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A Climate of Vulnerability – International Protection, Palestinian Refugees and the *al-Aqsa Intifada* One Year Later

This Bulletin aims to provide a brief overview of issues related to Palestinian Refugee Rights

While past research suggests that Palestinian refugees comprise a particularly vulnerable sector of Palestinian society in the occupied territories, reports during the first few months of the *al-Aqsa intifada* provided few indicators of the specific nature of refugee vulnerability. Over the past 12 months, however, new surveys and reports by the Palestinian Central Bureau of Statistics (PCBS), the Graduate Institute of Development Studies at the University of Geneva (IUED) in collaboration with the Jerusalem Media & Communication Center (JMCC), ongoing fieldwork by refugee activists, and regular reporting by UNRWA provide valuable insight into the impact of the lack of international protection for Palestinian refugees during the first year of the *al-Aqsa intifada*.

This bulletin provides basic background information, selected indicators illustrating the impact of the lack of international protection for Palestinian refugees, and suggestions for follow-up action.

Background

Just over one year ago, Palestinian refugees in the Israeli-occupied West Bank and Gaza Strip, as well as refugees in Jordan, Lebanon, and Syria, met with members of a Joint Parliamentary Commission of Enquiry from the UK. The primary purpose of the Commission was to provide a vehicle by which the views and concerns of the refugees themselves with regard to a durable solution, including the right of return to places of origin now inside Israel, could be communicated directly and authentically.

The vision of the right of return communicated before members of the Commission in countless hearings was positive and hopeful. "In one interview we were asked, if there were a settlement built on a [destroyed] Palestinian village, what would you like to do with it. The answer is simple: we will live next to the Israelis. We do not mind living with our Jewish neighbors." This vision contrasted markedly with some of the views expressed concurrently in the Israeli media by Israeli government officials and political commentators. "If Israel must choose between making concessions on [the right of return] and going to war, it would be preferable to risk the possibility of a violent confrontation."

Just over two weeks after the Commission completed hearings in the Middle East, the *al-Aqsa intifada* broke out in the occupied Palestinian territories. The uprising was the seemingly inevitable outcome of a drawn out political process accompanied by the ongoing erosion of Palestinian rights, including continued settlement construction, land confiscation, house demolition, detainment of political prisoners, military siege ("closure"), and economic decline. As one commentator wrote during the early days of the first *intifada* in December 1987, "Their call was simple – ENOUGH! [...] We're fed up with the occupation – get out. Enough talking and diplomacy – we want rights now."

For Palestinian refugees, the *al-Aqsa intifada* was not simply a response to the rejection of the right of return by Israel and the United States at Camp David in July 2000. As with all Palestinians, the accumulated frustration which gave rise to both *intifadas* is as much about the historic absence of effective intervention by the international community (in many ways exacerbated by the Oslo/Madrid process of the last 10 years) to facilitate a resolution of the conflict within the framework of international law and UN resolutions, as it is about daily and

ongoing human rights violations and provocations, such as Ariel Sharon's visit to the Haram al-Sharif one year ago.

One year after the beginning of the *al-Aqsa intifada*, more than 700 Palestinians (PCBS) have been killed by Israeli forces, nearly double the number of Palestinians killed during the first year of the first *intifada*, and over 16,000 (PRCS) have been injured, predominantly by live ammunition and metal bullets, as well as tear gas, and other means. One-hundred and seventeen Israeli civilians have been killed (B'tselem). The losses sustained by the Palestinian community in the occupied territories are staggering, with estimates ranging as high as US\$ 3.5 billion, not including damages for loss of life, damages to property, and associated long-term losses. As regards Palestinian refugees, statistical data reveals a picture of a community that is particularly vulnerable to Israel's brutal repression of the popular uprising, especially in light of the absence of international protection as afforded to all other refugees.

Over the past 12 months, Palestinian refugees, community organizations, and NGOs have issued countless appeals to the international community concerning the urgent need for international protection of the Palestinian population in the occupied territories, in general, and Palestinian refugees, in particular. While the UN High Commissioner for Human Rights and the special UN Commission of Inquiry have affirmed the urgent need for international protection, efforts to deploy international observers under the auspices of the United Nations have been repeatedly blocked by the United States and Israel.

For refugees, the issue of international protection is a problem that is five decades old. Despite the creation of a special regime in 1948/49 by the UN to provide a *heightened* degree of protection for Palestinian refugees (and facilitate implementation of the right of return, restitution and compensation based on refugee choice as set forth in UN General Assembly Resolution 194), international protection is virtually non-existent. Since the early 1950s, the UN Conciliation Commission for Palestine (UNCCP) has not provided protection for Palestinian refugees, as mandated by the General Assembly, even though it continues to file annual reports, stating that it has nothing new to report. This severe protection gap has not been filled, as required under Article 1D of the 1951 Refugee Convention, by the UNHCR, leaving Palestinian refugees, unlike all other refugees, without the protection of an international body acting on behalf of refugees in the absence of national protection.

Impact of the Lack of Protection – A Climate of Vulnerability

The particular vulnerability of Palestinian refugees during the first year of the *al-Aqsa intifada* is evident in a number of indicators, including deaths and injuries, damage to property, poverty, and unemployment.

As of mid-June 2001, BADIL fieldwork indicated that over 60% of Palestinians killed since September 2000 were refugees, although refugees comprise just over 50% of the population in the occupied territories. The high proportion of refugees among those killed is corroborated by data from the Graduate Institute of Development Studies – University of Geneva/Jerusalem Media & Communication Centre (IUED/JMCC) June 2001 survey which found that 49% of Palestinians deaths were from West Bank and Gaza Strip refugee camps. The impact on refugee camps is even more significant if one compares the camp population (623,170) to the estimated non-camp population (2.4 million) in the occupied territories. If one adds the percentage of reported deaths from Gaza outside camps (18%) (primarily refugees given the fact that some 80% of the Strip's population are refugees) and allows for non-camp refugees in the West Bank, it is clear that some two-thirds of Palestinians killed during the first year of the *al-Aqsa intifada* are refugees, significantly higher than the proportion of refugee to non-refugee residents in the occupied territories. It is also significant to note that while the overall rate of reported deaths declined (-3% West Bank & -9% Gaza) between the first (January 2001) and second (June 2001) IUED/JMCC survey, the decline among refugees in camps is only marginal (1%) (IUED/JMCC). Similar trends are found with respect to the number of injured Palestinians.

Over the course of the last 12 months, Palestinian refugee camps, legally protected spaces under international law, have increasingly become the targets of Israeli military attacks. Refugee camps in the occupied territories are particularly vulnerable to damage due to the makeshift, highly built-up nature of the camps, which are less resistant to attack, and because of the location of Israeli military installations, settlements, and bypass roads adjacent to refugee camps, often rendering them, as has been seen over the last 12 months, into zones of conflict. Available data does not provide a clear picture of the number of refugee shelters damaged over the course of the first year of the *al-Aqsa intifada* compared to non-refugee homes. As of August 2001, however, UNRWA had targeted 401 shelters in the Gaza Strip for reconstruction or repair. To date, 192 refugee families whose shelters were destroyed in Gaza have been unable to find alternative housing. In the West Bank, the Agency has provided assistance to some 1,500 families whose homes were damaged as a result of Israeli military attacks. The increasing intensity of attacks on Palestinian refugee camps is illustrated by IUED/JMCC survey results for June 2001. Between January and June 2001, reports of damage to family property in West Bank refugee camps rose from 15% to 27%, the highest rate of reported incidents of damage in all areas of the occupied territories. Reported incidents of damage to family business also rose at a significantly higher rate in camps compared to areas outside of camps during the same period. As of June 2001, refugee camps had the highest reported incidents of damage to family businesses in all areas of the occupied territories.

Due to the relatively high percentage of unskilled but 'employable' labor force among refugees, prolonged restrictions on access to wage labor has a markedly negative impact on Palestinian refugees. According to UNSCO's June 2001 report, access to Israel's labor market has been closed 61% of all working days. The ability of Palestinians to find work within the occupied territories is not only affected by the rapid decline in the local economy where unemployment has risen by 78% since the beginning of the *al-Aqsa intifada*; severe restrictions on internal movement imposed by Israel also make it more difficult to find employment. This appears to be hitting refugees in camps particularly hard. According to the IUED/JMCC survey, 84% of Palestinians overall reported problems in mobility. In West Bank refugee camps, however, 95% of Palestinian refugees reported mobility problems. Confined to the fixed locality of a camp, refugees cannot rely on the informal economic activities of cities and large towns (UNRWA). The survey also indicates that the impact of the *al-Aqsa intifada* on the job market has been felt most sharply by Gazans and by refugees in camps. Approximately one-third of the people in Gaza and in the West Bank refugee camps lost their job since the onset of the *intifada*, as compared to a quarter of persons outside camps in the West Bank and one-sixth of Palestinians in Jerusalem. Refugees in camps, together with Gazans as a whole, also appear to find it more difficult to change jobs when required to do so.

Refugee households also report higher rates of poverty over the course of the last 12 months. In addition to the experience of expulsion and dispossession, which still has a visible impact on the socio-economic status of Palestinian refugees, as well as the rapid decline in the local economy, which UNSCO notes has been set back to pre-1996 levels, Palestinian refugees are particularly vulnerable to higher rates of poverty as a result of negative changes in the economy. According to UNRWA, this is due to a relative lack of accumulated savings and thus no safety net to protect them from a high dependency on wage labor; the lack of access to land-based forms of subsistence, i.e., agriculture or property (only 1% of Palestinian households in refugee camps reported reliance on cultivation of land, as compared to 15% of villages and 8% of city dwellers in the June IUED/JMCC survey); and, the large number of dependents per family prevalent in camp populations (6.2 in Gaza camps, for example, compared to the average of 5.4, IUED/JMCC), which limits the ability of refugee families to absorb drastic and lengthy decreases in income. It should also be noted that the increase in households without breadwinners primarily affects the Gaza Strip and West Bank refugee camps where the number of households without a breadwinner more than doubled in the first six months of 2001 (IUED/JMCC). Refugees are therefore dependent on reducing expenditures, relying more on family and friends, and on international assistance during times of economic crisis. According to the IUED/JMCC survey, 68% of refugees reported a decrease in expenditures during the *intifada* compared to 59% of non-refugees, with the number substantially higher in refugee camps (82% in Gaza camps and 71% in West Bank camps). In addition, refugees have been forced to reduce their expenditures by a greater

degree (-43%) than non-refugees (-34%). In spite of these coping strategies, the Palestinian Central Bureau of Statistics reported in June that some 76.2% of Palestinian refugee households were living below the poverty line (1,642 NIS [US\$ 382] per household/month of 2 adults and four children) as compared to 64.9% of Palestinian households overall. This figure is only slightly higher in the Gaza Strip, where 79.9% of households were reported as living below the poverty line. Prior to the outbreak of the *intifada*, less than a quarter (21%) of Palestinian households were living below the poverty line (UNSCO).

All of these factors above increase the need among refugees for emergency food, cash and employment assistance. As of June 2001, more refugee households in Gaza Strip (84%) and West Bank (44%) refugee camps reported receiving food assistance than non-refugee households (IUED/JMCC). Only 29% of households outside of refugee camps in the West Bank, for example, reported receiving food assistance. Concerning cash assistance, Gaza refugee camps represent the most vulnerable sector with some 39% of the residents receiving assistance as of June 2001, compared to one-sixth of the population outside camps in Gaza and in West Bank refugee camps, and 10% for persons outside camps in the West Bank (IUED/JMCC). Overall, 11% of refugees have benefited from job creation programs (including non-UNRWA programs) compared to only 5% of non-refugees. Given the dramatic increase in unemployment, however, these programs cannot possibly fill the gap created by Israel's economic and military siege of the occupied territories. Of those who have benefited from these programs, only 1% has received long-term employment (IUED/JMCC). Refugees have also been hard hit in the area of health and education, however, statistics are not available to draw a comparison between refugees and non-refugees.

Conclusion

The balance-sheet of the impact of human rights violations since the beginning of the *al-Aqsa intifada* clearly demonstrates the urgent need for physical protection for all Palestinians, and a special protection regime for Palestinian refugees. Due to their status as a displaced people, Palestinian refugees have experienced higher numbers of deaths and injuries, incidents of damage particularly in refugee camps, unemployment, and poverty relative to the entire Palestinian population in the occupied territories. This has created a unique climate of vulnerability among a population at large that is vulnerable to Israel's military and economic policies of repression.

While UNRWA has provided an invaluable source of humanitarian support (as well as a degree of protection for basic social and economic rights), through its regular and emergency programs, despite a reduction in international contributions over the summer of 2001 leading to cutbacks in emergency services, the Agency does not have the mandate or the resources to provide full international protection for Palestinian refugees. Humanitarian assistance alone, as important as it is, cannot bring about a durable solution for Palestinian refugees based on international law as affirmed in UN General Assembly Resolution 194.

BADIL Resource Center reiterates the following urgent recommendations:

- Durable Solutions Protection: Stimulate and coordinate action for a thorough evaluation and provision of remedies for the severe protection gap experienced by Palestinian refugees with regard to durable solutions (voluntary return, restitution, and compensation) through an inter-agency UN taskforce, including: UNHCR, UNRWA, UNCCP, the Office of the UN High Commissioner for Human Rights, as well as ICRC.
- Short-Term Protection: Stimulate and coordinate action for identification and provision of remedies for existing gaps in short-term protection (i.e., economic, social, cultural, civil and political rights) of Palestinian refugees, wherever situated.
- Physical Protection: Deployment of an international protection force in the occupied territories as recommended by the UN High Commissioner for Human Rights and the special UN Commission of Inquiry.
- Other Forms of Protection: Reactivation of the UN Secretary General's periodic (every four months) reporting requirement under Security Council Resolution 681 (1990); Implementation of the mandate issued by the Commission on Human Rights

in its "Fifth Special Session" (October 2000) for all UN Special Rapporteurs and Special Representatives whose operational mandates are implicated by Israel's actions in the occupied territories to make immediate "country visits" and file official reports; and, Reconvening of the High Contracting Parties to the Fourth Geneva Convention to compel Israel's compliance with the convention.

- **UNRWA Support:** Full international funding of UNRWA's regular budget and emergency program appeals consistent with the growth in the refugee population until their situation is resolved based on international law and UN General Assembly Resolution 194.

Sources: Bocco, Riccardo, Matthias Brunner, and Jamil Rabah, *International and Local Aid during the Second Intifada (Report II, July 2001)*. Graduate Institute of Development Studies, University of Geneva, in collaboration with the Jerusalem Media & Communication Centre; Palestinian Central Bureau of Statistics, *Impact of the Israeli Measures on the Economic Conditions of Palestinian Households (2nd Round: May – June, 2001)*; UNSCO, *Closure Update Summary, Impact on the Palestinian Economy of Confrontations, Border Closures and Mobility Restrictions* (1 October 2000 – 30 June 2001); Palestine Red Crescent Society (PRCS), <http://www.palestinerics.org>; UNRWA (various reports) <http://www.unrwa.org>; BADIL fieldwork; *Right of Return, Joint Parliamentary Middle East Councils Commission of Enquiry – Palestinian Refugees* (March 2001); B'tselem, <http://www.btselem.org>.

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