

The Continuing Catastrophe --1967 and beyond

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

Each year Palestinians remember two dates symbolizing the rupture of Palestinian society and exile of hundreds of thousands to the four corners of the world: May 15, Nakba Day, the 1948 catastrophe and June 6, Naksa Day, the 1967 catastrophe. But it did not end in 1967.

Most Palestinians face a continuing catastrophe with daily military attacks, house demolitions, land confiscation, expanding Jewish colonies and make believe withdrawals from Palestinian territory. Five decades after the first catastrophe Palestinian refugees and displaced persons are still denied basic human rights, especially the right to return to their homes of origin and repossess their properties.

June 20 marks World Refugee Day, a day to raise awareness about the plight of refugees and displaced persons, highlight the situation of 'forgotten' refugees and refugee situations, and reinforce the obligation of states to protect refugees and IDPs. Palestinian refugees and displaced persons today are one of the largest groups of displaced in the world.

World Refugee Day is also a time to commemorate the ongoing Nakba. It is also a demand for the respect of human rights and rule of law, especially the right of refugees and internally displaced Palestinians to return and repossess their homes, lands and properties. The following is a brief overview of the ongoing Nakba faced by Palestinians since 1967.

The Ongoing Nakba 1967-2004

About one million Palestinians remained in those parts of Palestine occupied by Israel in 1967. Hundreds of thousands had fled the West Bank and Gaza, some for a second time.

Most of them found refuge on the east bank of the Jordan River along with the more than 400,000 who had fled there in 1948. In Jordan the refugee population increased by half. A small number fled further northern into the part of Syria not occupied by Israeli military forces, to Lebanon and Egypt.

As in 1948 in conquered areas with large Palestinian populations, Israel established a military government in West Bank and Gaza. The military government prevented the return of refugees who had been displaced during the war and also enabled Israel to take control of large amounts of land without granting citizenship and civil/political rights to the Palestinians living in these areas.

In occupied eastern Jerusalem, Israel disbanded the Palestinian municipal council and extended Israeli law and jurisdiction. The military government in West Bank and Gaza and the municipal order imposed on eastern Jerusalem controlled the Palestinian population by policies of separation and isolation. In 1981 Israel created a so-called Civil Administration under Military Order 947 as a 'civilian arm' of the military government. This also enabled it to elevate the status of military orders to 'permanent laws.'

A year after Israel occupied the remaining part of Palestine it began to establish Jewish colonies in these areas. Since 1967, Israel has established more than 140 Jewish colonies although satellite imagery reveals more than 300 built-up areas. The colonies effectively encircle and cut off existing Palestinian towns and villages from each other in accordance with the same policy adopted inside Israel. In the 1980s some observers already warned that the

construction of these colonies would prevent the establishment of an independent Palestinian state in 1967 occupied Palestine. Three decades after the 1967 war, the total number of Jews illegally transferred into these territories (including eastern Jerusalem) by the Israeli government equaled the number of Palestinians initially displaced from the West Bank and Gaza Strip. Israel does not build housing for Palestinians. The only exception are the housing projects established in the 1970s and 1980s in the Gaza Strip to re-house refugees after Israel demolished some 10,000 refugee shelters to forcibly resettle refugees outside the camps.

A raft of new military orders enabled the Israeli government to solidify control over the majority of land in the occupied territories. Land registration was brought to an immediate halt. Israel conducted a survey of the entire area to determine the extent of land available for expropriation. Between 1968 and 1979 Israeli military commanders issued orders for the requisition of privately owned Palestinian land for "military needs". Expropriation continued inside Israel. In March 1976 Palestinians were shot and killed while demonstrating against ongoing land confiscation in the Galilee, now marked as Land Day.

In 1979 the military administration had to adopt new methods of acquiring land for settlement construction after the High Court ruled private property could not be seized under the pretext of military necessity for the establishment and expansion of Jewish colonies. Land expropriated from Palestinians was used primarily to expand these colonies.

From 1980 onwards, Israeli administration and regulation of planning and building contained Palestinians by maintaining 'public' (i.e., Jewish) control over vast areas of land, limiting the expansion of existing Palestinian population centers by appropriating so called "state land", ie large areas of land not owned privately by Palestinians, Jewish Israelis were settled in border regions and between Palestinian towns. A separate planning system was set up for Jewish colonies under Military Order No. 418. Palestinians were virtually excluded from the entire planning process.

Planning schemes from the 1940s were used in Palestinian areas. New plans were drafted for Jewish colonies. In eastern Jerusalem most areas remained without planning schemes. Palestinians found it increasingly difficult to obtain permits to build homes and homes were regularly demolished. Palestinian towns and villages were thus forced to grow inward and upwards, or residents had to consider emigration.

At the outset of the Oslo peace process, an Israeli Civil Administration report revealed that 1 million Palestinians in the West Bank had access to 273 sq. km or less than 5 per cent of the West Bank. At the same time 114,600 Jewish settlers had access to 3,850 sq. km. In the Gaza Strip 4,800 Jewish settlers had access to 148 sq. km while 717,000 Palestinians had access to 222 sq. km.

In 1988 the Palestine Liberation Organization (PLO) declared the establishment of an independent state of Palestine. The declaration said that despite shortcomings of Res. 181 on the partition of Palestine, it provides "conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty". Previously, the PLO had advocated a secular democratic state in all of historic Palestine. Following this, Jordan severed all legal and jurisdictional ties to West Bank and eastern Jerusalem in place since Jordan's 1950 annexation of the area.

More mass displacement

Throughout the post-1967 period, Palestinians remaining in areas of their historic homeland (i.e., Israel, West Bank, eastern Jerusalem, and Gaza Strip) have been subject to continued displacement through a process of "low-intensity transfer." Those living in 1967-occupied Palestine have been affected most severely. Estimates for the years 1967-1986, for example, indicate that some 21,000 Palestinians a year were displaced. A more recent study estimates the annual net migration out of the West Bank and Gaza Strip at as much as two per cent a year, some 60,000 persons.

Sources of direct and indirect low-intensity transfer include revocation of residency rights, expulsion, house demolition, land confiscation, as well as mass detention, torture, military closure and curfews, the construction of a so-called separation or 'apartheid' wall inside the West Bank, and other human rights violations.

Displacement increased during periods of political crisis and armed conflict. This includes both uprisings against Israel's illegal military occupation. The first *intifada* began in December 1987, the second in September 2000.

Scope of Displacement and Dispossession

The ongoing Nakba continues to fundamentally alter the landscape of Palestine. Estimates are that more than three-quarters of a million Palestinians have been affected since 1967. At the beginning of the British mandate in 1922, Palestinian Arabs made up 87 per cent of the total population. Thirty-five per cent of the Palestinian people were displaced outside the borders of their historic homeland after the 1948 Nakba. Added to this were the internally displaced and the refugees in West Bank/Gaza, meaning that half of the Palestinian people were then displaced inside or outside their homeland.

With the 1967 Naksa displacement, nearly half of the Palestinian population was outside its homeland. Two-thirds of the Palestinian people were now displaced. Today, more than half of the Palestinian people are displaced outside the borders of their historic homeland. The total number of displaced Palestinians, including internally displaced, comprise around three-quarters of the Palestinian people worldwide.

Since 1967 Israel has expropriated or acquired control of another 300 sq. km of Palestinian land in Israel and more than 3,000 sq. km of Palestinian owned land in West Bank, eastern Jerusalem, and Gaza. At the beginning of the British mandate Palestinians owned individually and collectively more than 90 per cent of the land.

Because of the Nakba, Palestinians lost 70 per cent of their land. Two-thirds of Palestinian homes inside Israel were destroyed and thousands of homes in urban centers were expropriated and occupied by Jews. As a result of the Naksa, they lost an additional 16 per cent of their land and about 5 per cent of homes in 1967 occupied Palestine were destroyed. Today, Palestinians have access to just 10 per cent of the land in their homeland.

Deported, Denationalized

Revocation of residency has been one of the primary sources of ongoing displacement. Residency status has been revoked due to extended stay abroad and acquisition of residency or citizenship in a second country, and based on age and gender restrictions. It is estimated that more than 100,000 Palestinians have been affected since 1967.

Under the Oslo agreements, Israel ceded the authority to revoke residency rights of Palestinians from West Bank and Gaza, excluding eastern Jerusalem. This was largely meaningless as Israel held authority to make the final determination on requests for permanent residency and family reunification.

Those wishing to regain residency status and non-resident spouses of Palestinians from 1967 occupied Palestine must apply for family reunification. The process is limited by quotas, lack of procedural transparency, non-compliance with agreements and violation of due process. Israel has approved only a fraction of reunification applications. Between 1967 and the early 1990s Israel approved 10 per cent or fewer applications for reunification.

Under new procedures brought in with the Oslo agreements Israel had approved 3,000 out of 24,000 family reunification applications as of 1999. Some 22,000 requests were approved inside Israel between 1993 and 2002.

All reunification programs for 1967 occupied Palestine ceased after the second *intifada* began. Israel also halted programs for Palestinian citizens of Israel seeking unification with spouses from West Bank/Gaza.

Israel has expelled elected leaders, political activists, Palestinians not holding residency permits for West Bank and Gaza and those identified as militants as well as their family members. More than 6,500 have been affected by such procedures over the past three decades. Expulsions from the West Bank and Gaza Strip ended at the start of the peace process in the 1990s. The 1952 Entry into Israel Law was amended to expel Palestinians who entered 1967 occupied Palestine without Israeli approval.

In 2002, Israel resumed expulsion of Palestinians including relatives of those known or suspected of having organized or participated in attacks against Israelis.

Israel has demolished some 20,000 Palestinian homes in the West Bank, including eastern Jerusalem, and the Gaza Strip since 1967. In the 1970s and 1980s the Israeli military demolished an additional 10,000 refugee shelters in several large refugee camps in the Gaza Strip.

Home demolitions continued after the signing of the Oslo agreements. From 1993-2000 Israel demolished around 1,000 Palestinian homes across the occupied West Bank, including eastern Jerusalem. Since then it has demolished more than 3,000 homes. In 2002 the Israeli High Court of Justice ruled that Palestinian homes belonging to families of persons who are believed to have carried out attacks against Israelis could be demolished, without the right to judicial review. Demolitions continue inside Israel. In 2003 Israel demolished 500 Palestinian homes.

More than two-thirds of all land in 1967 occupied Palestine was expropriated or controlled by Israel by the 1990s. The Oslo agreements entrenched the status quo. While Palestinian cities, towns, villages and most refugee camps were transferred to the Palestinian Authority, most of the surrounding land (60 per cent in West Bank and 40 per cent in Gaza) remained under full Israeli administrative and military control.

Since 1993 Israel has taken more than 250 sq. km of land. This includes land expropriated for the new apartheid wall that disconnects Palestinians from Israel, from their land and from each other, while maintaining connections between Israel, its colonies and Palestinian land.

International Response

The UN General Assembly recognized in Res. 2535 (1969) that "the problem of the Palestine Arab refugees [had] arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights". In 1974 the Assembly adopted Resolution 3236 recognizing their inalienable rights: self-determination and the right of refugees to return to their homes and repossess their properties. The same year the UN recognized the PLO as the representative of the Palestinian people. In 1976 the UN presented a two-stage plan for a Palestinian state (West Bank, eastern Jerusalem, Gaza) and refugee return. The US vetoed the plan in the Security Council. An international conference in the 1980s had failed to bring about solution for refugees as did the 1979 Camp David agreement between Israel and Egypt.

A new peace initiative began with the 1991 Madrid conference. Negotiations between Israel and a joint PLO-Jordanian delegation were followed by secret talks in Norway. In September 1993 the PLO and Israel signed the Declaration of Principles or the 'Oslo Accords', followed by several implementing agreements including the 1994 Gaza-Jericho Agreement and the 1995 Interim Agreement. Negotiations on the return of refugees displaced in 1967 and after failed.

In 2000 negotiations on refugees displaced in 1948 were held at Camp David in the US, then by talks in Taba, Egypt in early 2001. Both failed. Oslo did not recognize Palestinian self-

determination and refugee rights, including the right of return and to repossess homes and properties, are also absent from the Oslo agreements.

Origin and Population

Palestinians live all over the world but the majority is in pre-1948 Palestine and neighboring nations. Over one million live in Israel, including some 237,000 internally displaced Palestinians and their descendents, almost 20 per cent of Israel's population. They are part of the indigenous inhabitants of British mandate Palestine now divided into Israel, West bank, eastern Jerusalem and Gaza occupied in 1967. Palestinian cities, villages and refugee camps in the latter areas were transferred to a self-governing Palestinian Authority in the mid-1990s but the area remains under Israeli occupation.

There are some 7 million Palestinian refugees and displaced including more than 4 million registered with UNRWA and 1.5 million displaced in 1948 but not registered. It also includes some 750,000 Palestinian refugees displaced in 1967 and a similar number displaced after 1967. The world-wide Palestinian population (refugee/non-refugee) is estimated at 9.3 million.

The refugee issue is still far from resolution. Peacemaking to date has ignored human and refugee rights and excluded popular Palestinian participation. Recognition of refugee rights entails obligations but Israel does not accept its obligation to grant equal rights to non-Jewish Palestinians. The Palestinian right of return challenges Israel's definition of itself as a Jewish state. Leaving refugee rights out of peace agreements undermines the prospects for lasting peace and security.

Time Line – From the Naksa and beyond

- 1967 *Six-day June war. Israel occupies West Bank, Gaza, Egypt's Sinai Peninsula and Syria's Golan Heights. Israel establishes military government in West Bank/Gaza. *UN Security Council Res. 242 calls for Israeli withdrawal from areas "occupied in the recent conflict...achieving a just settlement of the refugee problem..."
- 1968 *UN Security Council Resolution 252 says "all legislative and administrative measures and actions taken by Israel, including appropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status...".
*Building of illegal colonies/settlements begins in occupied territories.
- 1969 *General Assembly Resolution 2535 recognized that the refugee problem arose from the denial of their "inalienable rights" under the UN Charter and the Universal Declaration of Human Rights.
- 1976 *Palestinians shot and killed protesting land confiscation in Galilee, an event now commemorated as Land Day (March 30).
- 1979 *Security Council Resolution 452 calls on Israel "to cease...establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem...".
- 1981 *Establishment of "civil administration" in Occupied Palestinian Territories Israel annexes Golan Heights.
- 1988 *Jordan severs ties with West Bank (July 31, 1988)
*PLO declares Palestine state.
- 1991 *Madrid conference
- 1992 *Security Council Res. 799 "reaffirms the applicability of the Fourth Geneva Convention...to all the Palestinian Territories occupied by Israel since 1967, including Jerusalem, and affirms that deportation of civilians (is) a contravention of Israel's obligations under the Convention...".
- 1993 *PLO and Israel sign 'Declaration of Principles' followed in 1994 by the Gaza-Jericho agreement and the 1995 Interim Agreement.
- 1994 *Security Council Resolution 904, after the massacre at the Mosque of Ibrahim in Hebron, calls on Israel for measures, including confiscation of arms, to prevent illegal

acts of violence by Israeli settlers and measures to protect Palestinian civilians throughout the occupied territory.

2001 *Talks between Israel and the PLO break down.

2003 *Security Council Resolution 1515 reaffirmed the view of a “region where two States, Israel and Palestine, live side by side within secure and recognized borders...Endorses the Quartet Performance-based Roadmap to a Permanent Two-State Solution...”.

2004 *Security Council Resolution 1544, after Israeli incursions and housing demolitions in Rafah called on Israel “to respect its obligations under international humanitarian law, and insists, in particular, on its obligations not to undertake demolition of homes contrary to that law; expresses grave concern regarding the humanitarian situation of Palestinians made homeless in the Rafah area and calls for the provision of emergency assistance to them; calls for the cessation of violence and respect of and adherence to legal obligations, including those under international humanitarian law; calls on both parties to immediately implement their obligations under the Road Map...”. This resolution was adopted 14-0 with one abstention on 19 May 2004.