



Major Issues: Palestinian Refugees



Pictures of Shuafat Refugee Camp: (left) Old checkpoint into Shuafat; (middle) Two boys in one of the narrow alleys that serve as streets; (right) Though camp residents pay Jerusalem taxes, their access to municipal services is poor and trash regularly piles up. The camp was built in 1966 and originally housed 2000-3000; now there are about 30,000 residents.

PALESTINIAN REFUGEES
SPECIAL BULLETIN
May 2004

HISTORICAL BACKGROUND

The Palestinian refugee problem was created by Zionism's conquest of Palestine and her wars. The 1947 UN Partition Plan for Palestine (UNGA Res. 181) and the 1948 Arab-Israeli War (UNGA Res. 194) resulted in the displacement of 750,000 Palestinians. The UN Partition Plan provided for the establishment of a Jewish state and an Arab state, with the remainder of Palestine to be an independent Arab state. The Jewish state was established in 1948, and the Arab state was never established. The UN Partition Plan also provided for the establishment of a Palestinian refugee fund to assist refugees in their return to their homes or in their resettlement in other parts of Palestine. The UN Partition Plan also provided for the establishment of a Palestinian refugee fund to assist refugees in their return to their homes or in their resettlement in other parts of Palestine.

PASSIA
Palestinian Academic Society for the Study of International Affairs, Jerusalem
The PASSIA Bulletin is the official journal of the organization. It is published quarterly. For more information, visit our website at www.passia.org or contact us at info@passia.org.

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

- UN Mediator Count Folke Bernadotte, Report (UN Doc A1 648), 1948

[Download the May 2004 PASSIA Special Bulletin on Palestinian Refugees](#)

International Law

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated."

– Fourth Geneva Convention, Article 49 (12 August 1949)

What's at Stake

The refugee situation has been one of the major sticking points to any peace process or proposal and continues to be an emotional touch-point for all involved. Palestinian refugees and internally displaced persons (see background for distinction) claim that they have a right to return to the properties they owned and were either forced out by Israeli para-military groups or fled in fear. This claim is backed up by the famous UN General Assembly Res. 194 (1948), which in Article 11 states that refugees who wish to return in peace should be allowed to do so or should be fairly compensated for their loss. For Palestinians, and many in the Arab world, the fact that both options have been denied by the State of Israel and that this denial has been allowed by the international community are seen as great injustices.

There are several Israeli views of the refugee issue. On one end of the spectrum are those who claim that there is no "right of return" because Israel was attacked and the attackers should not be compensated for their losses. Others acknowledge that this is an issue which must be resolved but worry that it would mean the loss of Israel's Jewish character and majority. Others link this issue to a similar demand for compensation to the Jewish people who were either forced out or left Arab countries when Israel was formed. Also, the financial cost of compensating the refugees in full would devastate the Israeli economy. Peace proposals have been suggested, including one that would allow the refugees to return to a future Palestinian State with a few being permitted to return to Israel based on a lottery. Proposals for compensation have included drawing on the international community for donations to cover the cost.

Stories: The Human Face of the Conflict



Peace starts here

This program of the United Nations Relief and Works Agency for Palestine Refugees tracks 15 different refugee stories in the hopes of giving a broad overview of what it means to be a Palestinian refugee. These stories, presented in video and written form, come from refugee camps in Gaza, the West Bank, Jordan, Syria and Lebanon, cover a range of topics and deal with a multitude of family/individual situations. Click on the link to the left to learn more.

[Peace starts here](#)

Act Now

The issues surrounding Palestinian refugees grow larger and more difficult every day as the population of refugees expands without resolution of their status. We ask that you contact elected officials to urge the United States government to press for

- Continued funding for the United Nations Relief and Works Agency so that Palestinian refugees will have the basic necessities to survive
- A final status agreement that affirms the right of return for Palestinian refugees but also recognizes that there are options for how to fulfill it.

The Church's Voice

Interfaith statement of principles to bring end to conflict in the Middle East

"We express our support for the President's efforts to chart a path to a better future and to the following principles:

- *We support both Israel's right to exist in security and the right of the Palestinian people to a viable, sovereign state of their own.*
- *A peace agreement will need to fulfill UN Security Council resolutions 242 and 338 and resolves critical issues of importance to the parties and the region including refugees, borders, Jerusalem, settlements, and security."*

- Religious Leaders' Message to President Obama, September 2009

Bishop Munib Younan

"Any peace plan that will succeed must have a shared Jerusalem, as the heads of churches in Jerusalem have outlined in recent statements. We ask you to endorse this call.

We also work for a just solution to the refugee problem and ending the settlement policy. It is also crucial that resources are shared equally and that economic development be fostered, because our economy is in a shambles from boycott and occupation."

– Address to the ELCA Churchwide Assembly, August 2007

Pope Benedict XVI

"How much the people of this camp, these Territories, and this entire region long for peace! In these days, that longing takes on a particular poignancy as you recall the events of May 1948 and the years of conflict, as yet unresolved, that followed from those events. You are now living in precarious and difficult conditions, with limited opportunities for employment. It is understandable that you often feel frustrated. Your legitimate aspirations for permanent homes, for an independent Palestinian State, remain unfulfilled."

– Address at Al Aida Refugee Camp, May 2009

Background



The situation surrounding the Palestinian refugees and internally displaced persons is a result of two wars, the War of 1948 and the Six-Day War of 1967. The vast majority of Palestinians who became refugees did so after the War of 1948, with a portion of these becoming refugees for a second time after the Six-Day War.

There are different narratives of what really happened. Many Israelis (and Americans) have grown up believing that the refugee problem began after the State of Israel was

declared in May of 1948, when five large and well-equipped Arab nations declared war on Israel, told Palestinians to leave their homes and they would win the Palestinian territory back for them.

However, there has been much work, especially by Israeli academics, showing that more than one-third of the refugees were driven out before the State of Israel was even declared. Ilan Pappé, working from documents in the Israeli archives, wrote a book titled "The Ethnic Cleansing of Palestine" that documents Plan Dalet, an intentional initiative by Israeli paramilitary groups that targeted and attacked key Palestinian villages months before May 1948, resulting in several massacres that spread panic among the Palestinians and drove them out in fear. In all, about 500 Palestinian villages were destroyed, many with all reference to the former Palestinian village erased from the site and replaced by new Israeli towns.

Following the war, the UN estimates that 726,000 Palestinian refugees were created. To address this situation the UN established the United Nations Relief and Works Agency. By 1950, 914,221 individuals were registered through the agency as Palestinian refugees. Of those registered about a third lived in United Nations Relief and Works Agency-sponsored refugee camps, with the rest finding lodging with relatives, within adjoining cities or in unofficial camps. For many the status of refugee became permanent in 1952 when Israel adopted the Israeli Nationality Law, which left them with no official citizenship. At this time their property, which was within the State of Israel, was seized and eventually transferred to the state.



After the Six-Day War in 1967, around 300,000 Palestinians who had been living in the West Bank or Gaza Strip became displaced. A little over half of these were people who were refugees from 1948. Many of those displaced became, or continued to be, refugees with the remainder becoming internally displaced persons.

As of 2009, the total Palestinian refugee population is estimated at 7.1 million people, or about two-thirds of the entire Palestinian population. According to the 2010 PASSIA Diary, this makes Palestinians the largest refugee population in the world. Almost half of these refugees are stateless, meaning they do not have citizenship anywhere. Approximately 4.7 million of the registered Palestinian refugees continue to receive assistance, protection and advocacy from UN Relief and Works Agency. Among the major health care providers collaborating with the agency since 1950 for residents in the West Bank and Gaza is the Augusta Victoria Hospital operated by The Lutheran World Federation.

The camps

The refugee camps, official UN or otherwise, were normally built adjacent to towns or cities. In the time since the first camps were founded over 60 years ago, they have grown from erratic gatherings of tents to permanent dwellings such as multi-story houses, and have in some cases become indiscernible from the communities they border. Often, however, they do not receive the same basic utilities and services of those cities even though they pay the same tax as Israelis.

One of the major problems facing refugee camps is space. Since they were not set up as permanent structures, the land made available for them was not meant for extended population growth. Over the past 60+ years, as fewer people move out of the camps and families continue to grow, refugee camps have become home to many more inhabitants than they were designed for. Shuafat Camp in Jerusalem, for example, was created in 1948 to house 2000-3000 people. It now holds 30,000, in extremely crowded conditions with inadequate services and utilities.



See these links for more information about Palestinian Refugees:

- [Obstacles to Arab-Israeli Peace: Palestinian Refugees](#) is a BBC page that gives an overview of the Palestinian refugee situation as well as links to related topics.
- [Refugee and IDP Rights](#) is presented by BADIL, a resource center for Palestinian Residency and Refugee Rights, and describes the rights of Palestinian Refugees and Internally Displaced Persons.

Resources

- [Palestinian Refugees](#) is a bulletin of the Palestinian Academic Society for the Study of International Affairs (PASSIA) that looks at the history and impact of the Palestinian refugee situation.
- [Do Israeli Rights Conflict With the Palestinian Right of Return? Identifying the Possible Legal Arguments](#) is a working paper put out by BADIL in 2004 that looks at the legal perspectives of the Palestinian Right of Return as it may affect the State of Israel.

Relevant International Law

"[R]efugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for 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;"

– U.N. General Assembly Resolution 194, Article 11 (11 December 1948)

"Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country."

– Universal Declaration of Human Rights, Article 13 (adopted by UN General Assembly 10 December 1948)

"Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

– Universal Declaration of Human Rights, Article 15 (adopted by UN General Assembly 10 December 1948)

"No one shall be arbitrarily deprived of his property."

– Universal Declaration of Human Rights, Article 17 (adopted by UN General Assembly 10 December 1948)