for 1948 refugees, to facilitate the resettlement of those refugees choosing not to return and the payment of compensation. In other words, the sole trigger for the resettlement of Palestinian refugees displaced in 1948 is the voluntary choice of the refugee not to return to his or her place of origin.

Resolution 194(III) also provides a general timetable for the implementation of the return of the refugees. The debate during the drafting process of the resolution indicates that the Assembly “agreed that the refugees should be allowed to return when stable conditions were established. It would appear indisputable that such conditions were established by the signing of the four Armistice Agreements.” The Assembly also rejected an amendment that included the phrase, “after the proclamation of peace between the contending parties in Palestine, including the Arab States.”
The framework for durable solutions for Palestinian refugees and IDPs displaced in 1967 is set forth in paragraph 1 of UN Security Council Resolution 237, 14 June 1967. The resolution calls upon Israel to facilitate the immediate return of all persons “who have fled [the West Bank, eastern Jerusalem, and the Gaza Strip] since the outbreak of the hostilities.” No conditions are attached to the implementation of the right of return. The United Nations has also affirmed the right of Palestinians in refugee-like situations due to expulsion, deportation and denial of residency rights to return to their places of origin.

For more than five decades, the United Nations has affirmed the right of Palestinian refugees and IDPs to return to their places of origin and the right of refugees and IDPs to repossess their homes and properties. In 1976 the United Nations prepared a comprehensive two-stage peace plan including durable solutions for Palestinian refugees. The first stage of the plan provided for the immediate return of refugees displaced in 1967. The second stage included return of 1948 refugees. The plan addressed issues concerning implementing mechanisms, peacekeeping and monitoring, refugee registration, legal reform inside Israel to facilitate return and financing.

In 1983 the United Nations convened an International Conference on the Question of Palestine in Geneva. The Conference was attended by representatives of 137 states. The Conference reiterated the obligation of all member States, under the Charter of the United Nations, to facilitate “the implementation of the right of return of the Palestinians to their homes and properties.” “In the event of Israel’s persistent non-compliance with the relevant United Nations resolutions which embody the will of the international community,” the Conference called upon the UN Security Council to take “appropriate measures in accordance with the Charter of the United Nations, to ensure Israel’s compliance with these resolutions.”

The conformity of the framework delineated by the United Nations for durable solutions for Palestinian refugees and IDPs with international legal principles and practice over the past five decades lends further weight to its value as a normative framework for a resolution of the Palestinian refugee and IDP issue today.

**The Right of Return**

The right of return is anchored in several bodies of international law: the law of nationality as applied upon state succession, humanitarian law, human rights law and refugee law (a subset of human rights law which also incorporates humanitarian law). The right of return has also been affirmed in numerous UN resolutions relating to other refugee and IDP cases.

Under the law of nationality, as applied upon state succession, newly emerging successor states are obligated to accord nationality status to all habitual residents of the territory undergoing the change in sovereignty and to allow them to exercise their right of return to their homes or place of origin, regardless of where they may have been on the actual date of succession. Under the law of nationality states may not denationalize their own nationals in an attempt to cast them out. Specifically, states are required to readmit their own nationals.

Under humanitarian law there is a general right of return, which applies to all displaced
persons, irrespective of how they came to be displaced during the period of conflict. A military occupant must let the occupied population continue its normal existence with a minimum of interference. This includes a requirement that the local population be permitted to remain in or return to their place of origin following the cessation of hostilities. Deliberate, forcible expulsion – especially when carried out on a mass scale – is expressly prohibited under humanitarian law.

The right of return is also a customary norm of international human rights law and is found in a vast array of international conventions, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, as well as regional human rights treaties. International human rights law also incorporates the general prohibition against forcible expulsion.

Finally the right of return exists as a special subset of human rights law known as refugee law. The principle of refugees’ absolute right of return to their place of origin (including their homes) is central to the implementation of durable solutions. According to UNHCR Executive Conclusion No. 40, for example, “(a) The basic rights of persons to return voluntarily to the country of origin is reaffirmed and it is urged that international co-operation be aimed at achieving this solution and should be further developed.”

The United Nations has reaffirmed the right of Palestinian refugees and IDPs to return to their homes in numerous Security Council and General Assembly resolutions. These include UN Security Council Resolutions 93 (18 May 1951) and 237 (14 June 1967) and UN General Assembly Resolutions 194 (11 December 1948), 3236 (22 November 1974) and 2252 (4 July 1967).
General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to return to their homes of origin. Paragraph 11(a) states: “refugees wishing to return to their homes … should be permitted to do so.” By 1948 the right of refugees and displaced persons to return to their places of origin had already assumed customary status in international law. Arbitrary denationalization and mass expulsion were prohibited under international law.

The UN Mediator in Palestine, whose recommendations formed the basis of Resolution 194(III), explicitly noted that the right of return should be affirmed (rather than recognized) by the United Nations. Correspondence and reports of the UN Mediator repeatedly affirm the right of Palestinian refugees to return to their homes as a remedy to the involuntary character of their displacement. According to the American Representative to the UN in 1948, Resolution 194(III), paragraph 11, “endorsed a generally recognized principle and provided a means for implementing that principle…”

The resolution also affirms the right of refugees to return to their homes of origin. The General Assembly clearly meant the return of each refugee to “his[her] house or lodging and not to his[her] homeland.” The Assembly rejected two separate amendments that referred in more general terms to the return of refugees to “the areas from which they have come.”

**Housing and Property Restitution**

The right to housing and property restitution is also anchored in four separate branches of international law: the law of nations, humanitarian law, human rights law and refugee law. Restitution is the name of a specific legal remedy designed to correct the illegal taking of private property from its rightful, original owner through restoring the wrongfully taken private property back to the ownership and possession of the original owner. The right to restitution has also been affirmed in numerous UN resolutions relating to other refugee and IDP cases.

Under the law of nations private property may not be confiscated by governments unless: (1) the expropriation is being done for a valid (nondiscriminatory) purpose; (2) adequate due process safeguards are employed (allowing the property owner to protest the proposed confiscation if it is not being done for a valid purpose); and (3) full compensation (or substitute property of equal value) is paid to the owner in exchange for the property. In the specific context of state succession, the Doctrine of Acquired Rights requires that private property of individuals in the territory undergoing the change in sovereignty be respected by the successor state in all cases.

Under humanitarian law the Hague Regulations annexed to the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land contain at least sixteen articles, which contain rules requiring combatants to respect private property. Similarly, the Fourth (Civilians) Geneva Convention incorporates the private property protections from the Hague Regulations and includes a particularly strong prohibition against “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” in Article 147, defining “grave breaches” of humanitarian law.
Human rights law also contains a “right to own property free from arbitrary governmental interference.” This right is found in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and in all three of the regional human rights conventions (i.e. African, inter-American and European). The right of restitution – which is the logical corollary of its ‘sister’ right to own property – exists as the applicable remedy whenever property has been taken illegally (as determined by international law standards) by a government or with official governmental sanction.

Finally, refugee law also contains the right of restitution. The principle of the refugees’ absolute right to return, on a voluntary basis, to their place of origin – including, specifically, to their homes of origin – is central to the implementation of durable solutions designed by the international community to address refugee flows. According to UNHCR Executive Committee Conclusion No. 101, for example, “all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile.”

The United Nations has affirmed the right of Palestinian refugees and IDPs to restitution in numerous resolutions. These include General Assembly Resolutions 194 (11 December 1948), 3236 (22 November 1974), 36/146 (16 December 1981) and 58/229 (23 December 2003).

General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to housing and property restitution. “[The] underlying principle of paragraph 11, sub-paragraph 1 … is that the Palestine refugees shall be permitted … to return to their homes and be reinstated in the possession of the property which they previously
The right to restitution for refugee property “wrongfully seized, sequestered, requisitioned, confiscated, or detained by the Israeli government” reflected general principles of international law in 1948.

The right to housing and property restitution in Resolution 194(III) should also be read in light of the UN Mediator’s earlier communiqués to the UN Security Council. In June 1948, for example, the Mediator wrote that the residents of Palestine should be permitted both to return to their homes without restriction and to regain possession of their property. “There have been numerous reports from reliable sources of large-scale pillaging and plundering, and of instances of destruction of villages without apparent necessity,” wrote the UN Mediator. “It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes…”

It is clear from the phrasing ‘to their homes’ that the United Nations General Assembly intended to affirm the right of all persons displaced in 1948 to housing and property restitution. If the General Assembly had not intended to affirm the right to housing and property restitution it is likely that the broader language referring to the right to return to one’s ‘homeland’ would have remained.

**Compensation**

The right of refugees and displaced persons to compensation is anchored in several bodies of international law, including: the law of nations, humanitarian law, human rights law and refugee law. Compensation refers to a legal remedy by which a person receives monetary payment for harm suffered. Compensation should not be seen as an alternative to restitution and should only be used when restitution is not factually possible or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution. The right to compensation has been affirmed in numerous UN resolutions relating to other refugee cases.

Under the Law of State Responsibility states are responsible for the commission of an internationally wrongful act. Elements of an internationally wrongful act include conduct consisting of an action or omission that is attributable to the state under international law and conduct that constitutes a breach of an international obligation of the state. When a person becomes a refugee it violates any rights that depend to any extent for their full and effective enjoyment on a person’s ability to live in his own country. Successor governments remain bound by the responsibility incurred by predecessor governments.

Under humanitarian law states have an obligation to pay compensation for breaches of their obligations in accordance with Article 3 of the 1907 Hague Convention (IV) respecting the Laws and Customs of War on Land, Article 148 Fourth Geneva Convention, and Article 91 Protocol I. The Hague Regulations annexed to the 1907 Convention provide for the individual right to demand an indemnity for losses sustained in cases of violations. The Geneva Convention relative to the Protection of Civilian Persons in Time of War also provides that an Occupying Power make arrangements to ensure that fair value is paid for any requisitioned goods.

Numerous human rights instruments include express provisions relating to the right
of every individual to an effective remedy for human rights violations including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The International Covenant on Civil and Political Rights and all three regional human rights conventions (i.e. African, inter-American and European) recognize an enforceable right to compensation. The International Convention on the Elimination of All Forms of Racial Discrimination provides for the right to seek “just and adequate reparation or satisfaction for any damage suffered.”

International refugee law also affirms the right of refugees and IDPs to compensation. In 1992 the International Law Commission adopted the Declaration of Principles of International Law on Compensation to Refugees. According to UNHCR Executive Committee Conclusion No. 101, which affirms the right of refugees and displaced persons to housing and property restitution “where property cannot be restored, returning refugees should be justly and adequately compensated by the country of origin.”

The United Nations has affirmed the right of Palestinian refugees and IDPs to compensation in several resolutions. These include General Assembly Resolutions 194 (11 December 1948), 36/146 (16 December 1981) and 58/229 (23 December 2003).

General Assembly Resolution 194(III) affirms the right of all persons displaced in 1948 to compensation. Paragraph 11 affirms two types of compensation: (1) payment to refugees not choosing to return to their homes; and, (2) payment for the loss of or damage to (movable and immovable) property. The General Assembly rejected draft resolutions and amendments that did not include provisions for payment for the loss of or damage to property. The right to compensation applies to all refugees irrespective of whether they choose to exercise their right of return. The right to compensation for those choosing not to return and for loss of or damage

Many Palestinian refugees also continue to hold property documents. Other documentation is archived at the UN. © Tineke D’haese/Oxfam Solidarite.
to property in violation of established rules of warfare reflected recognized principles of international law, which prohibited “looting, pillaging, and plundering of private property and destruction of property and villages without military necessity.” This included the right of refugees to demand individual claims irrespective of lump sum or collective payments. Under the Final Act of the 1945 Paris Conference on Reparations, for example, the Allied Governments provided that the method of collective reparations would not prejudice individual claims by refugees.

The substitution of the phrase “loss of or damage to property which under principles of international law or in equity should be made good” during the drafting process indicates that the General Assembly did not wish to arbitrarily limit claims to compensation for losses and damages. The reference to international law was also included specifically to refer to those refugees choosing to exercise their right of return in the event that domestic law in the new state of Israel would not provide equal protection for the right to compensation for Palestinian refugees and IDPs choosing to return to their homes.

Paragraph 11 reflected the recommendations of the UN Mediator in Palestine who called upon the United Nations to affirm the “payment of adequate compensation for the property of those choosing not to return.” Compensation also aimed to provide a remedy to “large-scale looting, pillaging and plundering, and of instances of destruction of villages without apparent military necessity.” “The liability of the Government of Israel … to indemnify those owners for property wantonly destroyed,” stated the Mediator “is clear, irrespective of any indemnities which the Provisional Government may claim from the Arab States.”

Implementation Mechanisms

The Office of the United Nations High Commissioner for Refugees is the primary international body mandated to facilitate durable solutions for refugees worldwide. The Office works closely with other international and national organizations and states. UNHCR does not consider Palestinian refugees who reside in one of the five areas of UNRWA operations as falling within its mandate. (See Chapter Five – Protection)

The United Nations established a separate organ to facilitate implementation of durable solutions for all persons displaced in 1948 (including internally displaced Palestinians) – the United Nations Conciliation Commission for Palestine. The Commission is composed of representatives of the United States, France and Turkey and is empowered to create sub-organs, as necessary, in order to fulfill its mandate. Today the Commission has no budget and no staff. The United Nations has not established a separate organ to facilitate implementation of durable solutions for those Palestinians displaced for the first time in 1967.

The 1994 Agreement on the Gaza Strip and Jericho Area established a ‘Quadripartite Committee’ composed of Israel, the Palestinians, Jordan and Egypt to seek durable solutions for Palestinians displaced from the occupied Palestinian territories in 1967. The Committee, however, was unable to agree upon a definition of ‘displaced persons’ and unable to agree upon appropriate modalities for durable solutions for this group of Palestinian refugees.
Durable Solutions

Refugee choice or voluntariness is the cornerstone of UNHCR repatriation programs and is dealt with extensively in the Office’s 1996 Handbook on Voluntary Repatriation: International Protection. The UNHCR notes that refugee choice is affected both by conditions in the host country and by conditions in the country of origin. "Voluntariness means not only the absence of measures which push the refugee to repatriate," states the UNCHR Handbook, "but also means that he or she should not be prevented from returning, for example, by dissemination of wrong information or false promises of continued assistance." (Emphasis added).

In other words, the denial of basic rights guaranteed under the 1951 Convention Relating to the Status of Refugees and pressure or threats on refugees to leave by interest groups or host country authorities, inhibit refugee choice and potentially render decisions to be less than voluntary. On the other hand, discrimination in domestic legislation and provision of essential services, lack of guarantees for the safety of returnees and attempts to encourage anti-refugee sentiment among the population in the country of origin, also prevent refugees from making a free choice as to whether they wish to exercise their right of return.

Information is critical to refugee choice. Refugees should be provided with as much information as possible concerning the conditions in their country of origin. Information should be disseminated via, among others, posters and leaflets, oral presentations, videos, refugee information committees and through counseling by international protection staff and reconnaissance visits by refugee groups to areas of return.

The UNHCR Handbook further provides a list of the type of information to be provided to refugees. This includes a description of the conditions in the country of origin in general, as well as details of the situation in specific area(s) of return, including the level of security. Refugees should be further informed about what type of protection will be provided upon their return in addition to the type of assistance to expect (such as infrastructure rehabilitation projects) and what not to expect. Prior to making choices, refugees should receive a text of guarantees or assurances provided by the government of the country of origin, supplemented by explanations as to their content and scope.

Details about the repatriation procedure should also be provided. This includes information on: customs, immigration and health formalities; procedures for bringing personal and communal property; access to land and restitution procedures; registration and documentation for repatriation; the timing and phasing of the repatriation operation; special arrangements for vulnerable groups such as women, children and the elderly; de-registration procedures for assistance, if any; and, procedures and options for those not wishing to repatriate. Refugees should also be aware of how to contact international protection staff in their country of origin in case of protection problems.

General Assembly Resolution 194(III) affirms the principle of individual refugee choice. The UN General Assembly intended to confer upon individual refugees the "right of exercising a free choice as to their future." By 1948, the principle of refugee choice or voluntariness had already become an established principle of refugee law and practice.

The principle of individual refugee choice is repeatedly emphasized in documents prepared by the UN Mediator in Palestine, whose recommendations formed the basis for Resolution 194(III). According to the Mediator, the "unconditional right [of the refugees] to make a free choice should be fully respected." The verb ‘choose’ indicates that the General Assembly assumed that […] all the refugees would be given a free choice as to whether or not they wished to return home.

In order to make a free choice, the United Nations recognized that refugees should be "fully informed of the conditions under which they would return." Moreover, the individual choice of the refugee was not to be influenced or hindered in any way by the relevant governments. General Assembly Resolution 194(III) affirms the principle of safe return. Resolution 194(III) not only imposes an obligation upon refugees choosing to return "to live at peace with their neighbors", but also imposes an obligation upon Israel "to ensure the peace of the returning refugees and protect them from any elements seeking to disturb that peace."

There is no implementation mechanism for durable solutions for internally displaced Palestinians.

The United Nations Conciliation Commission for Palestine

General Assembly Resolution 194(III) instructs the UN Conciliation Commission for Palestine, established under Article 2 of the same resolution, to “facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and
the payment of compensation.” The Commission was also authorized to establish sub-organs, as it deemed necessary, to fulfill its mandate. When the UNCCP was established the UN General Assembly assumed that “all that would have been necessary was for those refugees who wished to do so to undertake the journey to return and resume their interrupted lives, perhaps with a little financial assistance from the international community.” The Commission was therefore authorized to ‘facilitate’ rather than ‘assure’ the return of Palestinian refugees to their homes.37 In other words, the UNCCP was not given executive functions or powers of arbitration in relation to the implementation of durable solutions. The General Assembly rejected several amendments to paragraph 11 intended to both limit and expand the functions of the Commission.38 In 1950 the Assembly specifically requested the UNCCP (UNGA Resolution 394(V), 14 December 1950) to protect the rights, properties and interests of the refugees.

Activities Related to Return

During the early years of operation the UNCCP attempted to facilitate the return of Palestinian refugees displaced in 1948 primarily through intervention with Israel and preliminary technical work required to craft the return operation. One of the first steps taken by the Commission was to gather basic information about the refugees (including places of origin, professional and occupational background and living conditions) and the policies and political positions of Arab host countries and Israel. In June 1949 the Commission established a Technical Committee to investigate methods for determining refugee choices and collect information related to return, as well as resettlement, rehabilitation and compensation. The Technical Committee visited refugee camps in Jericho, Hebron, Bethlehem, Homs, Gourard, Wavell, Anjar, and five camps in Gaza to ascertain the wishes and opinions of the refugees. Members of the Committee also consulted with experts from the American University of Beirut, former Mandate officials and other personalities in the Middle East.

In meetings with the Israeli government the UNCCP stressed the important role refugee repatriation might play in contributing to an overall resolution of the conflict. Without prejudice to the right of all refugees to return, the Commission also attempted to promote the safe return of specific groups, including divided families and religious officials. The Commission also established a second technical track of mixed working committees, composed of Arab and Israeli representatives and chaired by individual UNCCP members. Through these committees the Commission sought to advance agreement on the return of refugees who owned citrus groves, along with the required laborers, in order to prevent crop loss and reduce the number of persons requiring humanitarian assistance.

A small number of Palestinian refugees from the villages of ‘Abasan and Khirbet Ikhza’a were permitted to cultivate their land in territory held by Israel with the creation of a special zone. In addition, a small number of refugees were permitted to rejoin families inside Israel, particularly where the breadwinner remained inside the country. In December and January 1949, for example, a total of some 800 dependents from Lebanon and Jordan rejoined their families in Israel. On 14 February of the same year, 115 persons from Gaza crossed into Israel. These refugees were regarded, however, as new immigrants rather than returnees (i.e. Israel did not recognize their legal title to their properties).
The UNCCP ceased protection activities related to return in the 1950s. The Committee noted that the conditions for return assumed under Resolution 194(III) had changed in the intervening years since the adoption of the resolution. In the early 1960s the UNCCP appointed a special representative, Joseph E. Johnson, to try to promote a solution to the refugee issue. Defining the fundamental considerations for durable solutions, Johnson noted that the primary focus should be on the refugees as set down in General Assembly Resolution 194(III). Numerous meetings were held with senior government officials in the region but no progress was made on the return of refugees due to Israel’s continued obstruction.

Activities for Housing and Property Restitution

The UNCCP also attempted to facilitate restitution of refugee property through calls for reform of Israeli property laws, intervention with relevant authorities and actual documentation of Palestinian property inside the borders of the new state of Israel. The Commission called upon Israel to abrogate discriminatory legislation, including the 1950 Absentees’ Property Law, used to confiscate refugee property. The Commission also requested Israel to suspend all measures of requisition and occupation of Palestinian Arab homes and to unfreeze waqf (property endowed for religious purposes under Islamic law) property. Israel ignored these requests.

The Commission attempted to secure immediate housing and property restitution for especially vulnerable groups of refugees without prejudice to refugee property claims in general. Access to land was particularly critical to refugees in the Gaza sub-district. The mass influx nearly quadrupled the population in the area, while the armistice lines cut most of the rural population off from their lands. The Commission also attempted to facilitate immediate property restitution for owners of citrus groves.
In 1950 the Commission established a sub-office ('Refugee Office') to identify property ownership inside Israel and examine various interim measures by which refugees could derive income from their properties. A global and individual identification of Palestinian property was conducted based on British mandate records\textsuperscript{39} to establish a comprehensive record of individual Palestinian Arab property to verify individual property claims. Forms (RP/1) were prepared for each parcel owned by Arabs, including partnerships, companies and cooperative societies. Separate forms (RP/3) were prepared for land owned by the state (including land let to Palestinian Arabs), other public authorities (including religious bodies), Jews and other non-Arab individuals.

According to the global identification process, 16,324 km\textsuperscript{2} of 26,320 km\textsuperscript{2} (the total area of Mandate Palestine) were determined to be private property owned by Palestinian Arabs. The individual identification process was completed in the early 1960s. The UNCCP property database contains some 453,000 records documenting around 1.5 million individual holdings and is archived at the United Nations. The Commission itself and several independent experts note that the UNCCP records are problematic in several areas\textsuperscript{40}, however, the records provide the most comprehensive database of Palestinian refugee property to date. More recent studies that attempt to compensate for errors in the UNCCP records, for example, estimate the total amount of refugee land inside Israel at 17,178 km\textsuperscript{2}.\textsuperscript{41} Digitization of the UNCCP database was completed in the late 1990s.
### Table 6.1 – UNCCP Summary Schedule of Land Settled by Cadastral Survey and Non-settled Land (excl. Beersheba sub-district) in Forms RP/1 and RP/3 (in metric dunums)

<table>
<thead>
<tr>
<th>Sub-district</th>
<th>RP/1</th>
<th>RP/3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Settled</td>
<td>Non-settled</td>
</tr>
<tr>
<td><strong>Galilee</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acre</td>
<td>99,683</td>
<td>408,024</td>
</tr>
<tr>
<td>Beisan</td>
<td>146,232</td>
<td>935</td>
</tr>
<tr>
<td>Nazareth</td>
<td>179,444</td>
<td>68,901</td>
</tr>
<tr>
<td>Safad</td>
<td>221,815</td>
<td>125,895</td>
</tr>
<tr>
<td>Tiberias</td>
<td>193,493</td>
<td>946</td>
</tr>
<tr>
<td><strong>Haifa</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haifa</td>
<td>352,576</td>
<td>53,004</td>
</tr>
<tr>
<td><strong>Samaria</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jenin</td>
<td>35,031</td>
<td>193,376</td>
</tr>
<tr>
<td>Nablus</td>
<td>-</td>
<td>23,414</td>
</tr>
<tr>
<td>Tulkaram</td>
<td>257,790</td>
<td>74,781</td>
</tr>
<tr>
<td><strong>Jerusalem</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hebron</td>
<td>7,506</td>
<td>1,137,302</td>
</tr>
<tr>
<td>Jerusalem</td>
<td>6,040</td>
<td>215,442</td>
</tr>
<tr>
<td>Ramallah</td>
<td>-</td>
<td>6,240</td>
</tr>
<tr>
<td><strong>Lydda</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jaffa</td>
<td>138,903</td>
<td>1,522</td>
</tr>
<tr>
<td>Ramle</td>
<td>411,620</td>
<td>158,193</td>
</tr>
<tr>
<td><strong>Gaza</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gaza</td>
<td>670,078</td>
<td>5,905</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td>2,720,211</td>
<td>2,473,880</td>
</tr>
</tbody>
</table>

**Source:** Appendix A/1 to UN Document A/AC.25/W.84 of 28 April 1964.

### Activities for Compensation

The UNCCP also examined means and principles for the implementation of compensation. The Commission instructed the Economic Survey Mission, for example, to prepare a preliminary study of the question of compensation, including recommendations concerning the principles on which compensation should be determined, the procedures for submission and valuation of claims and the mechanisms to consider and settle compensation claims. Precedents for reparations and compensation examined by the UNCCP included measures by which the Israeli government obtained reparations and compensation from the German government for Jews who were victims of Nazi atrocities.

The Commission emphasized that the Israeli Government should be urged to agree to the principle that payment of compensation for property (both movable and immovable) of refugees choosing not to return should be separate from a general peace settlement with the Arab states. The bulk of the refugees from Israeli territory were not citizens of Arab states at the time of their displacement and therefore their right to compensation was not be confused with the claims and counter-claims between the contending states and their nationals. The Commission also examined means to “associate the refugees with the determination of any figure, which might be established.” This included, for example, having refugees present during the different stages of the operation “for the purpose of seeing that their interests [were] protected and giving the benefit of their experience to the United Nations bodies entrusted...”
with the operation.”

The UNCCP Refugee Office completed a global and individual evaluation of Palestinian property for the purpose of compensation. The evaluation was based on British mandate records and the opinions of the Refugee Office land specialist, Arab and Israeli experts. The Office assessed the global value of the Palestinian Arab land at 100,383,784 Palestinian pounds or 280 million dollars at the dollar-pound exchange rate in 1951. This was divided into 70 million pounds in rural property with the remainder as urban property. The Office also assigned an estimate of 21,570,000 Palestinian pounds to movable lost property. The Office requested information from Israeli authorities as regards expropriated movable property in September 1951 but received no response. Due to political considerations the Commission decided against release of information concerning the total value of refugee properties based on the individual valuation process. According to Commission records the total value of Palestinian Arab land in Israel as of 29 November 1947 under the individual assessment was 235,660,250 Palestinian pounds of which 31 million pounds was owned by Palestinians inside Israel leaving 204,660,190 pounds as refugee land.  

Figure 6.1 - Estimates of Palestinian Refugee Losses (US$ millions) in 1948

The original valuations were in Palestinian pounds (LP). Currency and inflation adjustments were made (1) utilizing an exchange rate of LP=$4.03 based on changes in the U.S. Consumer Price Index for 1947 to 1998 (2).  

Activities for Resettlement

The UNCCP made several interventions with Arab states to secure resettlement spaces for Palestinian refugees choosing not to exercise their right to return to their places of origin inside Israel. The governments of Jordan and Syria agreed to resettle those refugees choosing not to return to their homes of origin inside Israel provided that refugees were given the choice to return, which would be implemented under the auspices of the United Nations.\textsuperscript{44} The Egyptian government stated that resettlement would be difficult due to the population density of Egypt and lack of arable land, however, the government did not rule out resettlement in the future within the framework of international technical and financial aid. The government of Lebanon also stated that resettlement would be extremely difficult given the population density of the country.

Political Negotiations

The first round of political negotiations to craft durable solutions for all persons displaced in 1948 lasted from 1949 to 1952. These UN-facilitated talks ended in failure. The issue of 1967 refugees was raised during peace negotiations between Egypt and Israel in the late 1970s, but again there was no solution. The most recent round of political negotiations began in 2000 in the context of final status talks between Israel and the Palestine Liberation Organization as stipulated in the 1993 Declaration of Principles. Internally displaced Palestinians have been excluded from all political negotiations.

The PLO, which was established in 1964 and is recognized as the legitimate representative of the Palestinian people, has consistently called for the return of Palestinian refugees to their homes of origin in accordance with international law, relevant UN resolutions and the choice of each refugee.\textsuperscript{46} The state of Israel has consistently opposed the return of Palestinian refugees displaced in 1948, including internally displaced Palestinians, but has accepted, in principle, the right of those refugees displaced for the first time in 1967 to return to the occupied West Bank and Gaza Strip.\textsuperscript{47} In practice, several thousand refugees have returned under family reunification schemes.

\textbf{The Red Cross and Durable Solutions for Palestinian Refugees}

The International Committee of the Red Cross has sought to facilitate durable solutions for Palestinian refugees, within its limited mandate, following the mass displacement of Palestinians in 1948 and again in 1967. After the 1948 war, ICRC delegations in Tel Aviv (Jaffa), Amman, Cairo and Ramallah facilitated, to the extent possible, repatriation and family reunification for Palestinian refugees. This included, for example, 1,500 inhabitants of Gerbis near Tulkarem. Due to the fact that Israel opposed the return of the refugees, however, the ICRC eventually decided to promote resettlement. Many of the refugees that the ICRC assisted to return were again uprooted due to Israeli pressure.

Following the 1967 war the ICRC proposed and obtained the consent of government representatives of Jordan and Israel for a series of meetings to discuss the repatriation of Palestinian refugees displaced for the first time in 1967. Under an agreement concluded in August 1967, a process was established to facilitate the orderly return of the refugees. Israel, however, retained overall control, including the right to reject applications for so-called security purposes. Narrow time constraints limited the number of refugees able to participate in the repatriation scheme and infringed on the voluntary character of return. Out of more than 35,000 repatriation applications for some 140,000 persons, Israel only approved slightly more than 4,500 allowing less than 20,000 refugees to return to their homes.\textsuperscript{45} Refugees displaced in 1948 and again in 1967 were not able to return. Israel rejected appeals by the ICRC to extend the time limit to enable the return of all those refugees wishing to do so.
The primary difference between the two positions – Palestinian and Israeli – is the framework for durable solutions and the starting point in crafting such solutions. For Palestinians, the framework for durable solutions is international law as affirmed in UN General Assembly Resolution 194(III) and Security Council Resolution 237. The starting point in crafting durable solutions is the wish of each individual refugee. For Israel, the framework for a solution is primarily political; the objective is to maintain the Jewish character of the state. The starting point in crafting a solution is the collective desire to maintain Jewish demographic homogeneity and Jewish control of the land (including land confiscated from Palestinian refugees).

1948 Palestinian Refugees

Early negotiations between Israel and the Arab states concerning durable solutions for Palestinian refugees began in 1949 and ended in 1952. Negotiations were facilitated by the UN Conciliation Commission for Palestine and based on UN General Assembly Resolution 194(III). The UNCCP attempted to facilitate negotiations through several conferences, a series of framework proposals and smaller mixed working groups in order to bridge the gap between the Arab position demanding an immediate return of Palestinian refugees and Israel's focus on territorial issues.

Between 1949 and the early 1950s Israel and the Arab states put forward several proposals to resolve the refugee issue. Israel offered to annex the Gaza Strip along with the resident refugee population, later offering to permit 100,000 refugees to return to areas within the borders of Israel. In both cases, Israeli officials were aware that Arab host states would reject the offers as inconsistent with UN Resolution 194(III). The Arab states proposed that Palestinian refugees from areas included in the proposed Arab state as set forth in the 1947 UN Partition Plan should be permitted to immediately return to their homes of origin. Subsequent negotiations would then address the process of facilitating a solution for those refugees who came from places inside the borders of the state of Israel as set forth in the UN Partition Plan.
During this period the UNCCP facilitated two conferences, one in Lausanne (1949) and the other in Paris (1951), concerning a comprehensive peace agreement and a solution to the refugee issue. The UNCCP also put forward several frameworks to try to advance negotiations on the refugee issue. In mid-August 1949, for example, the UNCCP submitted a memorandum inquiring whether the parties would be willing to sign a declaration stating that the refugee issue would be resolved by repatriation to Israel and resettlement. Two years later the UNCCP submitted a series of proposals for discussion at the conference in Paris, including a request that Israel agree to the return of a specified number of refugees and accept the obligation to pay compensation for property of non-returnees. Beginning in 1950 the UNCCP also attempted to advance negotiations by trying to address a subset of issues. The Commission proposed that a mixed working committee should be established, for example, to study the issue of refugees in Gaza.

By November 1951, however, the UNCCP had concluded that it was impossible to carry out its mandate and further noted that any solution to the outstanding issues would be up to the parties themselves. In 1961 the UNCCP made one final effort to facilitate durable solutions for Palestinian refugees displaced as a result of the 1948 war. The Commission appointed a special representative, Joseph E. Johnson, then head of the Carnegie Endowment for International Peace, to explore with host governments and Israel solutions for Palestinian refugees. The mission, however, ended without further progress on the refugee issue.48

The Arab League and Durable Solutions for Palestinian Refugees

The League of Arab States, the primary regional organization in the Middle East and North Africa, has consistently called for the return of Palestinian refugees to their homes and properties. In 1949 LAS member states emphasized (LASC Resolution 231, 17 March 1949) that “the lasting and just solution of the problem of refugees would be their repatriation and the safeguarding of all their rights to their properties, lives and liberty, and that these should be guaranteed by the United Nations.” During the 1950s and 1960s Arab states set forth a variety of plans for durable solutions for Palestinian refugees. This included several plans outlining a staged return of the refugees. LASC resolutions after 1967 also emphasize the right of Palestinian refugees displaced from the occupied Palestinian territories to return to their homes of origin.

The League of Arab States has also affirmed the right of Palestinian refugees to housing and property restitution. In 1955 LAS member states called (LASC Resolution 1030, 14 October 1955) for the appointment of a neutral custodian or custodial commission for the management of properties on the behalf of refugees. It also called for payment of rent for refugee properties pending any solution, that the sale of refugee properties cease immediately and any sales already undertaken be declared null and void, representation of refugees in the property documentation work carried out by the UNCCP and for the UNCCP to investigate losses of moveable property. From 1994 onward the League has requested the UN Secretary General to advise the UN Conciliation Commission for Palestine to compile a comprehensive list of Palestinian refugees and their properties.

Since 1998, League member states have also called upon the UN to send a fact-finding mission to investigate the state of Palestinian refugee properties, the violation of land ownership rights and the status of revenues accruing from such uses. The League also called upon the UN to obtain a complete copy of all documents and maps held by the Israel Lands Administration (ILA) and further requested the UN to appoint a custodian for the properties. In 1998 the League also invited member states (LASC Resolution 5279, 25 March 1998) to consider 15 May as an Arab day in solidarity with Palestinian refugees.

Political negotiations on the refugee issue restarted in the early 1990s. The Madrid-Oslo process, which began in 1991, established two separate tracks to address the refugee issue – a multilateral track and a bilateral track. The multi-lateral track was established in 1992 to address regional issues. This included the issue of Palestinian refugees. Internally displaced Palestinians were excluded. Bilateral negotiations on the refugee issue were to begin no later than three years after the beginning of the interim
period (focused on self-government) as set forth in Article V of the 1993 Declaration of Principles on Interim Self-Government Arrangements.\textsuperscript{49}

The Refugee Working Group, headed by Canada (‘Gavel holder’) was established during the first round of the multilateral negotiations that was held in Moscow in January 1992. The RWG was accorded a mandate to: (1) improve the living conditions of the Palestinian refugees and displaced persons without prejudicing the final status deliberations on the refugee issue; (2) to ease and extend access to family reunification; and, (3) to support the process of achieving a viable and comprehensive solution of the refugee issue. Egypt, Israel, Jordan, Lebanon, the Palestinians and Syria are all members of the RWG, although Syria and Lebanon have boycotted the RWG.

The RWG identified seven main themes concerning the refugee issue and assigned a lead country (shepherd) to follow-up each theme: Databases (Norway); Family Reunification (France); Human Resources Development (US); Job Creation (US); Public Health (Italy); Child Welfare (Sweden); Economic and Social Infrastructure (EU); and the Human Dimension (Switzerland). RWG activities have been conducted at two levels: plenary sessions to review ongoing work and set priorities for the future and the ‘intersessional’ meetings to bring together Arab and Israeli representatives, their extra-regional counterparts and international experts for more detailed consideration of specific aspects of the refugee issue.

In 1997 the Arab League called for a boycott of the multilaterals in protest of the policies of the Israeli government. No plenary sessions have been held since that time. RWG activities continued at the intersessional level. The multilaterals as well as the format of the formal opening of negotiations in Madrid, were intended to meet Arab desires for enlarged negotiating fora and address issues that had regional components. It was also understood that the multilaterals would generally operate by consensus and that the chairs of the working groups would act as facilitators rather than exerting any procedural power or direction. While consensus allowed the RWG to continue to operate, it also represented a serious weakness as difficult issues, such as the right of return and housing and property restitution and all the related technical issues have remained off the table.

The 1994 Treaty of Peace between the Hashemite Kingdom of Jordan and the State of Israel also includes provisions concerning Palestinians refugees displaced in 1948 and those displaced in 1967. Article 8 of the agreement specifically mentions that the parties will solve the refugee issue in accordance with international law and “in negotiations, in a framework to be agreed bilaterally or otherwise.”\textsuperscript{50} Following the passage of the agreement Israel amended its 1950 Absentees’ Property Law declaring that property of Jordanian residents or citizens would not longer be defined as absentee property. The amendment, however, does not apply retroactive to the agreement and thus prevents Palestinian refugees in Jordan from filing claims for housing and property restitution.

Official bilateral negotiations between Israel and the PLO did not begin in earnest until 2000 due to a series of delays concerning interim issues. The first round of final status negotiations took place in the United States at Camp David in July 2000. There were no substantive negotiations on durable solutions for Palestinian refugees at Camp David. Neither Israel nor the United States, which hosted and facilitated the talks,
was willing to contemplate durable solutions based on international law as set forth in UN Resolution 194(III). American bridging proposals focused on resettlement, rather than return, in order to accommodate Israel’s demand to maintain a permanent Jewish majority in the state.

During the last round of final status negotiations at Taba, Egypt in January 2001, the Palestinian delegation presented a schematic framework for durable solutions for Palestinian refugees. In general, the Palestinian proposal provides a legal framework for durable solutions that is consistent both with the terms of UN General Assembly Resolution 194(III) as well as international law and practice relative to durable solutions for refugees. The Israeli response, by contrast, primarily provides a political framework, components of which are inconsistent with Resolution 194(III) as well as international law and practice. In early 2002 the EU Special Representative to the Middle East Peace Process released a paper summarizing the general content of the Taba negotiations and positions of both parties on the Palestinian refugee issue.

The EU ‘non-paper’ provides several additional details not included in the previously published working papers presented by Israel and the PLO in Taba. Israeli officials suggested a 15-year absorption program to facilitate limited return of Palestinian refugees to Israel. According to the EU non-paper, absorption numbers suggested by Israel ranged from 25,000 refugees over three years to 40,000 over five years. These numbers represent less than one percent of the total Palestinian refugee population. Moreover, the quota system violates the right of the remaining 99 percent of the refugee population to exercise their individual right of return. Israeli officials rejected the right of Palestinian refugees to be restituted of their properties.

1967 Refugees

Early negotiations concerning a solution to the plight of Palestinians displaced in 1967 began in August 1967 between Jordan, which hosted the majority of refugees...
displaced in 1967, and Israel, which was in military control of the West Bank and Gaza Strip. The International Committee of the Red Cross facilitated the negotiations. Palestinians were not officially represented at these talks. Both parties agreed to a process whereby refugees could submit applications to return to their places of origin in the occupied Palestinian territories. Israel, however, retained overall control concerning the admission of refugees. Few were able to return and re-establish residence under the short-lived process.

More than a decade later the issue of Palestinian refugees displaced in 1967 was addressed in the context of political negotiations between Israel and Egypt. The 1978 Camp David Accords included provisions for a ‘continuing committee’ to discuss the “modalities of admission of persons displaced from the West Bank and Gaza in 1967.” Egypt and Israel also agreed to work with each other and other interested parties towards a “prompt, just and permanent implementation of the resolution of the refugee problem.” The Accords did not include provisions for the right of return of Palestinian refugees displaced in 1948. The UN Commission on Human Rights subsequently declared “the validity of agreements purporting to solve the problem of Palestine requires that they be within the framework of the United Nations and its Charter and its resolutions” and rejected “those provisions of the accords which...”

Refugee Participation in the Search for Durable Solutions

For decades the Palestinian people have been denied the basic right to participate in key decisions concerning the future of Palestine. They have been talked about, argued over and decided for but rarely included. Likewise, the Middle East Peace Process that began in the 1990s provided few opportunities for public participation. The secret Oslo negotiations between Israel and the Palestine Liberation Organization, the subsequent talks over interim arrangements, final status talks at Camp David and Tab and the international Road Map all failed to provide scope for public participation.

This peacemaking process also shifted from an agenda articulated by Palestinian civil society to one that was subject to regional and international political pressures. This is particularly evident in relation to the question of Palestinian refugees and displaced persons. Refugees have more often than not been considered as objects of humanitarian assistance rather than individuals with rights and as legitimate actors in the peacemaking process. They have been assessed, surveyed, quantified, classified, but few policymakers, diplomats and commentators have bothered to ask and listen to the refugees themselves about how they envision a solution to their plight.

Exclusion of Palestinian refugees and IDPs from the peacemaking process combined with demands for better representation from their own leadership, gave rise to initiatives of political self-organization among refugee community in 1967 occupied Palestinian territories, inside Israel and in exile. These initiatives were as much an expression of concern about the exclusion of refugee rights as they were about the popular demand for better representation and democratization of the peacemaking process.

Popular refugee conferences inside Israel among internally displaced Palestinians followed by similar conferences among refugees across the occupied West Bank and Gaza Strip in the mid 1990s set out the basic principles, structures and mechanisms of a popular campaign for refugee rights. Refugees emphasized that the campaign should be a broad-based, non-sectarian, independent movement comprised of Palestinian popular organizations and initiatives (refugee and non-refugee) in the homeland and in exile to pressure and lobby for the protection of Palestinian refugee rights and durable solutions based on international law as affirmed in relevant UN resolutions. “It should be clear that popular refugee support for parties – elected or not, official or not – and for any negotiating team, will depend on their respect for democracy, national and human rights.”

Strategy debates, lobbying and protest activities encouraged not only additional grassroots organizations, but also the PLO operated Popular Service Committees, elected members of the Palestinian Legislative Council and activists in Palestinian unions, political parties and national institutions (Palestinian National Council, and others) to join the campaign. Community-based right of return initiatives in Palestine connected with similar initiatives in exile, and recruited professional research and media assistance. By 2000 new refugee rights initiatives were launched in Lebanon, Syria, Europe, and in North America and the global right of return network organized its first joint activities (Nakba Day, May 2000; and first joint strategy workshop).
ignore, infringe upon, violate or deny the inalienable rights of the Palestinian people, including the right of return...”

The issue of Palestinian refugees displaced in 1967 was addressed again in the context of the 1994 Jordan-Israel peace agreement. The 1993 Declaration of Principles between Israel and the PLO includes provisions for a continuing committee (based on the Camp David Accords) to discuss the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967. The continuing committee composed of Israel, the Palestinians, Jordan and Egypt ("Quadripartite Committee") was subsequently established under the 1994 Agreement on the Gaza Strip and Jericho Area. These agreements do not include reference to relevant resolutions of the United Nations nor do they affirm that the refugee issue should be resolved in accordance with international law. The problem of 1967 displaced Palestinians, which was to be resolved during the interim period of the Oslo process remains unresolved.

**Developments in 2003**

Throughout 2003 the political process remained focused primarily on Israeli security, political reform of the Palestinian Authority and humanitarian issues affecting the population of the occupied Palestinian territories. Bilateral and multi-lateral negotiations on final status issues, including the refugee issue, remained frozen. There was no change in the fundamental positions of the parties about the parameters for durable solutions for Palestinian refugees and internally displaced Palestinians. According to Israeli Prime Minister Ariel Sharon, “The right of return is a recipe for the destruction of Israel. We will not accept such a thing. We made that very clear. This is something Israel insists on and sees as a condition for continuing the process.” Palestinian Prime Minister Mahmoud Abbas (Abu Mazen) responded that “This is an unacceptable and unreasonable demand. The right of return is one of every refugee and I cannot abandon this right.”

Major developments during the year included the release of a new international framework known as the Performance-based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (‘Road Map’). Other developments include the recommendation by the UN General Assembly to obtain an advisory opinion from the International Court of Justice on the legal consequences of Israel’s construction of a separation Wall in the West Bank and the decision by Israeli Prime Minister Ariel Sharon to ‘disengage’ from the Gaza Strip.

The Road Map was officially released in April 2003 based on the appointment of an ‘empowered Prime Minister’ to the Palestinian Authority and commencement of a reform program. The framework sets out a three-stage process based on UN Security Council Resolutions 242 (1967) and 338 (1973) and 1397 (2002) for a two-state solution to the conflict as well as specified political processes, proposals of different multi-Arab states committees, accepted principle and existing peace agreements.

The Road Map provides an ambiguous set of guidelines to resolve the refugee issue. It calls for “an agreed, just, fair, and realistic solution” but does not define what is meant by these terms. It does not explicitly affirm the rights of Palestinian refugees although it does refer to the 2002 Arab Peace Initiative (‘Beirut Declaration’) which
affirms that “a just solution to the Palestinian Refugee problem is to be agreed upon in accordance with UN General Assembly Resolution 194.” The Beirut Declaration, however, is not mentioned in the Road Map as part of the framework for durable solutions for Palestinian refugees.

The Road Map also calls upon the Quartet to convene an international conference, in consultation with the parties, at the beginning of 2004 “leading to a final, permanent status resolution in 2005, including on borders, Jerusalem, refugees, settlements.” [emphasis added] The PLO and Israel accepted the Road Map, the latter with reservations. Israel demanded that any final agreement recognize Israel's right to exist as a Jewish state, waive the right of return of Palestinian refugees, remove all references to the Beirut Declaration and end all claims related to the conflict.

On 19 November 2003 the UN Security Council unanimously endorsed the Road Map. In late December the General Assembly reminded the parties of their obligations under the Road Map and called for parallel and reciprocal steps, credible third party monitoring mechanism and an end to occupation.

By the end of 2003 the Road Map was severely behind schedule. Major provisions for 2003, including an end to violence, withdrawal of Israeli military forces from Palestinian territories occupied after 28 September 2000, a freeze on Israeli settlements in the OPTs, an international peace conference, and the creation of a Palestinian state with provisional borders were not implemented.

In early December 2003 the UN General Assembly requested the International Court of Justice to examine legal issues surrounding Israel's construction of a separation Wall in the West Bank for alleged security considerations. “The Resolution asks the ICJ about "the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?"

Among the issues before the Court will be the destruction of Palestinian homes and properties, expropriation of Palestinian land and displacement for the construction of the Wall. If the ICJ finds the request within its jurisdiction and decides to issue an advisory opinion it could have potential political and legal implications for all Palestinian refugees and displaced persons. While the question submitted by the General Assembly to the Court pertains to the specific circumstances of the construction of the Wall, affirmation that Palestinians who are being displaced and dispossessed by the Wall have a right to return and repossess their properties will likely have political and legal ramifications for all Palestinian refugees and IDPs.

In December 2003 Israeli Prime Minister Ariel Sharon announced that Israel may consider unilateral moves, including disengagement (i.e. redeployment) from the Gaza Strip and parts of the West Bank. While the proposal calls for a removal of Israeli settlers from the Gaza Strip, Israel would apparently continue to control all land borders, the Mediterranean coast and the airspace over the Gaza Strip – i.e. Israel would continue to exercise effective control. Under international law the Gaza Strip would therefore remain occupied. The majority of Gaza's population is refugees who would remain confined to the Strip.
The disengagement proposal complements accelerated construction of the separation Wall deep inside the West Bank. While the alleged aim of Ariel Sharon’s proposed disengagement plan is security, it appears part of a systematic effort to entrench Israel’s control over the occupied Palestinian territories without the concomitant obligations and responsibilities of an occupying power under international law and further cement the system of ethnic-national separation that allows Israel to maintain its Jewish demographic majority and the majority of the colonies (i.e. settlements) constructed in the occupied Palestinian territories since 1967.

In June 2003 the Supreme Court of Israel agreed that there is no longer a justification for the closed order preventing the return of IDPs from the Palestinian village of Iqrit in the Galilee. The Court further stated that without allocation of land by the state to the residents of the villages there is no practical way to settle the issue. However, the Court upheld the state’s position that allowing the IDPs to return now would possibly create a precedent which could be used against the state and therefore ruled that the state was not required to implement the return of displaced to their villages at the present time. The residents of the village were evacuated ‘temporarily’ by the Israeli military after the 1948 war for security reasons with a promise that they could return. The promise was not implemented. Israel’s Supreme Court subsequently ruled in the 1950s that the villagers should be permitted to return.

During the year international human rights organizations continued to remind state parties of the importance of international law for durable solutions. “Disregarding human rights, or subordinating these rights to political considerations, can only undermine the prospect of achieving durable peace and security,” warned Amnesty International. “Every serious effort at conflict resolution has a human rights component,” said Human Rights Watch. “There’s no reason why the Israeli-Palestinian conflict should be any different. Leaving rights out of the equation might look expedient now, but it will have terrible consequences as abuses on both sides undermine the process.”

UN member states reaffirmed the basic rights of Palestinian refugees, which they have done annually since 1948. The General Assembly also reaffirmed the right of Palestinians refugees to their property and the income derived therefrom. This includes the “right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources.” The Economic and Social Council reaffirmed the right of refugee women and children to return to their homes and properties.

The United States, Israel, along with the Marshall Islands, Micronesia and Palau, however, continued to vote against resolutions that reaffirm Palestinian refugee rights. The United States introduced a consolidated resolution on “Assistance to Palestine Refugees and Support for the UN Relief and Works Agency for Palestine Refugees in the Near East” (UNGA Resolution 58/95, 17 December 2003), which excluded, for the first time, reference to Resolution 194(III), the UNCCP and expression of concern that the repatriation and compensation of Palestinian refugees had not yet be effected.

Resolutions adopted by the Council of Europe Parliamentary Assembly and the European Parliament in 2003 were also inconsistent with international law and
practice on durable solutions. In June the CoE Parliamentary Assembly reiterated recommendations similar to those issued in 1998. The Council called for a “just settlement” of the refugee problem to be implemented with “all necessary flexibility” taking into account the historical and political developments in the region. In October the European Parliament adopted a non-binding resolution calling upon Palestinian officials “to take a ‘realistic approach’ to the sensitive question of the right of return for refugees … so that a “fair and balanced solution” can be reached between the parties…” Both resolutions recommend that durable solutions should be found within a Palestinian state and support compensation as a substitute for repatriation.

Other regional groupings, however, reaffirmed support for the right of Palestinian refugees to return to their homes and repossess their properties. The League of Arab States reaffirmed the 2002 Beirut Declaration and the principles for a comprehensive peace in the region. These included “the exercise by the Palestinian people of all of their inalienable rights, including their right to self-determination and to the establishment of an independent State on all of their national territory with Jerusalem as its capital, the guarantee of the right of return for Palestinian refugees and the release of Palestinians who have been abducted or arrested and are now in Israeli prisons.”

The Organization of Islamic Conference, meeting at the Foreign Minister level in May 2003, reaffirmed the “imprescriptible and inalienable national rights [of the Palestinian people], including its right to return, to self-determination, and to the establishment of its independent state on its national territory with al-Quds al-Sharif as its capital.” The Foreign Ministers also called on “the Member States to request the UN Secretary-General to advise the Conciliation Committee, in collaboration with UNRWA and concerned states, carry out a comprehensive census of Palestinian refugees and their property and develop a global vision to solve their problems based on their right to return to their homeland, Palestine, in accordance with UN Resolution 194.” The Non-Aligned Movement also reaffirmed its support for the inalienable rights of the Palestinian people.

Former and current Palestinian and Israeli political and security officials launched informal initiatives for a solution to the conflict in 2003. This included the Nusseibeh-Ayalon initiative and the Geneva initiative. Both initiatives are based on partition of historic Palestine into two ethno-national states – Israel and Palestine – according to the 1949 armistice lines (‘Green Line’). Both emphasize resettlement and compensation as the preferred solution for Palestinian refugees. Palestinian refugee organizations rejected both initiatives because they did not affirm the right of refugees to return to their homes and repossess their properties.

In mid-2003 refugee activists in the West Bank decided to re-launch the popular right of return conferences – an initiative initially started in 1995-96 and subsequently put on hold – in order to strengthen the voice of Palestinian refugees. Preparatory committees were established in three West Bank regions – Bethlehem, Ramallah and Tulkarem. Similar initiatives were in progress in Nablus and Hebron by the end of the year. The regional popular conferences will elect regional representatives with the aim of establishing a higher popular right-of-return coordinating committee in the West Bank. Community activists in the Gaza Strip have adopted the same model but have yet to take the initial steps already accomplished in the West Bank.
During 2003 the international umbrella network Coalition for the Palestinian Right of Return held its fourth annual coordinating meeting, developed a joint plan of action and adopted a draft Constitution setting out the objectives and regulations of the Coalition. Al-Awda/The Palestine Right to Return Coalition held its first convention in Toronto, Canada focused on Principles, Strategies and Programs for the right of return.

Nakba memorials in the occupied Palestinian territories included popular marches and rallies held in Bethlehem, Ramallah, Hebron, Tulkarem, Nablus and in towns and camps of the Gaza Strip. Inside Israel the Association for the Defense of the Rights of the Internally Displaced organized trips to refugee villages of origin and an annual right of return march to the depopulated Palestinian village of Umm al-Zeinat located on Mount Carmel (Haifa) on the 55th anniversary of the Nakba. Zochrot, a Jewish-Israeli organization recently established to educate Israeli Jewish society about the Nakba and the right of return organized guided visits to numerous Palestinian refugee villages for Israeli Jews. It also continued a campaign to raise awareness by posting signs at village sites and in cities with information about the Palestinian heritage and presence before 1948.
Endnotes

5 Ibid.
10 Ibid.
12 Conclusion on Voluntary Repatriation, UNHCR Executive Committee No. 40 (XXXVI) (1985); and, Conclusion on Voluntary Repatriation, UNHCR Executive Committee No. 18 (XXXII) (1980).
16 Ibid. Also see, Letter and Memorandum dated 22 November 1949. Concerning Compensation, received by the Chairman of the Conciliation Commission from Mr. Gordon R. Clapp, Chairman, United Nations Economic Survey Mission for the Middle East. UN Doc. W/32, 19 January 1950.
18 Compensation to Refugees for Loss of or Damage to Property to be Made Good Under Principles of International Law or in Equity. UN Doc. W/30, 31 October 1949.
20 Ibid.
22 See amendments submitted by the United States (A/C.1.351/Rev. 1 and 2), Guatemala (A/C.1/398/Rev. 1 and 2) and Colombia (A/C.1/399).
25 Letter and Memorandum dated 22 November 1949. Concerning Compensation, received by the Chairman of the Conciliation Commission from Mr. Gordon R. Clapp, Chairman, United Nations Economic Survey Mission for the Middle East, supra note 19.
27 Ibid.
28 Ibid.
29 Ibid.
34 Ibid.
35 Although the UNCCP is no longer active it continues to prepare annual reports of its activities. The reports state that the Commission...
has nothing new to report. See, e.g., Fifty-Seventh Report of the United Nations Conciliation Commission for Palestine, covering the period from 1 September 2002 to 31 August 2003. UN Doc. A/58/256, 31 August 2003. The reports are prepared by the secretary of the UNCCP who is a staff member of the UN Department of Political Affairs.

56 “Pursuant to Article XII of the Declaration of Principles, the two Parties shall invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote cooperation between them. These arrangements shall include the constitution of a Continuing Committee. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Article XVI, para. 1 and 2, Agreement on the Gaza Strip and Jericho Area, 4 May 1994.


58 Ibid.

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


62 The UNCCP established the Economic Survey Mission to examine the economic situation in the countries affected by the 1948 war and make recommendations for an integrated program to enable governments concerned to overcome economic dislocations caused by the war, to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and payment of compensation and promote economic conditions conducive to the maintenance of peace and security in the region.

63 Fischbach, supra note 39, p. 272.


66 The 1968 National Charter of the PLO, for example, affirms the right of all Palestinians to return to their homeland. The Charter is reprinted in, Documents on Palestine, From the Pre-Ottoman/Ottoman Period to the Prelude of the Madrid Middle East Peace Conference. Vol. II. Jerusalem: PASSIA, 1997, pp. 213-15. On the eve of final status negotiations under the Oslo process, the PLO Department of Refugee Affairs affirmed that a just solution to the Palestinian refugee issue “will be defined as the Israeli acceptance of the Palestinian refugees' right of return to their homes and to receive compensation, as outlined in UN General Assembly Resolution 194 and subsequently relevant UN resolutions.” Reprinted in The Palestinian Refugees, FACTFILE. Jerusalem: PLO Department of Refugee Affairs, 2000, p. 18.

67 The decision to prevent the return of Palestinian refugees was taken at a June 1948 Israeli cabinet meeting and confirmed in the Reply of the Provisional Government of Israel to the Proposal Regarding the Return of Arab Refugees, Aug. 1st, 1948. Annexed to the Progress Report of the United Nations Mediator on Palestine, supra note 16. At the opening of final status negotiations under the Oslo process the Israeli delegation stated that “in order to bring about a permanent and stable solution [for Palestinian refugees] which does not perpetuate the conflict, this cannot be found within the borders of Israel.” Available at: [http://www.mfa.gov.il/mfa]. Last visited [19/11/2003].


69 “It is understood that these negotiations shall cover remaining issues, including; Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbours, and other issues of common interest.” Article V(3), Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993.

70 “Recognizing the massive human problems caused to both Parties by the conflict in the Middle East, as well as the contribution made by them towards the alleviation of human suffering, the parties will seek to further alleviate those problems arising on a bilateral level. Recognizing that the above human problems caused by the conflict in the Middle East cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following: In the case of refugees, (i) In the framework of the Multilateral Working Group on Refugees; (ii) In negotiations, in a framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations pertaining to the Territories referred to in Article 5 of this Treaty.” Article 8, para. 1(b), Refugees and Displaced Persons, Treaty of Peace between the Hashemite Kingdom of Jordan and the State of Israel, 26 October 1994.


72 The full text of the EU ’non-paper’ concerning refugees (as published in Ha’aretz) is reprinted in al-Majdal, Issue No. 13 (March 2002).
55 “During the transitional period, representatives of Egypt, Israel, Jordan, and the self-governing authority will constitute a continuing committee to decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern may also be dealt with by this committee. 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.” Section A. West Bank, para. 1(e), Camp David Accords, 17 September 1978.

54 Commission on Human Rights Resolution No. 2 (XXXVI), 14 February 1980.

53 Article 8, para. 1(a), Treaty of Peace between the Hashemite Kingdom of Jordan and the State of Israel, supra note 40.

52 “The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other hand, to promote cooperation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this Committee.” Article XII, Declaration of Principles on Interim Self-Government Arrangements, supra note 39.

51 “Pursuant to Article XII of the Declaration of Principles, the two Parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote cooperation between them. These arrangements shall include the constitution of a Continuing Committee. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Article XVI, paras. 1 and 2, Agreement on the Gaza Strip and Jericho Area, 4 May 1994.

50 Declaration Issued by the First Popular Refugee Conference in Deheishe Refugee Camp, 13 September 1996. [On file with BADIL.]


48 Quoted ibid. Palestinian Authority Foreign Minister Nabil Shaath reiterated that “The right of return is no longer an illusion. It is an integral part of the [2002] Arab peace initiative, which is one of the reference points of the Road Map. I want to be clear: this right includes returning to an independent state and to Palestinian cities in the Jewish state. Whether a person returns to Haifa (Israel) or to Nablus (West Bank) their return is guaranteed.” Agence France Presse, 15 August 2003.


44 UN Security Council Resolution 1515, 19 November 2003

43 UN General Assembly Resolution 58/21, 3 December 2003.


41 “The decision has not yet been officially published, but is available on the Supreme Court website. HCJ 840/97.


38 UN General Assembly Resolution 58/18 (3 December 2003); 58/91 (17 December 2003); 58/92 (17 December 2003); 58/93 (17 December 2003); and, 58/94 (17 December 2003).

37 UN General Assembly Resolution 58/229, 17 December 2003, Concerning housing and property restitution for Palestinians displaced for the first time in 1967 see, Commission on Human Settlements Resolution 18/12, 16 February 2001.


34 This includes votes against UN General Assembly Resolutions 58/18, 58/91, 58/92, 58/93 and 58/94. The US, Marshall Islands, Micronesia and Palau abstained from Resolution 58/91.

33 Resolution 58/95 was based on an American draft resolution (A/C.4/58/L.9, 31 October 2003) and the revised draft resolution (A/C.4/58/L.9, 7 November 2003) submitted by Australia, Canada, Dominican Republic, Palau, Uganda and the US. The non-consolidated resolutions are 58/91, 17 December 2003 and 58/93, 17 December 2003.

32 CoE Parliamentary Assembly Resolution 1338, 25 June 2003. The recommendations were issued in the aftermath of a hearing on the status of Palestinian refugees in Europe held earlier in the year in Budapest and a special report prepared by the Council’s Committee on Migration, Refugees and Demography (CoE Doc. 9808, 15 May 2003) on the conditions in which the Palestinian refugees stay irrespective of the place. CoE Parliamentary Assembly Resolution 1156, 23 April 1998, called for a solution to the Palestinian refugee issue largely through resettlement and the creation of a Palestine Refugee and Displaced Persons Final Status Fund.

Durable Solutions

Recommendations

General Recommendations

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

2. Facilitate refugee/IDP participation: The process of clarifying protection gaps and crafting durable solutions should include the refugee and IDP communities in order to strengthen democratic principles and structures, expand the range of solutions and lend greater legitimacy to any future peace agreement. Special emphasis should be accorded to the inclusion of Palestinians outside the 1967 occupied Palestinian territories and Israeli civil society as well as women, children and the elderly. Other sectors of Palestinian and Israeli civil society should be included in the broader search for a solution to the Palestinian-Israeli conflict. Mechanisms for regular consultation with refugees and internally displaced as well as other sectors of civil society should be developed.

International Community

1. Support rights-based durable solutions: The Quartet (US, Russia, EU and UN) and other members of the international community should support and facilitate solutions for Palestinian refugees and IDPs consistent with international law, relevant UN resolutions and best practice (see Chapter Six). The United States, the EU and the Council of Europe, in particular, should revisit and revise positions/resolutions on the Palestinian refugee issue that are inconsistent with international law.

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

3. Implement the protection standards of the statelessness conventions: States signatories should adopt and apply provisions of the 1954 Statelessness Convention in line with the proper interpretation of Article 1D (Refugee Convention) and develop appropriate procedures for the assessment of protection claims under the Convention. States who have not done so should ratify the Convention.

4. Strengthen regional instruments and mechanisms for refugee protection and durable solutions: Members states of the League of Arab States should develop the 1965 Protocol on the Treatment of Palestinians in line with the 1992 Cairo Declaration and regional refugee instruments such as the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa with the aim of increasing the scope of protection and clarifying the applicable framework for durable solutions. States members should also strengthen regional mechanisms to monitor implementation of relevant regional standards.

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

United Nations

1. Identify agency responsibility to search for and implement durable solutions: UNHCR, UNRWA, UNCCP and other relevant bodies should continue inter-agency consultation and coordination with the aim of clarifying respective mandates and identifying agency responsibilities for the search for and implementation of durable solutions. The appropriate body or bodies should draft a framework for durable solutions based on international law, relevant UN resolutions and best practice and make clear to all stakeholders that an agreement should be consistent with the consensus of voluntary repatriation, restitution and compensation based on the free and informed choice of each individual. Official land records and archives of the United Nations Conciliation Commission for Palestine should be opened up to Palestinian refugees and internally displaced persons to verify documentation and registration of properties.

2. Identify agency responsibility to protect Palestinian refugees and IDPs in UNRWA areas of operation: Effective remedy of the protection gap for Palestinian refugees in UNRWA areas of operation and IDPs requires clarification of mandates (i.e. division of protection and assistance roles) and increased inter-agency coordination between UNHCR, UNRWA, UNCCP and other relevant bodies. These three agencies, having been accorded a lead role in the provision of protection and assistance for Palestinian refugees/IDPs, should take the initiative to establish a coordination mechanism or secretariat for the exchange of documents, information, data and reports regarding their respective policies and operations. Special attention should be given to clarifying the issue of ‘returnability’ and continued documentation of state practice regarding interpretation of Article 1D and protection of Palestinian refugees.

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

Correct gender discrimination in UNRWA registration system: The United Nations should remedy gender discrimination in the existing UNRWA registration system. Children born to a registered refugee woman married to a non-refugee man should not be deprived of UNRWA assistance and related services. A comprehensive registration system (see above) should be consistent with gender equality standards.

Government of Israel

1. Comply with international law standards for durable solutions: The government of Israel should repeal or revise nationality and property legislation to bring relevant laws into compliance with international human rights obligations, as recommended by various United Nations human rights treaty bodies, so that Palestinian refugees may re-establish domicile in their homeland and repossess their homes and properties. The government of Israel should also implement without further delay the 1951 High Court decisions regarding the return of IDPs from the villages of Iqrit and Bir’m in the context of implementing durable solutions for all IDPs inside Israel. The government of Israel should provide access to all archives containing 1948-related documentation and other documentation related to the displacement and dispossession of Palestinians since 1948.
2. **Implement protection standards in the 1967 occupied Palestinian territories:** The government of Israel should apply international human rights instruments and the Fourth Geneva Convention in their entirety in the 1967 occupied Palestinian territories and end its 36-year illegal occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip. The government of Israel should cease all construction and dismantle completed sections of the separation Wall in the West Bank which is leading to new waves of displacement and dispossession.

3. **Dismantle discriminatory para-statal institutions:** The government of Israel should review its relationship with the World Zionist Organization/Jewish Agency and its subsidiaries including the Jewish National Fund, as recommended by UN Human Rights Treaty Bodies, and dismantle these institutions which discriminate against Palestinians by providing preferential public services to Jews which are not available to Palestinians.

**Palestine Liberation Organization**

1. **Develop a draft framework and mechanisms for durable solutions:** The PLO should draft a framework for durable solutions for Palestinian refugees and IDPs in consultation with refugee and IDP communities consistent with international law, relevant UN resolutions and best practice. The PLO should also design a model for mechanisms to implement durable solutions, including return and housing and property restitution.

2. **Strengthen the Department of Refugee Affairs:** The PLO should strengthen the capacity of the Department of Refugee Affairs as the Palestinian body mandated to oversee the refugee issue. The PLO should strengthen, and where applicable, establish PLO offices where Palestinian refugees can seek the assistance and protection of their representatives.

3. **Rebuilding the representative structures of the PLO:** The PLO should rebuild the representative structures inside the PLO so that Palestinians, including refugees and IDPs, can fully participate in the search for a solution to the Palestinian-Israeli conflict, and the refugee issue in particular, and so that elected officials can more effectively represent their constituency.

**Civil Society**

1. **Raise awareness about refugee rights:** Palestinian, Israeli and international civil society should raise awareness about refugee rights and the standard framework for durable solutions for refugees and displaced persons worldwide that is also applicable to Palestinian refugees. Tools for awareness raising should include public rallies and debates, the media, academic research and the arts.

2. **Lobby and campaign for a solution consistent with international law, relevant UN resolutions and best practice:** Palestinian, Israeli and international civil society should lobby and campaign the international community to build pressure for a rights-based approach to durable solutions for Palestinian refugees and internally displaced persons. Boycotts and divestment should be considered as legitimate means of pressure.
Appendix

Selected United Nations Resolutions

UN General Assembly Resolution 194(III)
11 December 1948

Establishing a UN Conciliation Commission, resolving that Jerusalem should be placed under a permanent international regime, and resolving that the refugees should be permitted to return to their homes.

The General Assembly,

Having considered further the situation in Palestine,

1. Expresses its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

2. Establishes a Conciliation Commission consisting of three States members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. Decides that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. Requests the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. Calls upon the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council’s resolution of 16 November 1948 1/ and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

6. Instructs the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. Resolves that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. Resolves that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;
Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. Resolves that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. Instructs the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

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

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

12. Authorizes the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards to the protection of the staff and premises of the Commission;

13. Instructs the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. Calls upon all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. Requests the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

1/ See Official Records of the Security Council, Third Year, No. 126.

UN General Assembly Resolution 302(V)
8 December 1949

Establishing the UN Relief and Works Agency for Palestinian Refugees (UNRWA)

The General Assembly,

Recalling its resolutions 212 (III) 2/ of 19 November 1948 and 194 (III) 3/ of 11 December 1948, affirming in particular the provisions of paragraph 11 of the latter resolutions,

Having examined with appreciation the first interim report 4/ of the United Nations Economic Survey Mission for the Middle East and the report 5/ of the Secretary-General on assistance to Palestine refugees,
1. Expresses its appreciation to the Governments which have generously responded to the appeal embodied in its resolution 212 (III), and to the appeal of the Secretary-General, to contribute in kind or in funds to the alleviation of the conditions of starvation and distress among the Palestine refugees;

2. Expresses also its gratitude to the International Committee of the Red Cross, to the League of Red Cross Societies and to the American Friends Service Committee for the contribution they have made to this humanitarian cause by discharging, in the face of great difficulties, the responsibility they voluntarily assumed for the distribution of relief supplies and the general care of the refugees; and welcomes the assurance they have given the Secretary-General that they will continue their co-operation with the United Nations until the end of March 1950 on a mutually acceptable basis;

3. Commends the United Nations International Children's Emergency Fund for the important contribution which it has made towards the United Nations programme of assistance; and commends those specialized agencies which have rendered assistance in their respective fields, in particular the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the International Refugee Organization;

4. Expresses its thanks to the numerous religious, charitable and humanitarian organizations which have materially assisted in bringing relief to Palestine refugees;

5. Recognizes that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability, and that constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief;

6. Considers that, subject to the provisions of paragraph 9(d) of the present resolution, the equivalent of approximately $33,700,000 will be required for direct relief and works programmes for the period 1 January to 31 December 1950 of which the equivalent of $20,200,000 is required for direct relief and $13,500,000 for works programmes; that the equivalent of approximately $21,200,000 will be required for works programmes from 1 January to 30 June 1951, all inclusive of administrative expenses; and that direct relief should be terminated not later than 31 December 1950 unless otherwise determined by the General Assembly at its fifth regular session;

7. Establishes the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

(a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission;

(b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available;

8. Establishes an Advisory Commission consisting of representatives of France, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, with power to add not more than three additional members from contributing Governments, to advise and assist the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the execution of the programme; the Director and the Advisory Commission shall consult with each near Eastern Government concerned in the selection, planning and execution of projects;

9. Requests the Secretary-General to appoint the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in consultation with the Governments represented on the Advisory Commission;

(a) The Director shall be the chief executive officer of the United Nations Relief and Works Agency for Palestine Refugees in the Near East responsible to the General Assembly for the operation of the programme;

(b) The Director shall select and appoint his staff in accordance with general arrangements made in agreement with the Secretary-General, including such of the staff rules and regulations of the United Nations as the Director and the Secretary-General shall agree are applicable, and to the extent possible utilize the facilities and assistance of the Secretary-General;

(c) The Director shall, in consultation with the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions, establish financial regulations for the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

(d) Subject to the financial regulations established pursuant to clause (c) of the present paragraph, the Director, in consultation with the Advisory Commission, shall apportion available funds between direct relief and works projects in their discretion, in the event that the estimates in paragraph 6 require revision;
10. Requests the Director to convene the Advisory Commission at the earliest practicable date for the purpose of developing plans for the organization and administration of the programme, and of adopting rules of procedure;

11. Continues the United Nations Relief for Palestine Refugees as established under General Assembly resolution 212 (III) until 1 April 1950, or until such date thereafter as the transfer referred to in paragraph 12 is affected, and requests the Secretary-General in consultation with the operating agencies to continue the endeavour to reduce the numbers of rations by progressive stages in the light of the findings and recommendations of the Economic Survey Mission;

12. Instructs the Secretary-General to transfer to the United Nations Relief and Works Agency for Palestine Refugees in the Near East the assets and liabilities of the United Nations Relief for Palestine Refugees by 1 April 1950, or at such date as may be agreed by him and the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

13. Urges all Members of the United Nations and non-members to make voluntary contributions in funds or in kind to ensure that the amount of supplies and funds required is obtained for each period of the programme as set out in paragraph 6; contributions in funds may be made in currencies other than the United States dollar in so far as the programme can be carried out in such currencies;

14. Authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to advance funds deemed to be available for this purpose and not exceeding $5,000,000 from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1950 from the voluntary governmental contributions requested under paragraph 13 above;

15. Authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to negotiate with the International Refugee Organization for an interest-free loan in an amount not to exceed the equivalent of $2,800,000 to finance the programme subject to mutually satisfactory conditions for repayment;

16. Authorizes the Secretary-General to continue the Special Fund established under General Assembly resolution 212 (III) and to make withdrawals therefrom for the operation of the United Nations Relief for Palestine Refugees and, upon the request of the Director, for the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

17. Calls upon the Governments concerned to accord to the United Nations Relief and Works Agency for Palestine Refugees in the Near East the privileges, immunities, exemptions and facilities which have been granted to the United Nations Relief for Palestine Refugees, together with all other privileges, immunities, exemptions and facilities necessary for the fulfilment of its functions;

18. Urges the United Nations International Children's Emergency Fund, the International Refugee Organization, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization and other appropriate agencies and private groups and organizations, in consultation with the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to furnish assistance within the framework of the programme;

19. Requests the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

(a) To appoint a representative to attend the meeting of the Technical Assistance Board as observer so that the technical assistance activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East may be co-ordinated with the technical assistance programmes of the United Nations and specialized agencies referred to in Economic and Social Council resolution 222 (IX) A/8 of 15 August 1949;

(b) To place at the disposal of the Technical Assistance Board full information concerning any technical assistance work which may be done by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in order that it may be included in the reports submitted by the Technical Assistance Board to the Technical Assistance committee of the Economic and Social Council;

20. Directs the United Nations Relief and Works Agency for Palestine Refugees in the Near East to consult with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;

21. Requests the Director to submit to the General Assembly of the United Nations an annual report on the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, including an audit of funds, and invites him to submit to the Secretary-General such other reports as the United Nations Relief and Works Agency for Palestine Refugees in the Near East may wish to bring to the attention of Members of the United Nations, or its appropriate organs;

22. Instructs the United Nations Conciliation Commission for Palestine to transmit the final report of the Economic Survey Mission, with such comments as it may wish to make, to the Secretary-General for transmission to the Members of the United Nations and to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.
UN Security Council Resolution 237
14 June 1967

Calling on Israel to respect human rights in areas affected by the 1967 Middle East conflict and to facilitate the return of refugees.

The Security Council,

Considering the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings,

Considering that essential and inalienable human rights should be respected even during the vicissitudes of war,

Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 1/ should be complied with by the parties involved in the conflict,

1. Calls upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;

2. Recommends to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949; 2/

3. Requests the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council.

UN General Assembly Resolution 2252(ES-V)
4 July 1967

Reaffirming that human rights should be respected in areas affected by the 1967 Middle East conflict and endorsing UNRWA assistance to refugees displaced in 1967.

The General Assembly,

Considering the urgent need to alleviate the suffering inflicted on civilians and on prisoners of war as a result of the recent hostilities in the Middle East,

1. Welcomes with great satisfaction Security Council resolution 237 (1967) of 14 June 1967, whereby the Council:

   (a) Considered the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings;

   (b) Considered that essential and inalienable human rights should be respected even during the vicissitudes of war;

   (c) Considered that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949
1/ should be complied with by the parties involved in the conflict;

(d) Called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities;

(e) Recommended to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949, 2/

(f) Requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council;

2. Notes with gratitude and satisfaction and endorses the appeal made by the President of the General Assembly on 26 June 1967;

3. Notes with gratification the work undertaken by the International Committee of the Red Cross, the league of Red Cross Societies and other voluntary organizations to provide humanitarian assistance to civilians;

4. Notes further with gratification the assistance which the United Nations Children's Fund is providing to women and children in the area;

5. Commends the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for his efforts to continue the activities of the Agency in the present situation with respect to all persons coming within his mandate;

6. Endorses, bearing in mind the objectives of the above-mentioned Security Council resolution, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities;

7. Welcomes the close co-operation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of the other organizations concerned, for the purpose of co-ordinating assistance;

8. Calls upon all the member States concerned to facilitate the transport of supplies to all areas in which assistance is being rendered;

9. Appeals to all Governments, as well as organizations and individuals, to make special contributions for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and also to the other intergovernmental and non-governmental organizations concerned;

10. Requests the Secretary-General, in consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report urgently to the General Assembly on the needs arising under paragraphs 5 and 6 above;

11. Further requests the Secretary-General to follow the effective implementation of the present resolution and to report thereon to the General Assembly;


UN General Assembly 3236(XXIX)
22 November 1974

Recognizing the rights of the Palestinian People including the right of Palestinians to return to their homes and property from which they were displaced.

The General Assembly,

Having considered the question of Palestine,


Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people,

Having also heard other statements made during the debate,

Deeply concerned that no just solution to the problem of Palestine has yet been achieved and recognizing that the problem of Palestine continues to endanger international peace and security,

Recognizing that the Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations,

Expressing its grave concern that the Palestinian people has been prevented from enjoying its inalienable rights, in particular its right to self-determination,

Guided by the purposes and principles of the Charter,

Recalling its relevant resolutions which affirm the right of the Palestinian people to self-determination,

1. Reaffirms the inalienable rights of the Palestinian people in Palestine, including:

(a) The right to self-determination without external interference;

(b) The right to national independence and sovereignty;

2. Reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return;

3. Emphasizes that full respect for and the realization of these inalienable rights of the Palestinian people are indispensable for the solution of the question of Palestine;

4. Recognizes that the Palestinian people is a principal party in the establishment of a just and lasting peace in the Middle East;

5. Further recognizes the right of the Palestinian people to regain its rights by all means in accordance with the purposes and principles of the Charter of the United Nations;

6. Appeals to all States and international organizations to extend their support to the Palestinian people in its struggle to restore its rights, in accordance with the Charter;

7. Requests the Secretary-General to establish contacts with the Palestine Liberation Organization on all matters concerning the question of Palestine;

8. Requests the Secretary-General to report to the General Assembly at its thirtieth session on the implementation of the present resolution;

9. Decides to include the item entitled “Question of Palestine” in the provisional agenda of its thirtieth session.

UN General Assembly Resolution 36/146 (C)
16 December 1981

Recognizing the right of Palestinian Refugees to their properties and the revenues derived therefrom.

The General Assembly,

Recalling its resolutions 35/13 A to F of 3 November 1980 and all previous resolutions on the question, including resolution 194 (III) of 11 December 1948,

Taking note of the report of the United Nations Conciliation Commission for Palestine, covering the period from 1 October 1980 to 30 September 1981,

Recalling that the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of private property,

Considering that the Palestinian Arab refugees are entitled to their property and to the income derived from their property in conformity with the principles of justice and equity,

Recalling, in particular, its resolution 394 (V) of 14 December 1950, in which it directed the United Nations Conciliation Commission for Palestine, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestinian Arab refugees,

Taking note of the completion of the programme of identification and evaluation of Arab property, as announced by the United Nations Conciliation Commission for Palestine in its twenty-second progress report, of 27 May 1964, and that the Land Office has a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

1. Requests the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection and administration of Arab property, assets and property rights in Israel, and to establish a fund for the receipt of income derived therefrom, on behalf of their rightful owners;

2. Calls upon the Governments concerned to render all facilities and assistance to the Secretary-General on the implementation of the present resolution;

3. Requests the Secretary-General to report to the General Assembly at its thirty-seventh session on the implementation of the present resolution.
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BADIL takes a rights-based approach to the Palestinian refugee issue through research, advocacy, and support of community participation in the search for durable solutions.

BADIL was established to support the development of a popular refugee lobby for Palestinian refugee and internally displaced rights through professional research and partnership-based community initiatives.

BADIL was established in January 1998 and is registered with the Palestinian Authority and legally owned by the refugee community represented by a General Assembly composed of activists in Palestinian national institutions and refugee community organizations.

BADIL’s campaign unit facilitates partnership-based initiatives with local Palestinian and international organizations in order to strengthen refugee identity, promote refugee unit, and empower initiatives of refugee self-organization for Palestinian refugee rights.

BADIL’s research, information and legal advocacy unit initiates research and documentation to provide accurate information, raise awareness and furnish professional analysis to support the local and international community-based campaign for Palestinian refugee rights.

Persons 2002 graphically shows, once again, just how cruel history has been to displaced Palestinians. No refugee group anywhere is larger, no refugee group has
stronger rights to return and repossess their homes and lands and no refugee group has so many extraordinary groups – like BADIL – working on their behalf. Sadly, though, no refugee group is so systematically prevented from enjoying the rights that are legitimately theirs, and that is why the work of BADIL remains so vital. They have helped to keep the Palestinian refugee question on the top of political agendas and rightly continue to demand a solution to the refugee question grounded in international law, human rights and justice for everyone who has faced the illegal theft of “their homes and lands. Bravo BADIL.

(Scott Leckie, Executive Director, Centre on Housing Rights and Evictions (COHRE)

The BADIL Survey of Palestinian Refugees and Internally Displaced Persons for 2002 is the most comprehensive survey of its kind to date. It is an indispensable document for Human Rights Activists, Lawyers, NGOs and government officials who are committed to a just solution for Palestinian refugees all over the world. This should be required reading for everyone and it should form the basis for all future discussions of solutions to the Palestinian refugee issue.

Dr. Jess Ghannam, Professor, University of California, San Francisco