

Palestinian Refugees
In the Era of Political Negotiations
Between Israel and the PLO (1993-2000)

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“Realities of Life in an Unsolved Conflict”

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Background

In November 1947 the United Nations General Assembly decided to impose a plan for the division of Palestine into two states - one Arab and one Jewish - irrespective of the wishes of the majority of the inhabitants of the country. General Assembly Resolution 181, the "Partition Plan", called for the establishment of a Jewish state in 56% of Palestine. At the time Jews comprised less than one-third of the population and owned not more than 7% of the land.¹ The Arab people - Palestinian Arabs in particular - and their political leadership rejected the plan. The collapse of the UN-sponsored initiative, and the subsequent war in 1948 led to the depopulation and destruction of some 530 villages by Zionist/Israeli forces and the displacement/expulsion of more 80% of the indigenous Palestinian Arab population.²

Recognizing its direct responsibility for the more than 750,000 Palestinian refugees, the United Nations established a special international regime to provide protection and assistance for Palestine refugees.³ The UN Conciliation Commission for Palestine (UNCCP) was established in December 1948 to provide protection for the refugees with assistance coordinated by the UN Relief and Works Agency (UNRWA), established one year later. If for any reason protection or assistance ceased, the 1951 Convention Relating to the Status of Refugees provided a safety net, with protection or assistance to be accorded to the refugees by the Office of the UN High Commissioner for Refugees.⁴ The framework for a durable solution to the Palestinian refugee issue was set down in UN Resolution 194(III) of December 1948. According to paragraph 11 of the Resolution, Palestinian refugees have the right to return to their homes and compensation should be paid to those not wishing to return as well as for loss of or damage to property. The UNCCP was authorized not only to effect the return of Palestinian refugees, but also to facilitate restitution of refugee properties and compensation for losses and damages.⁵

More than fifty years after their displacement and expulsion, Palestinian refugees continue to demand implementation of their right of return to their homes and lands.⁶ Israel refuses to allow refugees to return to their homes and lands, which have been confiscated under legislation, that aims to maintain Israel as an exclusive Jewish state.⁷ While the international community has affirmed the right of Palestinian refugees to return to their homes, and considers repatriation as the favored option for

durable solutions to refugee flows⁸, international efforts to resolve the Palestinian refugee issue have focused on resettlement outside of Israel, an option rejected by Palestinian refugees.

Today, Palestinian refugees are the largest group of refugees worldwide. According to a recent report, one in four refugees around the world are Palestinian.⁹ There are some 5 million Palestinian refugees (see attached table), of whom 3.6 million UNRWA-registered refugees living in the five areas of UNRWA operations: West Bank, Gaza, Lebanon, Jordan, and Syria. Approximately one-third of all registered refugees live in 59 refugee camps scattered throughout the area of UNRWA operations.¹⁰ The Agency provides education, health, and relief services. Approximately 1.4 million refugees live outside the area of UNRWA operations and are not registered with the Agency.

Palestinian Refugees in the Era of Political Negotiations (1993-2000)

Introduction

The *Campaign for the Defense of Palestinian Refugee Rights* is rooted in a series of popular and independent refugee initiatives, which appeared on the political map of the 1967 occupied territories and in 1948 Palestine/Israel after the signing of the 1993 Oslo Accords.¹¹ These initiatives, designed to lobby and pressure the Palestinian Authority/Palestine Liberation Organization and Israel, developed in response to the deep sense of alienation and marginalization experienced by Palestinian refugees with the exclusion of the right of return from the framework of the Oslo process. Thus, for the first time in the history of the Palestinian struggle, one is witnessing initiatives “by refugees for refugees” – i.e. the evolution of refugees as a political category distinct from the Palestinian non-refugee population.

Campaign for the Defense of Palestinian Refugee Rights: *Development*

In March of 1995 some 300 Palestinian activists from community organizations and political parties, non-governmental organizations (NGOs), and Palestinian members of the Israeli Knesset attended a popular conference in Nazareth organized by the *National Committee for the Defense of the Rights of the Internally Displaced* (NCID). The NCID, established in response to the exclusion of 1948 Palestinians from the framework of the Oslo process, and the particular concerns of the estimated 250,000

internally displaced Palestinians, demands implementation of UN Resolution 194 for both the internally displaced and refugees in exile. The NCID has encouraged several displaced Palestinian communities to form local action committees and registered associations. It has succeeded to place the right of return of the internally displaced on the agenda of all Palestinian parties and the *Arab Monitoring Committee* in Israel.¹²

In December 1995, political activists from refugee communities in the 1967 occupied territories gathered in the former Israeli prison compound of *al-Far'ah* (Nablus District) to discuss the formation of an independent refugee lobby. The lobby was to be headed by refugee councils elected in a series of popular refugee conferences in the homeland and in the diaspora. The first popular refugee conference, organized by the *Union of Youth Activity Centres/West Bank* (UYAC), was held in Deheishe Refugee Camp in September 1996 directly followed by a similar conference in Gaza.¹³ The initiative failed to bring about the desired election of authentic refugee councils, however, mainly due to the intervention of sectarian party politics.¹⁴

Nevertheless, the initiative succeeded in defining the basic agenda and guidelines of the struggle, based on the right of return, for the defense of refugee rights in the 1967 occupied territories.

The initiative for the popular refugee conferences, rumors about the formation of a "Conference of Return" in exile, and the prospect of final status negotiations with Israel, led the PLO leadership to re-activate its Department for Refugee Affairs. The Department established *Popular Service Committees* as its presence in each refugee camp. While initially perceived as a threat and a tool to control the independent refugee initiative, the Popular Service Committees in the West Bank were rapidly integrated into the grassroots network, because Committee members were authentic refugee activists and the PLO Refugee Department lacked the financial and organizational means required to build the Service Committees as a viable alternative to the independent initiative. Throughout 1997-98, strategy debates, lobbying and protest activities carried out by activists affiliated with the UYAC, Popular Service Committees, and local refugee committees continued. Members of the Palestinian Legislative Council (PLC), especially from the PLC/Refugee Subcommittee whose members were elected by the refugee constituency, and activists in Palestinian institutions (unions, Palestine National Council (PNC), etc.) joined them.

A first workshop to discuss the idea of a refugee rights campaign was organized by BADIL together with Palestinian activists in 1998. The workshop provided valuable input and resulted in the formation of the BADIL *Friends Forum*, an activist body in the West Bank working to assist BADIL in campaign development and implementation.¹⁵ In early 1999, BADIL Resource Center undertook a new effort to structure the debate among this loose network of activists and to define principles and agenda by means of a series of strategy workshops.

Campaign for the Defense of Palestinian Refugee Rights: *Agenda*

Based on the aims and principles defined by the refugee community, BADIL prepared resource materials to enrich the debate among refugee grassroots organizations and to strengthen efficiency and the impact of their lobbying and advocacy activities.¹⁶

Conceptual and strategic development was informed by research of relevant literature as well as dialogue with Palestinian and international experts. Since BADIL as an NGO is to play the role of facilitator, and not initiator, of the community-based campaign, major responsibility for the implementation of local Campaign activities and community involvement was delegated to the BADIL Friends Forum. Internationally, a Core-Partner network was established in Europe to raise awareness and lobby for Palestinian refugee rights.¹⁷

Given the fact that the forces of solidarity with Palestinian refugees in the world are weak, it is important to re-build solidarity around concerted and focused activities which carry potential for success in the short and medium term. Within the framework proposed by Palestinian refugee organizations and NGOs, international NGOs and solidarity groups should set their own priorities and activities that best reflect needs and capacities of each organization. Activities and projects selected by international NGOs and solidarity groups should be undertaken in permanent coordination with refugee partner organizations so as to guarantee that refugee needs and demands are addressed appropriately, to improve mutual understanding, and to strengthen ties of cooperation. Coordination and cooperation between international partners and refugee organizations in the Middle East should be kept informal and unbureaucratic and develop via joint activity and periodical regional and international workshops.

Based on the above principles, the *Campaign for the Defense of Palestinian Refugee Rights* has targeted the following three areas for international solidarity work in defense of Palestinian refugee rights:

1. Raising international awareness and building a solid international advocacy network for the right of return and restitution:

For more than fifty years, Palestinian refugees have demanded implementation of their right of return to their homes and lands. This demand is based on international law, the principle of refugee choice, the feasibility of return, and its necessity for social justice and political stability in the Middle East.

2. Lobbying the international community for refugee assistance and protection, including tackling the problem of decreasing UNRWA support by the donor states as well as raising awareness and advocating for a protection regime for Palestinian refugees based on a reinterpretation of Palestinian refugee rights under international law:

The special regime established by the UN in 1948 to provide assistance and protection for Palestinian refugees has, in practice, been emasculated. International efforts to find a solution to the Palestinian refugee issue have focused primarily on a palliative approach through the provision of basic education, health, and social services as well as emergency relief by UNRWA. Palestinian refugees are not afforded the basic international protection - that body of obligations of a state towards an individual, including the right to work, freedom of movement, unity of families, and all other international human rights guarantees - provided to all other refugees.

3. Assisting refugee grass-roots initiatives by means of professional expertise as well as logistic and financial support in regional networking, service development, and advocacy:

The challenges facing progressive and democratic Palestinian forces aiming to launch a new initiative for the defense of Palestinian refugee rights are tremendous. Networks of social and economic support must be re-established to fight the

deteriorating living conditions of Palestinian refugees. New and democratic structures of community organization and representation must be developed to pressure the Palestinian leadership to allow for broad public participation in the shaping of refugee community development and the design of a future political solution. New mechanisms of exchange and cooperation between the scattered refugee communities in the Middle East and outside must be developed in order to counter division and isolation. New generations of Palestinian refugees, growing up in the camps in exile and deprived of a formal education in Palestinian history and culture, must be brought up and educated in the spirit of consciousness and awareness of their history and cultural heritage. New and more effective strategies for raising refugee rights on the international level must be developed in order to pressure for the implementation of UN resolutions (especially Resolution 194) and international law.

*****For more details see the BADIL Campaign Information Packet, which includes Campaign guidelines/information, country profiles for refugees, and a series of information briefs on specific issues. Contact: BADIL Resource Center, PO Box 728, Bethlehem, Palestine; tel/fax 970-2-274-7346; email: info@badil.org; website: www.badil.org.***

Table – Palestinian Refugee Population (1999)

Place of Refuge	Refugees*	Registered Refugees+	In Camps
Israel	250,000	--	--
Gaza Strip	692,938	808,495	442,942
West Bank	675,705	576,160	155,365
Jordan	1,802,759	1,541,405	277,555
Lebanon	422,288	373,440	208,223
Syria	460,493	378,382	110,427
Egypt	41,884	--	--
Saudi Arabia	284,379	--	--
Kuwait	35,573	--	--
Other Gulf	109,273	--	--
Iraq, Libya	76,884	--	--
Other Arab Countries	5,738	--	--
USA	179,107	--	--
Other Countries	228,074	--	--
Grand Total	5,115,095	3,677,882	1,194,512

*Refugee Figures: Salman Abu Sitta, *The Palestinian Nakba: The Registry of Depopulated Localities in Palestine*. London: The Palestinian Return Centre, 1998. Updated from 1998 to 1999 based on 3.5% population growth.

+Registered Refugees Figures: Based on UNRWA Registration Statistical Bulletin for the Fourth Quarter (30 November 1999). UNRWA-HQ (Amman), Department of Relief & Social Services, 1999.

Endnotes

- ¹ Details on land ownership from Walter Lehn, *The Jewish National Fund*. London: Kegan Paul International, 1988; *A Survey of Palestine*. London: Her Majesty's Stationary Office. Prepared in December 1945 and January 1946. Reprinted by the Institute for Palestine Studies, Washington, DC, 1991; Sami Hadawi, *Palestinian Rights and Losses in 1948*. London: Saqi Books, 1988.
- ² Details on depopulated villages from Salman Abu Sitta, *The Palestinian Nakba 1948, Register of the Depopulated Localities in Palestine*. London: Palestinian Return Centre, 1998; Walid Khalidi (ed.), *All That Remains, The Palestinian Villages Occupied and Depopulated by Israel in 1948*. Washington, DC: Institute for Palestine Studies, 1992.
- ³ For an overview of this special regime see Susan M. Akram, *Reinterpreting Palestinian Refugee Rights Under International Law, and a Framework for Durable Solutions*. BADIL – Information & Discussion Brief No. 1 (February 2000). For a more detailed discussion, see Susan M. Akram and Guy Goodwin-Gill, *Brief Amicus Curiae, Board of Immigration Appeals*, Falls Church, Virginia. Both publications are available on the BADIL website (www.badil.org).
- ⁴ Provisions under Article 1D of the 1951 *Refugee Convention*. For more details and analysis see *supra* endnote 3.
- ⁵ For more details about the UNCCP and the reasons for its failure, see Terry Rempel, *The United Nations Conciliation Commission for Palestine, Protection and a Durable Solution for Palestinian Refugees*. BADIL – Information & Discussion Brief No. 5 (June 2000).
- ⁶ For recent statements by refugee organizations see the BADIL website (www.badil.org).
- ⁷ This includes legislation such as the 1950 Law of Return, which grants exclusive citizenship rights to Jews. For more details on the larger body of legislation see BADIL country profile on internally displaced Palestinians in Israel in *Palestinian Refugees in Exile - Country Profiles*. Bethlehem: BADIL Resource Center, 2000. Additional commentaries on these laws are contained in recent UN committee conclusions relating to the implementation of human rights conventions. See, for example, *Concluding Observations, Convention of the Elimination of All Forms of Racial Discrimination*, 52nd Session 2-20 March 1998; *Concluding Observations, Covenant on Civil and Political Rights*, 63rd Session, 1694th Meeting, 28 July 1998; *Concluding Observations, Covenant on Economic, Social and Cultural Rights*, 31st and 32nd Meetings, 17-18 November 1998; Human Rights Commission, *Resolution on the Situation in Occupied Palestine*, 35th Meeting, 7th April 2000.
- ⁸ See, for example, UNHCR Executive Committee Conclusion No. 18 (XXXI) – 1980 Voluntary Repatriation, *Report of the 31st Session*: UN Doc. A/AC.96/588, para. 48(3) and No. 40 (XXXVI) – 1985 Voluntary Repatriation, *Report of the 36th Session*: UN Doc. A/AC.96/673, para. 115(3).
- ⁹ US Committee on Refugees, *World Refugee Survey*, 1999. The ratio is probably more than one in four as the number of overall refugees used by the *Survey* did not include all refugees. The total number of Palestinian refugees today is over 5 million, while the *Survey* used a number of only 3.9 million.
- ¹⁰ For more on UNRWA see the Agency's website (www.unrwa.org). For annual reports of the Agency see the UN website on Palestine, UNISPAL (<http://domino.un.org/UNISPAL.NSF?OpenDatabase>).
- ¹¹ For a more detailed discussion, see Ingrid Jaradat Gassner, *The Evolution of an Independent, Community-Based Campaign for Palestinian Refugee Rights, Palestinian Refugees in the 1967 Occupied Palestinian Territories and 1948 Palestine/Israel Coping with the Post-Oslo Conditions*. BADIL – Information & Discussion Brief No. 3 (February 2000).
- ¹² For more information see, *Palestinian Refugees in Exile – Country Profiles*, *supra* endnote 7. Contact information is listed in *The Right of Return, Campaign for the Defense of Palestinian Refugee Rights*, 2nd Edition. Bethlehem, BADIL Resource Center, 2000.
- ¹³ The Conclusions of the First Popular Refugee Conference in Deheishe Refugee Camp are archived on the BADIL website (www.badil.org).
- ¹⁴ For more information see past issues of *Article 74*, BADIL's former newsletter, archived on the BADIL website (www.badil.org).
- ¹⁵ The principles and agenda defined in this workshop are listed in *The Right of Return, Campaign for the Defense of Palestinian Refugee Rights*, *supra* endnote 12.
- ¹⁶ The first edition of these campaign materials is archived on the BADIL website (www.badil.org).
- ¹⁷ Oxfam Solidarity – Belgium serves as a core-partner agency for coordination of activities in Europe. Coordinator: Hilt Teuwen, Rue du Conseil 39, 1050 Brussels, Belgium. Email: hilt.teuwen@oxfamsol.be.