

Emergency assistance is no substitute for a comprehensive political solution; it can only mitigate the effects of the crisis on the most vulnerable.

– UNRWA Emergency Appeal, 2007



Photo by Anne Paq

Refugees and internally displaced persons (IDPs) have the right to assistance and protection. International assistance and protections are required when national authorities are unable or unwilling to act on their obligations. The right of refugees and the obligations of states are set out in the 1951 Refugee Convention.

Assistance includes provision of food, shelter, health and education. Protection activities include ensuring asylum, securing basic human rights, provision of travel documents, and facilitating voluntary durable solutions (repatriation, resettlement, and integration). Repatriation is the only solution that is a right.

All persons displaced as a result of gross violations of human rights law and war crimes are also entitled to remedies and reparations. The right to a remedy and reparation is enshrined in the law of state responsibility.

In the aftermath of the 1948 Nakba, a special regime for assistance, protection and reparations was set up for Palestinian refugees. The regime was initially composed of the UN Conciliation Commission for Palestine (UNCCP) and the UN Relief and Works Agency in the Near East (UNRWA) and eventually included the UN High Commissioner for Refugees (UNHCR).

The UNCCP was mandated to provide protection to Palestinian refugees, including the search for durable

Protecting the 'New Wave' of Palestinian IDPs

In 2002, Israel began construction of a Wall in the West Bank that contravenes international law and is creating a new generation of IDPs in the occupied West Bank. Around 80% of the Wall (a complex of patrol roads, cement wall, electric fencing, gates, manned and unmanned watchtowers and barbed wire) is built on Palestinian land occupied in 1967.

UN Special Rapporteur John Dugard speaks of "the emergence of a new wave of internally displaced persons" as a result of construction of the Wall.

Both refugees and non-refugees are affected by the Wall, indicating both repeated and first-time displacement.

By 2005, an estimated 15,000 people had been forcibly displaced from 145 localities as a result of the Wall and its regime. In occupied eastern Jerusalem, a 2006 survey showed that 17.3% of Palestinians who had changed their residence since 2002 had done so as a result of the Wall.

Approximately, 50,000 Palestinians living in 'Closed Areas' that lie between the Wall and the Green Line require special Israeli-issued permits to live in their own houses. In total, an estimated 260,000 Palestinians (10.6% of the West Bank population) will be trapped between the Wall and the Green Line.

These observations are attracting renewed interest and international concern about the ongoing forced displacement of Palestinians and the need to protect Palestinians from, during and after forced displacement.



solutions and reparations, but failed and effectively ceased to operate in the mid-1950s. UNRWA is mandated to provide assistance to 1948 and, on an emergency and temporary basis, 1967 Palestinian refugees and to those displaced as a result of subsequent hostilities. Although UNRWA has enhanced its protection activities by means of a rights-based approach to assistance and emergency operations, there remains a lack of protection for Palestinian refugees, especially for those living in UNRWA's area of operation (Lebanon, Syria, Jordan and the OPT).

UNRWA faces many difficulties in implementing its mandate due to funding shortages and armed conflicts in the region, in particular Israel's military occupation (see box).

Outside UNRWA's area of operations, UNHCR is the international agency responsible for providing both assistance and protection to Palestinian refugees. Palestinian refugees are often denied the rights guaranteed under the 1951 Refugee Convention when they seek asylum. National protection of 1948 and 1967 Palestinian refugees in particular has been ineffective as a result of non-application or misinterpretation of Article 1D of the 1951 Refugee Convention by national authorities and courts.

No international agency has a mandate to provide assistance and protection for internally displaced Palestinians in Israel. In the OPT, UNRWA and other international organizations may provide limited temporary emergency assistance to some IDPs but no comprehensive and predictable response exists.

No international agency, moreover, is searching for comprehensive durable solutions, including reparations, for Palestinian refugees. UNHCR and UNRWA believe that the search for durable solutions should be undertaken by parties to the conflict.

Unlike most refugees and displaced persons, who usually seek protection against *refoulement* (forcible return), the primary problem facing Palestinian refugees is Israel's denial of their right to reparations, including return, to their homes of origin.

Although this right is enshrined in international law and affirmed by many UN resolutions, in particular UN resolutions 194 (1948) and 237 (1967), it has not been enforced. Displaced Palestinians have no access to courts that could provide effective remedies and reparations.

Operations of the United Nations Relief and Works Agency for Palestine

Nov. 26, 2007 UN Gen Assembly Resolution approved by a recorded vote of 159 in favour to 6 against (Israel, Federated States of Micronesia, Marshall Islands, Nauru, Palau, United States), with 1 abstention (Cameroon)

\\ Recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including its resolution 61/114 of 14 December 2006... Deeply concerned about the critical financial situation of the Agency, as well as about the rising expenditures of the Agency resulting from the deterioration of the socio-economic and humanitarian conditions in the region...

Gravely concerned about the extremely difficult living conditions being faced by the Palestine refugees in the Occupied Palestinian Territory, including East Jerusalem, particularly in the refugee camps in the Gaza Strip, resulting, inter alia, from the loss of life and injury, the extensive destruction of their shelters, properties and vital infrastructure, the displacement of the Palestine refugees, the prolonged closures and socio-economic decline,

Aware of the extraordinary efforts being undertaken by the Agency for the repair or rebuilding of thousands of damaged or destroyed refugee shelters and for the provision of shelter and emergency aid for those refugee families internally displaced as a result of Israeli military actions, as well as for those refugees affected and displaced by the recent crisis in the Nahr el-Bared refugee camp in northern Lebanon,

Aware also of the valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees...

Endorses, meanwhile, the efforts of the Commissioner-General to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are internally displaced and in serious need of continued assistance as a result of recent incursions in the Occupied Palestinian Territory and hostilities in Lebanon..."