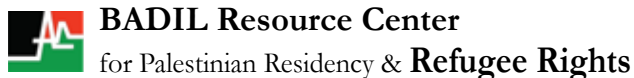


Survey of Palestinian Refugees and Internally Displaced Persons 2019 - 2021 Volume X





BADIL Resource Center
for Palestinian Residency & Refugee Rights

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for Palestinian Residency and Refugee Rights, 2022

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LIST OF ACRONYMS

AFAD:	Disaster and Emergency Management Agency (Turkey)
BDS:	Boycott, Divestment, Sanctions
CALL:	Council for Alien Law Litigation (Belgium)
CAT:	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW:	Convention on the Elimination of all forms of Discrimination against Women
CERD:	International Convention on the Elimination of All Forms of Racial Discrimination
CGRS:	Office of the Commissioner General for Refugees and Stateless Persons (Belgium)
CJEU:	Court of Justice of the European Union
CRC:	Convention on the Rights of the Child
CSOs:	Civil Society Organizations
DPAR:	Directorate of Political Affairs and Refugees (Lebanon)
ECOSOC:	UN Economic and Social Council
EMN:	European Migration Network
ESCWA:	UN Economic and Social Commission for Western Asia
EU:	European Union
GCR:	Global Compact on Refugees
GONGO:	Israeli Government-Organized NGO
HCJ:	Israeli High Court of Justice
HRC:	UN Human Rights Council
HRW:	Human Rights Watch
ICC:	International Criminal Court
ICCPR:	International Covenant on Civil and Political Rights
ICESCR:	International Covenant on Economic, Social and Cultural Rights
ICJ:	International Court of Justice
ICRC:	International Committee of the Red Cross
IDMC:	Global Report on Internal Displacement
IDPs:	Internally Displaced Persons
IHL:	International Humanitarian Law
IHRA:	International Holocaust Remembrance Alliance
IHRL:	International Human Rights Law
ILC:	International Law Commission
ILO:	International Labor Organization
IOF:	Israeli Occupation Forces



JNF:	Jewish National Fund
LAS:	League of Arab States
LPDC:	Lebanese-Palestinian Dialogue Committee
MNRs:	Married to Non-Refugees
NGO:	Non-Governmental Organization
NYD:	New York Declaration
OCHA:	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR:	Office of the United Nations High Commissioner for Human Rights
OP:	Occupying Power
oPt:	occupied Palestinian territory
ORPs:	Other Registered Persons
PA:	Palestinian Authority
PCBS:	Palestinian Central Bureau of Statistics
PLO:	Palestinian Liberation Organization
PRL:	Palestinian Refugees in Lebanon
PRS:	Palestinian Refugees from Syria
RRs:	Registered Refugees
SMA:	Swedish Migration Agency
UAE:	United Arab Emirates
UDHR:	Universal Declaration of Human Rights
UK:	United Kingdom
UN:	United Nations
UNCCP:	UN Conciliation Commission for Palestine
UNGA:	United Nations General Assembly
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	United Nations Children's Fund
UNRWA:	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSC:	United Nations Security Council
UNSCOP:	UN Special Committee on Palestine
US:	United States
VPRS:	Syrian Vulnerable Person Resettlement Scheme (United Kingdom)



GLOSSARY OF TERMS

1948 IDP: 1948 IDPs are internally displaced persons (IDPs) and their descendants that originated from the part of Mandatory Palestine that is today considered 'Israel', were displaced from their homes during the 1947-1949 *Nakba*, without crossing international borders, and to this day are prevented from returning to their homes.

1948 Palestine: Refers to the territory of Mandatory Palestine that was conquered by Zionist-Israeli forces in 1947-1949. Today, this territory is called 'Israel'. Palestinians residing in this area generally hold Israeli citizenship.

1948 Refugee: Refugees under the UN General Assembly Resolution 194 (III) and refers to any persons (registered and non-registered refugees) that were externally displaced between the years 1947-1949.ⁱ This includes refugees being forcibly transferred from, or prevented from return to, what is today called 'Israel' and into the West Bank or Gaza Strip, in addition to refugees fleeing to other parts of the world.

1967 IDP: Palestinians originating from East Jerusalem, the West Bank or the Gaza Strip, who became IDPs within what came to be called the occupied Palestinian territory (oPt) since the 1967 Arab-Israeli War until today.

1967 Refugee: Refugees under the United Nations Security Council (UNSC) Resolution 237 and refers to any persons that were externally displaced during and after the 1967 Arab-Israeli War.ⁱⁱ 1967 Refugees were included under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as eligible for humanitarian assistance. Although technically UNRWA's mandate applies solely to 1948 refugees, starting from July 1967 the UN General Assembly has also authorized the Agency to provide humanitarian assistance to Palestinians displaced as a result of the 1967 Arab-Israeli War.ⁱⁱⁱ

Apartheid Wall: Refers to the Wall built by Israel in the occupied West Bank with varying physical manifestations. In most cases, it is a concrete wall, approximately eight to nine meters high, with watchtower and sniper positions, and in some areas an electric barrier, approximately three to five meters high with a buffer zone, ditches, razor wire, electronic sensors, and cameras. Since 2004, the International Court of Justice (ICJ) and the UN General

ⁱ 194 (III). Palestine - Progress Report of the United Nations Mediator (11 December 1948) UNGA Res A/RES/194 <[https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F194%2520\(III\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F194%2520(III)&Language=E&DeviceType=Desktop&LangRequested=False)> accessed 3 October 2022; United Nations Conciliation Commission for Palestine (UNCCP), 'Definition of a "Refugee" Under Paragraph 11 of the General Assembly Resolution of 11 December 1948' (9 April 1951) <<https://www.un.org/unispal/document/auto-insert-210500/>> accessed 3 October 2022.

ⁱⁱ UN Security Council (UNSC) Res 237 (14 June 1967) UN Doc S/RES/237 <[https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F237\(1967\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F237(1967)&Language=E&DeviceType=Desktop&LangRequested=False)> accessed 3 October 2022.

ⁱⁱⁱ See UNGA Res 2252 (ES-V) (4 July 1967) UN Doc A/RES/2252 (ES-V) <[https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F2252%2520\(ES-V\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F2252%2520(ES-V)&Language=E&DeviceType=Desktop&LangRequested=False)> accessed 3 October 2022.



Assembly (UNGA) declared the construction of the Wall illegal and have called upon Israel to dismantle it and grant reparations to the Palestinian victims. The ICJ and UNGA also called upon States to not recognize the illegal situation and to not render any aid or assistance that would be used in construction of the Wall or maintaining the illegal situation.

Area of UNRWA Operations: A state or territory where UNRWA provides humanitarian assistance to Palestine refugees. These areas/regions currently include Jordan, Lebanon, Syria, and the occupied Palestinian territory.

Colonization: The term ‘colonization’ is traditionally applied to the actions of domination and subjugation by an alien power(s) of a people(s). This domination and subjugation was typically manifested in the form of land acquisition, annexation, the suppression of self-determination, and the mass exploitation of human and natural resources. The prohibition of colonization has become a peremptory norm of international law. The term is derived primarily from extensive legal, political, and historical commentary as crystallized in a series of UN resolutions. The most prominent of these is the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly Resolution 1514 (XV) of 14 December 1960. This declaration refers to colonization as “[t]he subjection of peoples to alien subjugation, domination and exploitation [that] constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation”.^{iv}

Colonization versus Occupation Under International Law:

Colonization	Occupation
Permanent	Temporary
Prohibited by international law	Regulated by international law
Triggers third party’s self-moving obligations to bring an end to colonization	Requires UNSC intervention to trigger third party obligations to bring an end to occupation

Convention Refugee: A person recognized as a refugee by states under the 1951 Convention Relating to the Status of Refugees and entitled to a variety of rights under that Convention.^v

Displaced Person: A term sometimes used by the United Nations (UN) to designate Palestinians displaced within and from the West Bank, East Jerusalem, and Gaza Strip in the context of the 1967 War and falling within the scope of UNSC Resolution 237 (1967), as well as their descendants.^{vi} The term is also used by UNRWA in reference to persons falling under its mandate in accordance with UNGA Resolution 2252 (1967).^{vii}

^{iv} Declaration on the Granting of Independence to Colonial Countries and Peoples, UNGA Res 1514 (XV) (14 Dec 1960) (adopted by 89 votes to none; 9 abstentions), art 1 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples>> accessed 3 October 2022.

^v See Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 <<https://www.unhcr.org/4ca34be29.pdf>> accessed 3 October 2022.

^{vi} UNSC Res 237 (n ii).

^{vii} UNGA Res 2252 (n iii).



Internally Displaced Persons (IDPs): Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, or a coercive environment, and who have not crossed an internationally recognized state border.

International Protection: The responsibility of the international community to provide comprehensive protection to those who are entitled to it, triggered when a state is unable or unwilling to ensure the protection of its citizens and individuals under its sovereignty or jurisdiction. International protection encompasses three essential elements: (1) physical safety and security, (2) material assistance (relief and basic needs), and (3) legal protection, including facilitation of durable solutions. This framework of protection applies to both refugees and IDPs.

Israeli Colonial-Apartheid Regime: The system of colonization and apartheid through which the Israeli state was created and continues to be maintained by. This system is run by all Israeli policies of colonization, institutionalized discrimination, and population transfer aimed at and/or leading to the perpetuation of Israeli domination and denial of the Palestinian people's inalienable rights (e.g., the right to self-determination and right to reparations including IDPs and refugees' right to return to their homes). These policies have been enforced through a wide range of laws, measures, and practices such as the forcible displacement of Palestinians, implantation of Zionist colonizers, the dispossession and land confiscation, the denial of access to land, natural resources and services, the suppression, persecution, fragmentation, segregation and isolation of the Palestinian people, the discriminatory zoning and permit regime, and the denial of residency and reparations.

Green Line: The 1949 ceasefire line delineating the boundary between Israel and the oPt (West Bank, including East Jerusalem and Gaza Strip). The Green Line is officially called the 1949 Armistice Line. It emerged after the ceasefire agreements concluded in 1949 between the newly established Israeli state and Arab countries (Jordan, Egypt, Lebanon, and Syria). Although Israel has never specified its borders, this line internationally refers to the de facto borders separating between the Palestinian land conquered by Israel in 1947-1949 (also referred to in this survey as 1948 Palestine) and Palestinian land occupied in 1967. In this survey, it is used to distinguish between 1948 IDPs and 1967 IDPs as well as between IDPs and refugees.

Mandate for Palestine: A type of international trusteeship entrusted by the League of Nations to Great Britain in 1922. The purpose of the Mandate System was to facilitate the independence of non-self-governing territories. All other states subject to the colonial Mandate System after World War I have since achieved independence. The Mandate for Palestine, however, facilitated Zionist and Israeli colonization of the country in line with the Balfour Declaration.^{viii}

^{viii} For more about the Mandate for Palestine and Balfour declaration, see Mandate for Palestine (signed 12 August 1922) C. 529. M. 314. 1922. VI. <<https://www.un.org/unispal/document/auto-insert-201057/>> accessed 3 October 2022; Victor Kattan, *From Coexistence to Conquest, International Law and the Origins of the Arab-Israeli Conflict, 1891–1949* (Pluto Press 2009).



Mandatory Palestine: Refers to historic Palestine - the whole land of Palestine before the *Nakba*, when Palestine was still under the British Mandate. However, the British Mandate's decision to end the mandate left the question of Palestine to the UN. Following this act was the Israeli Declaration of Independence and the creation of Israel. Mandatory Palestine is considered to be what is today called Israel as well as the oPt.

Nakba: An Arabic term meaning “catastrophe,” referring to the mass displacement and dispossession of Palestinians between 1947 and 1949 due to colonization, ethnic cleansing, massacres, and terrorist acts committed by Zionist militias and Israel.

Occupation: A temporary situation, where an alien power controls another region that belongs to another people/state. Due to its temporary nature, it is regulated by international humanitarian law so as the occupying power, according to article 43 of the Hague Regulations, is under an obligation to “take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country”.^{ix} While people of occupied territory retain sovereignty, the occupying power is prohibited from annexation and changing the legal status of the territory.

Occupied Palestinian territory (oPt): This refers to the area of Mandatory Palestine that was occupied by Israel in 1967 (approximately 22 percent). The total area of the oPt is 6,225 km², which includes the West Bank (including occupied and annexed East Jerusalem), with an area of 5,860 km², and the Gaza Strip, with an area of 365 km².

Ongoing Nakba: A continuing phenomenon that was initiated well before the period of the 1947-1949 *Nakba*, accompanied with the beginning of the colonization of Palestine during the British Mandate, and extending well into today. The Ongoing *Nakba* describes the perpetual colonization enterprise and its pillars, which are maintained and upheld through a plethora of Zionist-Israeli policies, practices, and laws that perpetrate population transfers to alter the demographic and geographic composition of Mandatory Palestine. This phenomenon continuously results in the creation, sustainment, and augmentation of the longest standing refugee population in the world.

Palestine Liberation Organization (PLO): The body formed in May 1964 to represent the Palestinian people and reconstitute their rights in their historic homeland as set forth in the Palestine National Charter. The two most important institutions of the PLO are the Palestinian National Council (PNC), the legislative body representing the Palestinian people in Mandatory Palestine and in exile, and its 15-18 member Executive Committee. The PLO includes economic and social institutions, and the multiple unions into which Palestinians have organized themselves. The PLO holds permanent observer status with the UN General Assembly.^x PLO institutions have been largely dormant since the establishment of the

^{ix} Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land (1907), art 43 <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=3741EAB8E36E9274C12563CD00516894>> accessed 3 October 2022.

^x Permanent Observer Mission of the State of Palestine to the United Nations New York, ‘Status of Palestine’ (*Palestine UN*, 1 August 2013) <<http://palestineun.org/status-of-palestine-at-the-united-nations/>> accessed 3 October 2022.



Palestinian Authority (PA) in 1994. The distinction(s) between the PLO and the Palestinian Authority have largely been erased, particularly after the recognition of the State of Palestine as an observer state of the United Nations in 2012.^{xi}

Palestine Refugee: The term used by UNRWA to refer to any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 War.

Palestinian Authority (PA): The body established under the 1993 Declaration of Principles on Interim Self-Government Arrangements (Oslo Accords) and the 1994 Agreement on the Gaza Strip and Jericho Area to administer specific parts of the 1967-occupied Palestinian territory pending a final peace agreement.

Palestinian Political Participation: For the purposes of this survey, political participation in the Palestinian context is defined as any individual or collective activity that aims to advance Palestinian human rights, whether undertaken in order to achieve national rights of self-determination and return, or other human rights, be they political, civil, social, economic or cultural, as to be freely enjoyed by Palestinians everywhere. This encompasses participation in general and local elections, but also participation in party-political and/or factional work, in semi-official and non-official political frameworks, bodies and mechanisms, in the activities of civil society institutions, socio-economic and/or political movements, in popular national events or cultural and artistic activities, and through social media and online activity.

Palestinian Refugee: For the purposes of this publication, and in accordance with international definitions, the term Palestinian refugees refers to all those Palestinians who have become (and continue to be) externally displaced (1948 refugees, outside the area that became Israel, and with regard to 1967 displaced persons, outside what became the oPt) in the context of the ongoing Israeli-Palestinian conflict, as well as their descendants. The term refers to the following three groups:

1. 1948 refugees under UNGA Resolution 194(III), including both registered (Palestine Refugees in UNRWA terminology) and non-registered refugees;
2. 1967 refugees under UNSC Resolution 237 (“Displaced Persons” in UN terminology and used by UNRWA with particular reference to UNGA Resolution 2252);
3. All those persons, who are neither 1948 nor 1967 Palestinian refugees, who have been displaced from Mandatory Palestine, either through forcible displacement or a coercive environment, and who are unable or unwilling to return to 1948 Palestine or the oPt owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Registered Refugee: A 1948 Palestinian refugee who is registered with UNRWA.

^{xi} 67/19. Status of Palestine in the United Nations, UNGA Res A/RES/67/19 (4 December 2012) <<http://palestineun.org/wp-content/uploads/2013/08/67-19-Status-of-Palestine.pdf>> accessed 3 October 2022.



Stateless Person: A person who is not considered a national by any state under the operation of its law.

United Nations Conciliation Commission for Palestine (UNCCP): The international organ established by the UN in 1948 to protect and facilitate durable solutions for all persons displaced during the 1948 Arab-Israeli conflict in accordance with UNGA Resolution 194 and to facilitate a solution to all outstanding issues between the parties.

United Nations High Commissioner for Refugees (UNHCR): The primary body established by the UN in 1950 mandated to provide international protection, assistance and seek solutions for refugees worldwide.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): The international organ established by the UN in 1949 to provide humanitarian assistance to persons displaced during the 1948 Arab-Israeli conflict. The UN later requested the Agency to provide assistance to persons displaced during the 1967 Arab-Israeli War.

Zionism: A colonial political movement established in the late 19th Century by affluent European Jews. The movement posited that the discrimination suffered by Jews could not be overcome through fighting for equality, but only through the creation of a state run by Jews. The Zionist movement employed religious/spiritual notions of Jews as a “chosen people” and of “Eretz Israel”, in order to justify ‘Jewish’ colonization of Palestine. Political, material and military support were provided by the British Empire, League of Nations and later the United Nations, whose 1947 Partition Plan triggered armed conflict, Zionist conquest and Palestinian mass displacement. After 1948, the major Zionist organizations (World Zionist Organization, Jewish Agency, and Jewish National Fund) were given quasi-public status under Israeli law and continued their mission of “ingathering of the exiles” (Zionist colonization) and “redeeming the land” (dispossession and displacement of Palestinians). In 1975, the UNGA determined that “Zionism is a form of racism and racial discrimination”.^{xii} In response to Israel’s precondition to participate in the Madrid Peace Conference and under the pressure of the USA, the UNGA revoked its previous resolution in 1991.^{xiii}

^{xii} See UNGA Res 3379 (XXX) (10 November 1975) UN Doc A/RES/3379(XXX) <[https://undocs.org/Home/Mobile?FinalSymbol=a%2Fres%2F3379\(XXX\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=a%2Fres%2F3379(XXX)&Language=E&DeviceType=Desktop&LangRequested=False)> accessed 3 October 2022.

^{xiii} See UNGA Res 46/86 (16 December 1991) UN Doc A/RES/46/86 <<https://undocs.org/Home/Mobile?FinalSymbol=a%2Fres%2F46%2F86&Language=E&DeviceType=Desktop&LangRequested=False>> accessed 3 October 2022.



INTRODUCTION

BADIL Resource Center for Palestinian Residency and Refugee Rights (BADIL) has produced the Survey of Palestinian Refugees and Internally Displaced Persons (IDPs) since 2002. This edition of the Survey, Volume X, focuses on Palestinian refugees and IDPs in the period between 2019-2021, unless stated otherwise.

In the three years since the last survey, the Palestinian people have experienced an ever more repressive and limited space within which to collectively demand and exercise their national and individual rights. This has been characterized principally by the rapid advancement of Israeli repressive colonial-apartheid policies throughout Mandatory Palestine, and coupled with the renewed attacks on the rights and capabilities of Palestinian refugees and political and human rights activists, particularly via the increase of conditional funding requirements placed on UNRWA and Palestinian civil society organizations (CSOs), along with the criminalization of six Palestinian CSOs and the aggressive escalation of murder, harassment, arrest and torture of Palestinian youth.

It is in this context that BADIL elected to focus this survey on one of the most essential tools used in the realization of Palestinian rights and in the struggle against Zionist-Israeli colonization: the political participation of Palestinian youth, particularly refugee youth. The Palestinian people have a rich history of political participation as a form of anti-colonial resistance, and Palestinian youth specifically have consistently influenced the fight for justice, dignity, and liberation. However, the available data that focuses on the political participation of Palestinians, particularly Palestinian youth, is scarce. This is primarily because current research on political participation often does not consider the specific context of the Palestinian people as a people who not only suffer from protracted, prolonged displacement but are also subject to perpetual Israeli colonization and are consistently denied their inalienable right to self-determination and reparations (including return). Thus, BADIL's survey intends to fill this gap and provide data to facilitate an adequate understanding of political participation that aligns with the Palestinian context.

As in the previous surveys, BADIL embarked on a thematic field study targeting the perceptions of the Palestinian population, as highlighted by the questionnaire in Chapter 5. The purpose of this study is to shed light on the avenues and activities that Palestinian youth engage in, the objectives and reasons for their participation, and what they perceive as obstacles that prevent them from engaging in political participation and achieving their goals. The report on this questionnaire reviews the levels, avenues, and effectiveness of Palestinian youth political participation from their own point of view. It explores how to achieve political participation in an effective and influential manner, especially against the backdrop of numerous research projects and studies having indicated that the political participation of Palestinian youth through official institutions and bodies is almost non-existent.

The questionnaire first delves into desk research which reviewed relevant literature on the



concept and applications of political participation. Then it presents data obtained by field research from a sample of Palestinian refugees and IDPs across different locations. It finally examines the findings of the questionnaire as well as the perspectives of Palestinian refugee youth when discussing these findings in various working youth groups from Lebanon, Jordan, Gaza Strip, West Bank, and 1948 Palestine and Syria.



EXECUTIVE SUMMARY

The survey has five chapters. Chapter 1 of the Survey discusses the ongoing *Nakba* and sets the historic scene for the state of affairs in which Palestinians find themselves today. Supplementing the historic overview, which encompasses the period from the occupation by the British in 1917 to today, Chapter 1 explores a number of current political developments highlighting the ongoing failure of the international community and the environment in which Israel's colonial-apartheid policies are allowed to function. The current political climate in which Palestinian refugees and IDPs find themselves has been heavily determined by the crimes committed by Israel, with increased colonial expansion and house demolitions, continued assaults against Gaza, the criminalization of Palestinian CSOs, and aggressive repression of Palestinians throughout all of Mandatory Palestine. Israel's impunity continues to be protected by the United States of America under the Biden Administration along with the rest of the international community, particularly the EU with regards to its conditional funding requirements placed on the Palestinian Authority, Palestinian CSOs and UNRWA.

Chapter 2 of the survey contains, to the greatest possible extent, the population size, distribution and demographic characteristics of the Palestinian refugee and IDP population. By the end of 2021, it is estimated that 9.17 million of the 14 million Palestinians worldwide (65.5 percent) are forcibly displaced persons. Among them are approximately 8.36 million Palestinian refugees and 812,000 IDPs. The overall Palestinian displaced population includes 7 million 1948 Palestinian refugees and their descendants (a figure that includes the 5.8 million Palestinian refugees who are registered with and eligible for UNRWA assistance), 1.33 million 1967 refugees and their descendants, 439,171 Palestinians internally displaced in 1948 Palestine and 372,793 Palestinians internally displaced in the oPt since 1967 and their descendants, and an unknown number of Palestinians who are neither 1948 nor 1967 refugees. Approximately 38.3 percent of the Palestinian displaced population registered with UNRWA are registered in Jordan, 26.2 percent are registered in the Gaza Strip, 16.9 percent are registered in the West Bank, 10.2 percent are registered in Syria, and 8.5 percent are registered in Lebanon. The data from Chapter 2 further reveals that the Palestinian refugee population is young, has a high, albeit declining, fertility rate, and has a high, albeit declining, growth rate. Furthermore, labor force participation is low for Palestinians in the oPt as well as Jordan, Lebanon, and Syria due to legal restrictions on employment as well as precarious political circumstances, and Palestinian refugees generally suffer from high rates of poverty and food insecurity.

Chapter 3 proffers the overall legal international protection framework and as it pertains specifically to those displaced, in addition to its application, or lack thereof, to Palestinian refugees and IDPs. The chapter defines international protection and highlights the role of UNHCR and human rights instruments in refugee protection, as well as consideration of IDP protection frameworks. It identifies the separate international protection system consisting of the United Nations Conciliation Commission for Palestine (UNCCP) and UNRWA, which was designed specifically to ensure Palestinian refugees' enjoyment of their rights with effective



protection. Fundamentally, the chapter explores the exclusion of Palestinian displaced persons from both the general international frameworks and the protective components of the separate legal framework devised for Palestinians, observing particularly that this situation has resulted in a protection gap that has hitherto been unaddressed by the international community. This chapter ends by highlighting the issues faced by Palestinian refugees and IDPs in four case studies across all of Mandatory Palestine.

Chapter 4 first discusses the situation of Palestinian refugees in a number of host states and the efforts, or lack thereof, of the international community to act in accordance with its responsibilities. The chapter first outlines Israel's obligations towards Palestinian refugees and IDPs, then provides an overview of the status and situation of Palestinian refugees in UNRWA's areas of operations, Arab host states, and Western host states. The chapter concludes with an analysis of the international community's obligations towards Palestinian refugees, the complicity of powerful Western states, the failure of the international community as a whole, and the role that the international community is able to play in facilitating a just solution to the Palestinian refugee and IDP issue.

Chapter 5 is the final chapter and discusses the main issue of this survey: the questionnaire on Palestinian refugee youth's political participation. The chapter begins with a literature review on prevailing definitions of political participation and develops an understanding of political participation that appropriately corresponds with the Palestinian context. The chapter then delves into the main findings of the questionnaire, comprised of six focused, detailed, and closed-ended questions (see Annex 3). The results illustrated that 95.1 percent of youth have engaged in frameworks, bodies, and mechanisms for political participation over the past three years (2019-2021). The most prominent avenue for youth political participation was by means of expressing personal opinions about public issues on social media platforms, while there is a decline in youth engagement in official and semi-official avenues, such as elections and organized political parties' activities. The questionnaire also revealed that Palestinian refugee youth believed that contribution to any form of Palestinian cultural intellectual production was the most effective avenue for political participation, while the effectiveness of participation through official, semi-official, and existing political factions' frameworks, avenues, and mechanisms scored low. Palestinian refugee youth additionally expressed that the objectives of political participation are primarily consolidating democracy as a political behavior within the political system in the place of residence and ensuring fair youth representation. Palestinian youth perceived that the issue that had the largest impact on youth political participation is the Palestinian division, followed by absence of a national liberation strategy. The chapter concludes with an observation on how these results reflect the success of colonial states in debilitating the activation of popular liberation action.



RECOMMENDATIONS

1. Adopt and support rights-based durable solutions as a long-term strategy:

Members of the international community, states, UN bodies and agencies and civil society organizations should support and facilitate durable solutions for the Palestinian people, especially refugees and IDPs, consistent with international law, relevant UN resolutions (UNGA 194(III) and UNSC 237) and best practice. Such a framework requires:

- Recognizing the urgent need to dismantle the Israeli colonial-apartheid regime through addressing the root causes of the ongoing forcible displacement and continued denial of the rights to self-determination and reparations of the Palestinian people by Israel; 74 years after the commencement of the *Nakba*, the international community, including civil society and relevant influencers, continue to bear the duty of promoting awareness of – and effective responses to – Israel’s system of displacement and transfer, colonialism, and apartheid; a system which actively prevents Palestinian self-determination and provides the ideological foundation upon which Israel’s strategy of maximum land with minimum Palestinians is based;
- Reaffirming and implementing the fundamental rights of refugees and IDPs to repatriation to their homes, land and property restitution, compensation for all losses and damages sustained and guarantees of non-repetition;
- Developing mechanisms and taking effective measures to bring Israel into compliance with international law; including pursuing responsibility and accountability for injuries, loss of life and property through independent investigatory processes, in turn ensuring reparations to victims and prosecution of perpetrators of serious international human rights and humanitarian law violations;
- Taking all measures available within international law, including severance of diplomatic relations, as well as economic, military and cultural and sports sanctions to hold Israel accountable for its policies and practices of colonization and apartheid.
- Utilizing all available legal mechanisms that obligate third states to refrain from supporting and/or investing in infrastructure and services that reinforce Israel’s colonial-apartheid strategy and to cut all investment ties with the Israeli government and companies as well as international companies involved in the Israeli colonial-apartheid regime, not limited to those listed on the UN database of business enterprises involved in activities relating to settlements (colonies) in the oPt.

2. Ensure effective protection of Palestinian refugees, IDPs and those at risk of forced displacement in Palestine and host countries:

Implementation of international protection standards for Palestinian refugees and IDPs requires:

- Clarifying the mandates of agencies and bodies responsible for developing and



implementing durable solutions. UNRWA, UNHCR, the UNCCP, UN Committee on the Exercise of the Inalienable Rights of the Palestinian People and other relevant bodies should immediately clarify their respective mandates in order to coordinate effective temporary protection for all Palestinian refugees;

- Addressing the regular and chronic shortfall in the core budget of UNRWA; a scenario which results from the non-mandatory status of contributions to the agency's general budget from member states. This issue must be treated as a top priority for both the UN General Assembly (UNGA) and the Secretary-General. Donor states must increase the quantity and stability of financial contributions both to UNRWA emergency appeals and to the General Fund, factoring in the annual growth of the refugee population and their needs. Donor states must take all meaningful and practical measures to bring an end to conditional funding and delegitimization tactics of third states, particularly the US and those of the EU, that target UNRWA.
- Establishing a comprehensive registration system for Palestinian refugees and IDPs. The UN should coordinate a comprehensive registration system for ensuring protection, crafting durable solutions and fulfilling reparations. Such a system should include all categories of Palestinian refugees and IDPs, and recognize instances of multiple displacement;
- Incorporating Article 1D of the 1951 Refugee Convention into the national legislation of those states who are signatories to the Convention, and ensuring correct interpretation and application of Article 1D to Palestinian refugee asylum cases in-line with contemporary scholarly opinion on the subject;
- Utilizing the League of Arab States' regional mechanisms for refugee protection. The LAS should implement existing regional instruments (1965 Protocol on the Treatment of Palestinians, 1992 Cairo Declaration) and strengthen their monitoring mechanisms;
- Improving the UN, intergovernmental and international organizations' response mechanisms to Israeli policies of displacement and transfer throughout all of Mandatory Palestine by focusing efforts not only on short-term emergency and humanitarian aid, but also on preventing forced displacement through the filling of protection gaps concerning victims medium and long-term needs.

3. Facilitate and ensure the participation and engagement of the Palestinian people, particularly refugees and IDPs, in crafting solutions, and bring an end to all actions that impede the political participation of the Palestinian people:

Bringing an end to all actions that obstruct the Palestinian people's struggle for liberation from the Israeli colonial-apartheid regime or impede on the political participation of the Palestinian people, especially Palestinian refugee youth, requires:

- States, UN bodies and agencies and international civil society organizations to take



all meaningful and practical measures to bring an end to Israel's colonial-apartheid policies that deliberately aim to delegitimize the Palestinian peoples' struggle and deprive them of their access to political participation, including: its murder, arrest, torture, and harassment of Palestinians who engage in political participation, its violent suppression of legitimate resistance and the policies of collective punishment that come with it, its criminalization of Palestinian CSOs, its de-politicization of the Palestinian educational curriculum and the withholding of funding and building permits to Palestinian schools, and its overarching policies of isolation, fragmentation, and segregation of the Palestinian people;

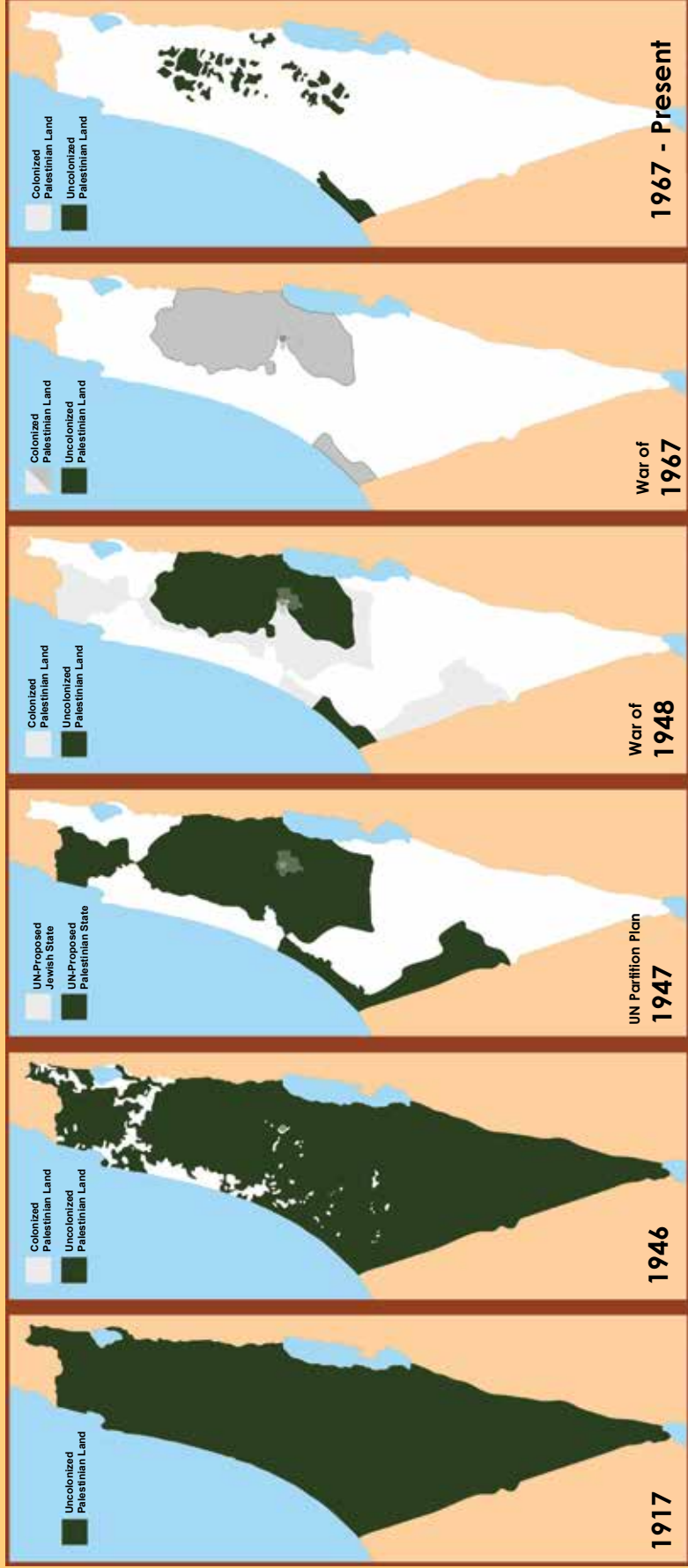
- The Palestinian leadership (PLO), political factions, and national civil society organizations to conduct transparent and democratic processes to address the obstacles impeding on the political participation of Palestinian youth. Such processes should activate the role of Palestinian youth and handle the following concerns:
 - Palestinian youth's reluctance to participate in existing official and semi-official frameworks and bodies;
 - The lack of confidence among youth in current organized political parties and frameworks;
 - Youth's decreasing trust in the possibility of achieving the realization of national and/or socio-economic rights through international organizations;
 - The dwindling interest in Palestinian public affairs and the dominance of individualism both as a culture and as a behavior;
 - Women's declining participation in avenues for political participation that require visibility in the public sphere;
 - Youth's strong desire to democratize the Palestinian political system and society;
 - The Palestinian division, including repression of freedoms and exclusion of youth under the pretext of dubious agendas;
 - The lack of a national strategy for liberation;
 - Youth's desire to dismantle of the quota scheme within Palestinian political system.



Israeli Colonial - Apartheid Regime

“Maximum Land with Minimum Palestinians”

THE ONGOING NAKBA: THE ONGOING COLONIZATION, APARTHEID, AND FORCIBLE DISPLACEMENT



By the end of 2021, at least 65.5% (9.17 million) of the entire Palestinian people worldwide (14 million) were forcibly displaced persons. Among them were at least 8.36 million Palestinian refugees and 812,000 internally displaced persons (IDPs).

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■ 1948 Palestinian refugees, 7.02 million
- UNRWA-registered refugees 5.80 million
- Refugees not registered with UNRWA 1.22 million
■ 1967 Palestinian refugees 1.33 million
■ IDPs in colonized Palestine since 1948 439,171
■ IDPs in the OPT since 1967 372,793

Most Palestinian registered refugees (approximately 79%) live outside UNRWA's 58 official camps. The majority of the refugees still live within 100 km from their homes of origin.

Source: Survey of Palestinian Refugees and Internally Displaced Persons 2019 - 2021, BADIL Resource Center, 2022.

THE ONGOING NAKBA

Within the Palestinian context of forced displacement, one fact is fundamental: the *Nakba* is ongoing. In other words, the *Nakba* is not isolated to the historical events of 1947-1949 which resulted in the expulsion of between 750,000 to 900,000 Palestinians, but is a continuing phenomenon that was initiated well before that period, was accompanied with the beginning of the colonization of Palestine during the British Mandate, and extends well into today. As such, the Ongoing *Nakba* is terminology adopted by BADIL to describe the perpetual colonization enterprise and its pillars: land grabbing, displacement of the Palestinian people and their simultaneous prevention to return and implantation of colonizers. This vicious cycle is maintained and upheld through a plethora of Zionist-Israeli policies, practices, and laws that perpetrate population transfers to alter the demographic and geographic composition of Mandatory Palestine, ultimately culminating in a colonial-apartheid regime.

The result of this regime is the creation, sustainment, and augmentation of the longest standing refugee population in the world. Today, displaced Palestinians number approximately 9.17 million, 812,000 of whom are internally displaced persons (IDPs) within Mandatory Palestine. To understand the foundations and roots of this displacement, the following chapter explores the four historical episodes of mass displacement, the nine Israeli policies of ‘silent’ transfer that achieve forced displacement in reduced and less visible numbers, and recent political developments highlighting the ongoing failure of the international community and the environment in which the above policies are allowed to function.

1.1. HISTORICAL WAVES OF PALESTINIAN DISPLACEMENT

The Palestinian people that lived within the borders of Mandatory Palestine, a land now divided into what is called Israel and the occupied Palestinian territory (oPt) – comprising the West Bank, east Jerusalem, and the Gaza Strip – have been exposed to four major periods of forced displacement: (1) the British Mandate (1922-1947), (2) the *Nakba* (1947-1949), (3) Israeli military rule imposed upon Palestinians inside the Green Line (1949-1966), and (4) The Six Day War of 1967.

1.1.1. First Wave: The British Mandate (1922-1947)

In December 1917, British-led Allied forces occupied Palestine, which was then part of the



British troops organize the arrival of a Jewish immigrant ship, Haifa, 1948 (Source:.nam.ac.uk)

Ottoman Empire. On 24 July 1922, the League of Nations instituted the Mandate System, which entrusted the temporary administration of Palestine to Great Britain as a Class A Mandate – a categorization closest to independence.¹ From a legal perspective, the final status of Palestine as a geopolitical territory was determined by the Treaty of Lausanne of 1923.² The treaty also transformed the *de facto* status of Palestinians to *de jure* Palestinian nationality, defined as those persons who had been subjects of the Ottoman Empire and are now residing in the British Mandate of Palestine. Further, the enactment of the Palestinian Citizenship Order of 1925 legally codified Palestinian citizenship at the national level. As such, the status of Palestine as a defined sovereign territory and the status of the Palestinian people as a nationally identified people with a right to self-determination were legally well-established before the creation of Israel.³

The recognition of the Palestinian people, nonetheless, was undermined by the application of these same legislations, as well as others, which laid the foundations for the successful colonization of Mandatory Palestine by the Zionist movement, the mass displacement and dispossession of the Palestinian population (the *Nakba*), and the creation of the state of Israel. Correspondingly, the British Mandate's policies that facilitated such Zionist domination and ensuing Palestinian forcible displacement included, *inter alia*:

¹ Class A Mandates were designated for areas deemed to “have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone”. The Mandate for Palestine, 24 July 1922, is reprinted in *A Survey of Palestine: Prepared in December 1945 and January 1945*, vol I (The Institute for Palestine Studies 1991), 4–11.

² Treaty of Peace, signed at Lausanne (adopted 24 July 1923, entered into force 6 August 1924) B.E.-Fr.-It.-Jp.-Gr.-Tr., 28 UNTS 701 [hereinafter League of Nations, Lausanne Treaty] <<https://treaties.un.org/doc/Publication/UNTS/LON/Volume%2028/v28.pdf>> accessed 3 October 2022..

³ See BADIL Resource Center for Palestinian Residency and Refugee Rights (BADIL), *Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention* (2nd edn, Al-Ayyam Press 2015), 2-6 [hereinafter BADIL, Closing Protection Gaps] <<http://badil.org/en/publication/handbook-on-protection.html?download=1129:handbook-2015>> accessed 3 October 2022.



1. Changing the demographic composition of Palestine and subsequent facilitation of Zionist-Jewish settlement, including their nationalization while de-nationalizing Palestinians;
2. Transferring the use and ownership of lands in Palestine to Zionist organizations, agencies, and individuals;
3. Supporting Zionist militias;
4. Developing Zionist institutions and communities while inducing the de-development of Palestinian communities.

Table 1.1: British Mandate Policies and their Respective Tools and Impact

Policy	Tools	Impact
Changing the Demographic Composition of Palestine	<ul style="list-style-type: none"> The Balfour Declaration (1917) and the Mandate for Palestine (1922) – under the preamble, Article 2, and Article 4 – set the establishment of a Jewish nation-al home to be of paramount importance, which included the facilitation of Jewish migration and settlement in Palestine.⁴ Article 7 of the Mandate for Palestine tasked the Administration of Palestine to enact a nationality law, which helped facilitate the acquisition of Palestinian citizenship by Jews who took up their per-manent residence in Palestine.⁵ This culminated in the Citizenship Order of 1925 and the 1928 Land (Settlement of Title) Order.⁶ 	<ul style="list-style-type: none"> Jewish population drastically increased from 8 percent at the end of the Ottoman era (1914)⁷ to ≈31 percent at the end of the British Mandate due to illegal immigration and settlement.⁸ The number of people who acquired Palestinian citizenship by naturalization was 132,616; around 99 percent of them were Jewish.⁹ Because of severe British suppression, some 40,000 Palestinians fled the country during the mid-1930s.¹⁰ It is estimated that 60,000 Palestinians were living, working, or studying abroad prior to 1925 and therefore were not allowed to claim Palestinian citizenship.¹¹

⁴ Mandate for Palestine (signed 12 August 1922) C. 529. M. 314. 1922. VI. [hereinafter League of Nations, Mandate for Palestine] <<https://www.un.org/unispal/document/auto-insert-201057/>> accessed 3 October 2022.

⁵ *Ibid*; see also Mutaz M Qafisheh, ‘Genesis of Citizenship in Palestine and Israel: Palestinian Nationality in the 1917-1925 Period’ (2010) 21 Bulletin du Centre de recherche français à Jérusalem <<https://journals.openedition.org/bcrfj/6405#quotation>> accessed 3 October 2022.

⁶ Moses Doukhan, *Laws of Palestine, 1918-1925: Including Orders in Council, Ordinances, Regulations, Rules of Court, Public Notices, Proclamations, etc., Arranged in Alphabetical and Chronological Order with an Index* (vol 2, L.M. Rotenberg 1933-34).

⁷ See ‘Table 2.2 – Population of Palestine in 1918, Projected Back from 1922 Census Figures’, as corrected in Justin McCarthy, *The Population of Palestine: Population Statistics of the Late Ottoman Period and the Mandate* (Columbia University Press 1990), 26.

⁸ *Ibid*, 37.

⁹ *Ibid*.

¹⁰ Rony Gabbay, *A Political Study of the Arab-Jewish Conflict: The Arab Refugee Problem (A Case Study)* (E Droz 1959), 66.

¹¹ Out of 9,000 citizenship applications from Palestinians outside the country, British officials approved only 100. Based on an average family size of six persons, more than 50,000 Palestinians may have been affected; see United Kingdom (UK) Secretary of State for the Colonies, *Palestine Royal Commission Report*, (Cmd. 5479, HMSO 1937), 331 <<https://palestinianmandate.files.wordpress.com/2014/04/cm-5479.pdf>>. For a description of the problem facing Bethlehem families, see: Adnan A Musallam, *Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948* (WIAM Palestinian Conflict Resolution Center 2002).

Transferring Land Use and Ownership to Zionist Organizations, Agencies, and Individuals	<ul style="list-style-type: none"> • The Balfour Declaration (1917) and Article 6 of the Mandate for Palestine (1922) – “...encourage[d]... close settlement by Jews on the land including State lands and waste lands not required for public purposes.”¹² • In 1901, the Jewish National Fund (JNF) was founded, which devoted itself exclusively to the acquisition of land in Palestine for Jewish settlement.¹³ 	<ul style="list-style-type: none"> • At the start of the Mandate, Jews owned less than 3 percent of the total land.¹⁴ By 1948, Zionist colonizers, aided by the JNF, had acquired 1,393,531 <i>dunums</i> of land, roughly 6 percent of the total land area in Mandatory Palestine and 12 percent of cultivable land.¹⁵ More specifically, 714 km² were acquired by Zionist colonization associations, mostly from large landowners who did not live in Palestine.¹⁶ • Between 1939 and 1945, 1,062 Palestinian tenant households in 48 localities were evicted from lands bought by Jews.¹⁷
Supporting Zionist Militias	<ul style="list-style-type: none"> • Article 17 of the Mandate for Palestine (1922) states that “except for such purposes [for preserving peace and order], no military, naval or air forces shall be raised or maintained by the Administration.”¹⁸ 	<ul style="list-style-type: none"> • Establishment of Zionist militias such as Haganah, the Stern Gang, and Irgun,¹⁹ which were trained and equipped, and had colonies that were well fortified militarily.²⁰ • During the Arab Revolt of 1936-1939, the severity of the military retaliation to subdue the uprising resulted in 5,000 Palestinians killed, 15,000 wounded, and the exile, imprisonment, or assassination of the Palestinian leadership.²¹ • The imposition of severe sanctions on Palestinians, including the penalty of death for possessing small arms (such as a pistol or knife), put the Palestinians at a disadvantage.²²

¹² League of Nations, Mandate for Palestine (n 4), art 6; see also Jeremy Forman and Alexander Kedar, ‘Colonialism, Colonization, and Land Law in Mandate Palestine: The Zor al-Zarqa and Barrat Qisarya Land Disputes in Historical Perspective’ (2003) 4(2) *Theoretical Inquiries in Law* 4, 491-539 <<http://law.haifa.ac.il/images/documents/ColonialismColonizationLand.pdf>> accessed 3 October 2022.

¹³ Hussein Abu Hussein and Fiona McKay, *Access Denied* (Zed Books 2003), 67, cited in Ben White, *Israeli Apartheid - A Beginners Guide* (Pluto Press 2009), 13.

¹⁴ Table III, ‘Jewish Land Ownership in Palestine’ in Walter Lehn, *The Jewish National Fund* (Kegan Paul International 1988), 74.

¹⁵ Mohamed Seif El Nasr, ‘Palestine: How the Land was Lost’ (*Your Middle East*, 28 November 2015) <<https://yourmiddleeast.com/2015/11/28/palestine-how-the-land-was-lost/>> accessed 3 October 2022.

¹⁶ For Jewish land ownership, see Lehn (n 14), 74.

¹⁷ See Charles Kamen, *Little Common Ground: Arab Agriculture and Jewish Settlement in Palestine 1920–1948* (University of Pittsburgh Press, 1991), 191.

¹⁸ League of Nations, Mandate for Palestine (n 4), art 17.

¹⁹ John Louis Peeke, ‘Jewish – Zionist Terrorism and the Establishment of Israel’ (Master’s Thesis, Naval Postgraduate School 1977), 19-103 <<https://apps.dtic.mil/dtic/tr/fulltext/u2/a047231.pdf>> accessed 3 October 2022.

²⁰ For further details, see: United Nations Division for Palestinian Rights, *Origins and Evolution of the Palestine Problem: 1917-1988 Part I: 1917-1947, Prepared for, and under the guidance of, the Committee on the Exercise of the Inalienable Rights of the Palestinian People* (30 June 1978) ST/SG/SER.F/1 <<https://www.un.org/unispal/history2/origins-and-evolution-of-the-palestine-problem/part-i-1917-1947/>> accessed 3 October 2022.

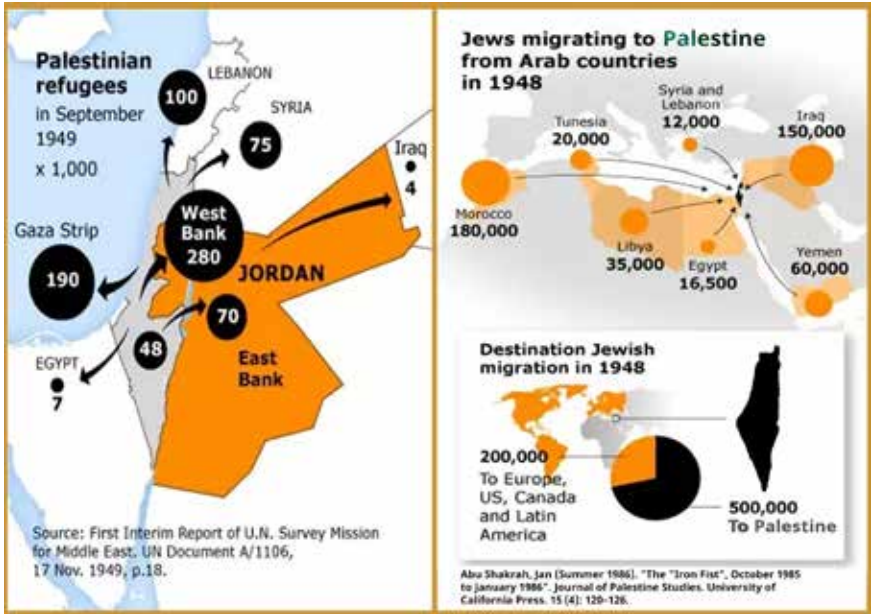
²¹ Alex Winder, ‘Great Arab Revolt, 1936-1939: A Popular Uprising Facing a Ruthless Repression’ (*The Interactive Encyclopedia of the Palestine Question*, 2017) <<https://www.paljourneys.org/en/timeline/highlight/158/great-arab-revolt-1936-1939>> accessed 3 October 2022.

²² Sabri Jiryis, *The Arabs in Israel* (Inea Bushnaq (tr), Monthly Review Press 1976), 10 [hereinafter Jiryis, *Arabs in Israel*]. During 1936–39, the British administration demolished some 5,000 Palestinian homes. Based on an average family size of six persons, an estimated 30,000 Palestinians were affected; see Yusef Rajab al-Ruday’i, *The 1936 Arab Revolt in Palestine: A Military Study* [Arabic], cited in Yezid Sayigh, *Armed Struggle and the Search for State, The Palestinian National Movement 1949-1993* (Institute for Palestine Studies and Oxford University Press 1999), 2.



<p>Developing Zionist Institutions and Communities while Inducing the De-development of Palestinian Communities</p>	<ul style="list-style-type: none"> Establishment of factories, such as Tnuva, as well as academic institutions including Hebrew University, and developing farms, commercial services, advanced agriculture, and importing machinery in preparation for the establishment of the Zionist state. Tnuva was established in 1926 and eventually monopolized the dairy market as the largest Israeli dairy company before it was sold in 2014. Tnuva advertisements promoted the purchase of its dairy products as a way to strengthen Zionism.²³ The Hebrew University of Jerusalem was inaugurated by Lord Balfour (of the 1917 Balfour Declaration) in April 1925. The World Zionist Organization played a critical role in its establishment so that it “would serve a role in the Zionist colonization program in Palestine.”²⁴ By the early 1940s, the average rural Palestinian family had less than half of the agricultural land required for their subsistence.²⁵ As many as 70 Palestinian rural villages disappeared.²⁶
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The continued increase of the Zionist-Jewish population and their British-assisted development resulted in numerous clashes between the indigenous Palestinian population and newly arrived Jewish immigrants.²⁷ From the beginning of the British Mandate in Palestine in 1922 to the end of 1947, an estimated 100,000–150,000 Palestinians – nearly one-tenth of the Palestinian Arab population – were expelled, denationalized, or forced to leave their homes. Additionally, tens of thousands of Palestinians were internally displaced as a result of Zionist colonization, the eviction of tenant farmers, and punitive home demolitions by the British administration.



²³ World Zionist Organization (WZO), ‘In Those Days: Tnuva’ (*The Central Zionist Archives*, 17 May 2013). <<http://www.zionistarchives.org.il/en/tags/Pages/Tnuva.aspx>> accessed 3 October 2022

²⁴ Uri Cohen, ‘University vs Society in a Period of Nation Building: The Hebrew University in Pre-State Israel’ (2007) (19(1) *Historical Studies in Education*, 81-110 <https://historicalstudiesineducation.ca/index.php/edu_hse-rhe/article/view/274/691> accessed 3 October 2022.

²⁵ Basheer K Nijim, Nijim, *Toward the De-Arabization of Palestine: Israel 1945–1977* (Kendall/Hunt Publishing Company 1984), 10; Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (Columbia University Press 2009), 113–114.

²⁶ Sharif Kanaana, *Still on Vacation! The Eviction of the Palestinians in 1948* (Jerusalem International Center for Palestinian Studies 1992), 96.

²⁷ Tony Rea and John Wright, *The Arab-Israeli Conflict*, (Oxford University Press 1997), 14-19.

1.1.2. Second Wave: The Nakba (1947-1949)

By the onset of 1947, and contrary to its obligations as set in the Mandate,²⁸ the British government informed the newly-established United Nations (UN) of their decision to withdraw from Palestine and leave the future of Palestine to the UN. Despite the inability of the UN Special Committee on Palestine (UNSCOP) to reach a consensus on the future status of Palestine and warnings from experts,²⁹ on 29 November 1947, the UN General Assembly (UNGA) passed Resolution



1948 Displacement (©UNRWA)

181 (II), adopting the majority opinion. It recommended the partition of Palestine into two states, one Arab and one Jewish, each guaranteeing equal rights to all persons.³⁰ The Jewish state was allotted 56 percent of Mandatory Palestine, despite having a population of less than one third of all those in Palestine at the time and owning no more than seven percent of the land. On the other hand, the Arab state was allotted 43 percent of the land, and the Partition Plan designated a special international regime for Jerusalem in the remaining 1 percent of the land.³¹ Nearly half of the population of the proposed Jewish state consisted of Palestinians, who owned nearly 90 percent of the land.³² The Partition Plan constituted a recommendation for a proposed political solution; one that was illegal and unjust, was made without the approval and consent of the Palestinian people, and never materialized.

The UN Partition Plan for Palestine was rejected by the Arab states and led to armed conflict between the Palestinians and Zionist colonizers. Ahead of the withdrawal of Great Britain from Palestine, Zionist militias developed and implemented a number of military plans that utilized violent tactics and strategic massacres with the purpose of ethnically cleansing Palestine of its indigenous Palestinian population.

²⁸ See Victor Kattan, *From Coexistence to Conquest, International Law and the Origins of the Arab-Israeli Conflict, 1891–1949* (Pluto Press 2009).

²⁹ United Nations Special Committee on Palestine, Report to the General Assembly: Official Records of the Second Session of the General Assembly Supplement No. 11 (3 September 1947) A/364 [hereinafter UNSCOP, Official Records of the Second Session A/364] <[https://undocs.org/Home/Mobile?FinalSymbol=A%2F364\(SUPP\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=A%2F364(SUPP)&Language=E&DeviceType=Desktop&LangRequested=False)> accessed 3 October 2022. Committee members unanimously approved 11 general recommendations, including a UN-supervised transition period, protection of religious and minority rights, and citizenship and property rights.

³⁰ Resolution 181 (II), Future Government of Palestine, UNGA Res A/RES/181 (II) (29 November 1947) <[https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F181\(II\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F181(II)&Language=E&DeviceType=Desktop&LangRequested=False)> accessed 3 October 2022.

³¹ McCarthy (n 7), 74.

³² The proposed Jewish state had a population of 498,000 Jews and 497,000 Palestinians, including 90,000 Bedouins. The proposed Arab state had a population of 725,000 Palestinian and 10,000 Jews. Jerusalem was to be under international status, with a population of 105,000 Palestinians and 100,000 Jews. State land comprised less than 3% of the proposed Jewish state; see UNSCOP, Official Records of the Second Session A/364 (n 29), 37.





Plan Dalet

Plan Dalet (also known as Plan D) was a military operational plan launched in March 1948 by the Haganah, the main Zionist militia led by David Ben Gurion, who two months later became the first Prime Minister of Israel. This plan resulted in the greatest outflow of refugees in April and early May 1948, before the start of the 1948 Arab-Israeli war. According to Plan D, Zionist forces deliberately employed tactics of violence aimed at forcibly removing Palestinians from their homes and encouraging flight.

According to Plan D:

“[...] operations can be carried out in the following manner: either by destroying villages (avenue fire to them, by blowing them up, and by planting mines in their rubble), and especially those population centers that are difficult to control permanently; or by mounting combing and control operations according to the following guidelines: encirclement of the villages, conducting a search inside them. In case of resistance, the armed forces must be wiped out and the population expelled outside the borders of the state.”³³

Plan D also called for the ‘transfer’³⁴ of the Palestinian population out of their country, with Joseph Weitz, the head of the Jewish Agency’s Colonization Department at the time, stating that:

“Between ourselves it must be clear that there is no room for both peoples together in this country [...] We shall not achieve our goal of being an independent people with the Arabs in this small country. [...] There is no other way but to transfer the Arabs from here to the neighboring countries; to transfer all of them; not one village, not one tribe should be left.”³⁵

The resulting atmosphere of terror and panic led to the greatest outflow of refugees in April and early May 1948, before the start of the Arab-Israeli War.³⁶ A massacre of more than 100 men, women, and children committed by Zionist forces in the Palestinian village of Deir Yassin on 9 April 1948 is widely acknowledged to have contributed to the fear and panic that led to the mass displacement. The unilateral declaration of the establishment of Israel in Tel Aviv on 14 May 1948 coincided with the withdrawal of British forces

³³ For a full English translation of Plan D, see Walid Khalidi, ‘Plan Dalet: Master Plan for the Conquest of Palestine’ (1988) 18(1) *Journal of Palestine Studies*, 4-20 <<https://doi.org/10.2307/2537591>> accessed 3 October 2022.

³⁴ War and genocide sociologist, Martin Shaw, pointed out that the Hebrew word used by the Zionist colonizers for ‘transfer’ is *tibur*, which actually is “closer in meaning to ‘purification’ or ‘cleansing’ of the land, and thus puts this strand of Zionist thinking close to [...] ‘ethnic cleansing’ and ‘racial purification’ ideologies”, see Martin Shaw, ‘Palestine in an International Historical Perspective on Genocide’ (2010) 9(1) *Holy Land Studies*, 12 <<https://doi.org/10.3366/hls.2010.0001>> accessed 3 October 2022.

³⁵ Cited in Haifa Rashed and Damian Short, ‘Genocide and settler colonialism: can a Lemkin-inspired genocide perspective aid our understanding of the Palestinian situation?’ (2012) 16(8) *The International Journal of Human Rights*, 1152 <<https://doi.org/10.1080/13642987.2012.735494>> accessed 3 October 2022.

³⁶ Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947–1949* (Cambridge University Press 1987), 136 [hereinafter Morris, *The Birth of the Palestinian Refugee Problem*].



from Palestine and caused the outbreak of the 1948 Arab-Israeli War. The Israeli military systematically destroyed hundreds of Palestinian villages during the war, as one of six measures included in a “Retroactive Transfer” plan approved in June 1948 by the Israeli Finance Minister and Prime Minister to prevent Palestinian refugees from returning to their homes.³⁷ The choice of villages was not random; there often existed a clear relationship between the timing of a massacre in an outlying village and the assault on a major nearby town or city.³⁸ From the outbreak of the clashes in 1947, Palestinians fled their homes as a result of attacks on civilians by Israeli forces, massacres, looting, destruction of property and other atrocities.³⁹

Palestinians fleeing their villages in search of temporary refuge were fired upon to ensure their departure. Incidents like these occurred in major cities throughout the country, including Haifa, Jaffa, Akka (Acre), al-Ramla (Ramle), al-Lydd and Jerusalem, as well as in many villages.⁴⁰ Many sought temporary refuge elsewhere after hearing news of atrocities against the civilian population,⁴¹ which included a spate of nine reported massacres in October 1948, in which Palestinian Arab villagers were raped, bound, executed and thrown into mass graves.

In what is known as the *Nakba*, “The Catastrophe,” hundreds of Palestinian villages were destroyed and at least 70 massacres took place at the hands of the Zionist militias and subsequent Israeli military forces.⁴² Between 750,000 and 900,000 Palestinians (making up 55 to 65 percent of the total Palestinian population at the time) were forcibly displaced between the end of 1947 and early 1949, half of which were displaced before the unilateral declaration of the state of Israel which triggered the 1948 Arab-Israeli War. Ultimately, 85 percent of the population living in Palestine at the time were displaced from the territory that became the state of Israel, most of whom fled to what became known as the West Bank and Gaza Strip (22 percent of Mandatory Palestine) or to neighboring Arab countries.⁴³

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*, 32, 50, 52, 54, 62–3, 88, 101–2, 106, 112–13, 116, 119, 125, 128, 215, 221, 230; see also Tom Segev, *1949: The First Israelis* (The Free Press 1986) [hereinafter Segev, *The First Israelis*].

⁴⁰ Morris, *The Birth of the Palestinian Refugee Problem* (n 36), 136; see also Dr. Saleh Abdel Jawad, ‘Zionist Massacres: The Creation of the Palestinian Refugee Problem in the 1948 War’ in Eyal Benvenisti, Chaim Gans, and Sara Hanafi (eds), *Israel and the Palestinian Refugees* (Springer 2007), 60.

⁴¹ This included massacres in Mansurat al-Khayt (18 January 1948), Dayr Yassin (9 April 1948), Khirbat Nasir al-Din (12 April 1948), Hawsha (15 April 1948), Khirbeh Wa’ra al-Sawda (18 April 1948), al-Husayniyya (21 April 1948), Balad ash-Sheikh (25 April 1948), ‘Ayn al-Zaytun (2 May 1948), Burayr (12 May 1948), Khubbayza (12 May 1948), Abu Shusha (14 May 1948), al-Tantura (21 May 1948), al-Khisas (25 May 1948), al-Lydd (10 July 1948), al-Tira (16 July 1948), Ijzim (24 July 1948), Beersheba (21 October 1948), Safsaf (29 October 1948), al-Dawayima (29 October 1948), ‘Arab al-Samniyya (30 October 1948), Saliha (30 October 1948), Sa’sa’ (30 October 1948), Eilaboun (29 October 1948), Jish (29 October 1948), and Majd al-Kurum (29 October 1948). For accounts of these massacres, see Morris, *The Birth of the Palestinian Refugee Problem* (n 36), 136.

⁴² Abdel Jawad (n 40), 60.

⁴³ Segev, *The First Israelis* (n 39).





1.1.3. Third Wave: Israeli Military Rule Inside 1948 Palestine (1949-1966)

The war ended in 1949 when armistice agreements were signed with Egypt, Lebanon, Jordan, and Syria. Israel then established a military government with multiple sites in order to control the Palestinian population remaining inside what became Israel and to prevent the return of Palestinian refugees.⁴⁴ Freedoms of expression and movement were



Qalandia refugee camp, 1956 (©UNRWA)

severely restricted, and Palestinians were confined to controlled areas. Returnees – referred to as “infiltrators” under Israel’s 1954 Law for the Prevention of Infiltration – which is still in effect today and has even expanded the definition of “infiltrators” from Palestinians and Arab nationals to all people crossing into 1948 Palestine irregularly⁴⁵ – were either killed or transported to the border and expelled.⁴⁶ Israel subsequently adopted a web of new land laws to facilitate the expropriation of refugee property and its transfer to the state and the JNF, while it continued to expel Palestinians from their homes and lands.

Between 1949 and 1966, Israel expropriated some 700 km² of land from Palestinians who remained within the territory of the new state.⁴⁷ In this period, Israel expelled 15 percent of the remaining Palestinian population, resulting in approximately 195,000 total Palestinians remaining, including 35,000 to 45,000 Palestinians internally displaced in 1948 Palestine.⁴⁸

⁴⁴ Jiryis, *Arabs in Israel* (n 22), 10.

⁴⁵ For more information on Israel’s anti-“infiltrator” laws, see BADIL, *Forced Population Transfer: The Case of Palestine - Denial of Reparations* (BADIL 2018), 28-32 [hereinafter BADIL, *Denial of Reparations*] <<http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/WP22-Reparations-of-Reparations.pdf>> accessed 3 October 2022.

⁴⁶ Benny Morris, *Israel’s Border Wars, 1949–56* (Clarendon Press 1993), 39 and 152 [hereinafter Morris, *Israel’s Border Wars*].

⁴⁷ Israeli Foreign Ministry reports indicate that some 17,000 Bedouin were expelled from the Naqab between 1949 and 1953; see Simon and Vermeersch, ‘Investigation Report’ UNA DAG-13/3.3.1–18, cited in Morris, *Israel’s Border Wars* (n 46), 170.

⁴⁸ Israeli Central Bureau of Statistics, ‘Statistical Abstract of Israel 2001 - No.52’ (ICBS, 11 September 2001) <<https://www.cbs.gov.il/en/publications/Pages/2001/Statistical-Abstract-of-Israel-2001-No52.aspx>> accessed 3 October 2022; For the population of Palestine, see ‘Table 2.18 – The Population of Palestine by Religion, 1870 to 1946’ in McCarthy (n 7), 37.



The Kafr Qasim Massacre

On the 29th of October 1956, the Israeli government and military imposed a surprise curfew on a number of Palestinian villages within 1948 Palestine that were located on the border the West Bank,⁴⁹ with the Israeli border police informing the mayor of Kafr Qasim only 30 minutes before the curfew was enforced. Soldiers that were carrying out the curfew were told that they “should shoot to kill at any person seen outside their home after 17:00, making no distinction between men, women, children and those returning from outside the village”.⁵⁰ Recently uncovered transcripts additionally revealed that the Israeli border police company commander stated that “it was desirable for there to be a number of fatalities”.⁵¹ When the villagers of Kafr Qasim, all of whom carried Israeli citizenships, returned home after the curfew had been enforced, they were rounded up by the Israeli border police and were shot at close range. Forty-nine Palestinians, including children, were murdered in just one hour. The ultimate goal of this massacre was to terrorize the Palestinian people and coerce them into fleeing from 1948 Palestine; soldiers who participated in the massacre admitted that the goal was to “leave a few dead in each village so that tomorrow the borders would be opened, and the Arabs would divide into two: those who escape through the border; and those who remain and will be like innocent sheep and not do anything”.⁵² Afterwards, the Israeli government and military attempted to cover up the massacre, but the news inevitably spread and the Israeli government was pressured to take the criminals to court. What ensued, however, was a colonial mockery of justice; only low-level soldiers were convicted and, although many initially received more than 10 years in prison, all of them were released in 1960 after receiving pardons or having their sentences reduced, and multiple members of the Israeli government provided the criminals with compensation for their time in prison “by giving them official appointments, including to positions of responsibility over Arab citizens in the city of Lydda and elsewhere”.⁵³ Colonel Yishkhar Shadmi, who ordered the soldiers to impose the curfew by shooting villagers, was merely given “a reprimand and paid a symbolic fine of 10 prutot (one-100th of the Israeli pound before 1960)”.⁵⁴ The villagers of Kafr Qasim were additionally forced to participate in a “sulha”, or a reconciliation ceremony, that took place in the village with multiple Israeli officials and military personnel in 1957, designed to whitewash the massacre and position it “within a contrived history of symmetrical violence between Arabs and Jews”.⁵⁵

⁴⁹ Which was controlled by Jordan at the time.

⁵⁰ Adel Manna, ‘Kafr Qasim, 1956: Israel’s Army Massacres Its Own Peaceful Citizens’ (*The Interactive Encyclopedia of the Palestine Question*, 26 January 2018) <<https://www.palquest.org/en/highlight/14334/kafr-qasim-1956>> accessed 3 October 2022.

⁵¹ Ofer Aderet, ‘Transcripts of Kafr Qasim Massacre Trial Revealed: “The Commander Said Fatalities Were Desirable”’ (*Haaretz*, 29 July 2022) <<https://bit.ly/3C6KN8x>> accessed 3 October 2022.

⁵² *Ibid.*

⁵³ Manna (n 50).

⁵⁴ Ofer Aderet, ‘General’s Final Confession Links 1956 Massacre to Israel’s Secret Plan to Expel Arabs’ (*Haaretz*, 13 October 2018) <<https://bit.ly/3SBYjbl>> accessed 3 October 2022.

⁵⁵ Shira Robinson, ‘Commemoration under Fire: Palestinian Responses to the Kafr Qasim Massacre’ in Ussama Makdisi and Paul A. Silverstein (eds), *Memory and Violence in the Middle East and North Africa* (Indiana University Press 2006), 144.





1.1.4. Fourth Wave: The Six Day War of 1967

Beginning in 1963, Israel began preparations for installing a military government in order to control and colonize the remainder of Mandatory Palestine, that includes both the Jordanian-administered West Bank, including east Jerusalem, and the Egyptian-administered Gaza Strip.⁵⁶ In 1967, Israel launched a surprise attack against Egypt, Jordan, and Syria, thus starting the 1967 War.⁵⁷



1967 Displacement (©UNRWA)

By the time the 1967 War came to an end, Israel had occupied the West Bank, including east Jerusalem, the Gaza Strip, parts of the Syrian Golan Heights, the Egyptian Sinai, and villages in Jordan and Lebanon. More than one-third (400,000 to 450,000) of the Palestinian population was displaced during the war. Nearly 193,500 Palestinians were refugees of 1948 and displaced for a second time, while 240,000 were displaced from the West Bank and Gaza Strip for the first time.⁵⁸ Up to 95 percent of those displaced went to Jordan, and others found refuge in Syria and Egypt. As a result of the 1967 occupation, Israel effectively controlled the entire territory of Mandatory Palestine. Since then, Israel has extended its legal, political, and military regime that combines forcible transfer, colonization, and apartheid⁵⁹ throughout all of Mandatory Palestine.⁶⁰

⁵⁶ Tom Segev, *1967 Israel, the War, and the Year That Transformed the Middle East* (Holt Paperbacks 2007), 458.

⁵⁷ Norman Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (2nd edn, Verso 2003); Sandy Tolan, 'Rethinking Israel's David-and-Goliath Past' (Salon, 4 June 2007) <http://www.salon.com/2007/06/04/six_day_war/> accessed 3 October 2022.

⁵⁸ Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford University Press, 1998), 17

⁵⁹ BADIL, *Israel's Forcible Transfer of Palestinian Bedouin: Forced Displacement as a Pillar of Colonialism and Apartheid* (Submission to the Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied since 1967, BADIL 2015) <<http://www.badil.org/en/publication/press-releases/60-2015/4439-pr-en-1307155-25.html>> accessed 3 October 2022.

⁶⁰ Virginia Tilley, *Occupation, Colonialism, Apartheid? A Re-Assessment of Israel's Practices in the Occupied Palestinian Territories under International Law* (Human Sciences Research Council of South Africa 2009); Uri Davis, *Apartheid Israel, Possibilities for the Struggle Within* (Zed Books 2003); Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/4/17 (29 January 2007), 29 <<https://undocs.org/en/A/HRC/4/17>>; *United Against Apartheid Colonialism and Occupation: Dignity and Justice for the Palestinian People - Palestinian Civil Society Strategic Position Paper for the Durban Review Conference* (BADIL 2009) <http://www.badil.org/phocadownloadpap/Badil_docs/publications/DurbanPositionPaper-09.pdf> accessed 3 October 2022.



UNGA Resolutions Addressing Israel's Colonization and Apartheid Policies

There are a number of UN General Assembly resolutions that explicitly address Israeli policies as those of colonization and apartheid. For example, the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in 1974 demanded that Israel “desist forthwith from the annexation and **colonization** of the occupied Arab territories as well as from all [its] policies and practices”, including the establishment of Israeli colonies and the transfer of an alien population to them, the destruction, confiscation, and expropriation of Palestinian property, land, and natural resources, the forcible displacement and deportation of Palestinians and the denial of their right to return, and the mass arrests and ill-treatment of the Palestinian population, among many others.⁶¹ Similarly, UNGA Resolution 34/44 of 1979 condemned all governments “which do not recognize the right to self-determination and independence of all peoples still under **colonial** and foreign domination and alien subjugation, notably the peoples of Africa and the Palestinian people”.⁶² UNGA Resolution 38/17 of 1983 additionally reaffirmed “the inalienable right of the [...] Palestinians people and all peoples under foreign and **colonial** domination to self-determination, national unity and sovereignty without foreign interference”, condemned the “continued violations of the human rights of the peoples still under **colonial** domination and alien subjugation, [...] [including] the denial to the Palestinian people of their inalienable national rights”.⁶³

1.2. ISRAELI POLICIES OF FORCIBLE TRANSFER

While the above constitutes the four historical periods in which Palestinians have experienced mass displacement, Israel has since developed a set of policies to induce the ‘silent transfer’ of Palestinians. These forcible transfer policies are implemented all throughout Palestine with varying degrees of application,⁶⁴ dependent on the extent of Israel’s colonial control and the advancement of its colonial project in each distinct area. Essentially, while the policy is the same, the tools and mechanisms driving the

⁶¹ Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, UNGA Res A/RES/3240(XXIX) A-C (29 November 1974), arts 3 and 7 <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/738/42/IMG/NR073842.pdf?OpenElement>> accessed 3 October 2022.

⁶² Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights, UNGA Res A/RES/34/44 (23 November 1979), art 12 <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/376/71/IMG/NR037671.pdf?OpenElement>> accessed 3 October 2022.

⁶³ Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights, UNGA Res A/RES/38/17 (22 November 1983), arts 3&15 <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/444/09/IMG/NR044409.pdf?OpenElement>> accessed 3 October 2022.

⁶⁴ BADIL, *Forced Population Transfer: The Case of Palestine - Introduction* (BADIL 2014) <http://www.badil.org/phocadownloadpap/Badil_docs/publications/wp15-introduction.pdf> accessed 3 October 2022.



application of these policies in 1948 Palestine, which is under full Israeli colonization and subjugation, are to some degree enforced differently from the ones utilized in the West Bank, including east Jerusalem, and Gaza Strip, with the former under military occupation and the latter under a full military blockade.

On the one hand, the forcible transfer policies carried out in 1948 Palestine are practiced within the ‘statehood’ of Israel and the ‘sovereignty’ it has over the territory, central to which is its construction and subsequent manipulation of domestic legislation and courts. As for the oPt, Israel focuses on operating within the veil of legality that it has gained as a result of the Oslo peace process – a process of Israeli-PA peace deals and negotiations that was initiated in 1993 and brokered by the United States (US). Although it has admittedly failed to create peace, it continues to dictate all political, economic, and social matters in the oPt, control Palestinians’ lives, and normalize the Israeli occupation.⁶⁵ It has, as such, transformed the internationally-assumed short-term nature of occupation into a seemingly immortal occupation that facilitates Israeli colonial expansion, where neither the Oslo-instituted PA in the West Bank⁶⁶ nor the *de facto* Hamas government in Gaza⁶⁷ have any real sovereignty. Regardless of Israel’s differing modes of application of its forcible transfer policies throughout Palestine, the goal remains identical, which is to create a coercive environment that makes life for Palestinians in Mandatory Palestine unbearable and ultimately leads to their forced transfer.⁶⁸

Israel’s forcible transfer policies do not only violate a host of basic human rights, but the force derived from the impending coercive environment is recognized as force by international law, and when displacement or transfer does occur, it constitutes either a crime against humanity or a war crime. To this end, BADIL has identified nine main interrelated Israeli policies which constitute the pillars of a strategy aimed at incrementally displacing the remaining Palestinian population in Mandatory Palestine and sustaining their displacement and exile, with the ultimate aim of changing the demographic composition of Mandatory Palestine.

⁶⁵ See BADIL, *Palestinian Youth Perspectives on the Oslo Peace Process: Successes, Failures and Alternatives* (Working Paper No. 27, BADIL 2021) [hereinafter, BADIL, *Palestinian Youth Perspectives*] <https://www.badil.org/cached_uploads/view/2021/09/15/wp27-pal-youth-vs-oslo-eng-1631700884.pdf> accessed 3 October 2022.

⁶⁶ The PA was created by the Oslo Accords in 1994 as a five-year interim body whose function was limited self-governance over parts of the West Bank and Gaza Strip. In these Accords, the West Bank was divided into three areas where Area A (18 percent) is under Palestinian self-rule, Area B (22 percent) is under Israeli security control and Palestinian civil control, and Area C (60 percent) is under full Israeli control. This division was temporary, and its professed purpose was enabling an incremental transfer of authority to the PA, intended to unfold as so-called final-status issues were negotiated. As the process reached a deadlock and further negotiations faltered, incremental transfer of the territory to the PA never materialized. Rather, Israel now has control not only over Area C (which allows it to carry out its colony expansion), but also over Areas A and B, with limited civilian responsibilities exercised by the PA.

⁶⁷ Hamas has been effectively in power in the Gaza Strip since the PA’s government collapse in June 2007 whereby Israel has responded by imposing a full military blockade over the territory.

⁶⁸ BADIL and Kairos Palestine, *Palestinian Christians - Ongoing Forcible Displacement and Dispossession... until When?*, (BADIL and Kairos Palestine 2012) <https://www.badil.org/cached_uploads/view/2021/04/20/wp-kairos-badil-1-1618907352.pdf> accessed 3 October 2022.

1.2.1. Denial of Residency

Israel systematically utilizes residency revocation, as well as denial or hindrance of child registration, family unification, or changes to residency as a strategy to silently transfer Palestinians.⁶⁹ Between 1967 and 1994, Israel revoked the residency of a quarter of a million Palestinian residents of the oPt.⁷⁰ More than 14,727 Palestinians have had their residency status and right to live in East Jerusalem revoked since 1967, on the grounds that their status has “expired of itself”.⁷¹ Since the right to residency status is a condition for accessing a multitude of other rights, many people who hold no status under Israeli law are not eligible for health services, school enrollment, opening bank accounts, official employment, property ownership, and obtaining a driving license or travel documents.

Of the 97 residency revocations of Palestinians in East Jerusalem from 2018 to 2021, 6 of them were issued due to “breach of allegiance to the State of Israel”⁷² of the residents.⁷³ When the dependent children of those parents who had their residency revoked is included, the number of residency revocations in Jerusalem amounts to 86,000 as of 2015.⁷⁴

1.2.2. Installment of a Permit Regime

Israel has installed a complex permit regime to control the Palestinian population and incentivize, or incite, particular behavior. More than 101 different permits regulate and interfere with virtually every aspect of Palestinian life.⁷⁵ The permit regime controls Palestinian access to land, natural resources, installation of infrastructures, travel, work, medical treatment, agricultural and industrial development, and commercial enterprise. The Israeli permit regime far exceeds a mere restriction on the freedom of movement and more consequentially results in de-development of the Palestinian economic center as well as the complete denial of adequate housing, healthcare, and livelihoods for many Palestinians.

⁶⁹ BADIL, *Forced Population Transfer: The Case of Palestine- Denial of Residency* (BADIL 2014) <http://www.badil.org/phocadownloadpap/Badil_docs/publications/wp15-introduction.pdf> accessed 3 October 2022.

⁷⁰ HaMoked, “‘Ceased Residency’: between 1967 and 1994 Israel revoked the residency of some quarter million Palestinians from the West Bank and the Gaza strip” (*HaMoked*, 12 June 2012) <<https://hamoked.org/document.php?dID=Updates1175>> accessed 3 October 2022.

⁷¹ HaMoked, ‘Freedom of Information data: In 2021, Israel’s Ministry of Interior stripped 26 East Jerusalem Palestinians of their permanent residency status as part of Israel’s “quiet deportation” policy; 15 of them women and one minor’ (*HaMoked*, 25 January 2022) <<https://hamoked.org/document.php?dID=Updates2295>> accessed 3 October 2022.

⁷² Entry into Israel Law (Amendment No. 30), 5778-2018 (Approved by the Knesset on the 7 March 2018). English translation of the law by Al Haq available at: <https://www.alhaq.org/cached_uploads/download/alhaq_files/images/thumbnails/images/stories/Images/1201.pdf>.

⁷³ HaMoked, ‘East Jerusalem Residency Revocations due to “Breach of Allegiance”’ (*HaMoked*, 2022) <https://hamoked.org.il/files/2022/1665641_eng.pdf> accessed 3 October 2022.

⁷⁴ Mahdi Abdul Hadi, ‘Reviewing the Palestinian Political Scene 2015’ (*The Palestinian Academic Society for the Study of International Affairs (PASSIA)*, December 2015), 8 <http://passia.org/media/filer_public/be/1c/be1ca4de-9bd3-41ef-80ea-d549743ada57/passia_bulletin-en.pdf> accessed 3 October 2022.

⁷⁵ BADIL, *Forced Population Transfer: The Case of Palestine - Installment of a Permit Regime* (BADIL 2015), <<http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp18-FPT-Israeli-permit-system.pdf>> accessed 3 October 2022.





1.2.3. Land Confiscation and Denial of Use

Israel deploys a two-fold strategy that seeks to seize land through its manipulative categorization of land on the one hand, and denial of access to and use of land on the other, in order to free up more land for future seizure. This policy has resulted in 85 percent of Mandatory Palestine dedicated for the exclusive benefit of Israeli-Jews.⁷⁶ Palestinians with Israeli citizenship, who constitute approximately 21 percent of the population are confined to less than three percent of the land.⁷⁷ Israel has confiscated or *de facto* annexed more than 70 percent of the West Bank (including East Jerusalem) for the exclusive benefit of Israeli-Jewish colonizers.⁷⁸

The confiscations are mostly carried out under Israeli declarations of “military necessity,”⁷⁹ “public purpose,”⁸⁰ or “state land” strictly limited for Israeli-Jewish use only,⁸¹ as well as defining Palestinian property as abandoned property.⁸² In addition, numerous laws and policies restrict Palestinian landowners’ access to and use of their land so that the Palestinian land owner may still hold *de jure* ownership, when in fact the *de facto* access and use have been transferred to Israel.⁸³

1.2.4. Discriminatory Zoning and Planning

In order to contain the growing Palestinian population, Israel applies discriminatory zoning and planning policies which prevent Palestinians from using their own land or accessing public land, and are designed to undermine and restrict the development of Palestinian cities, villages, and localities. As a result, thousands of Palestinian families live in overcrowded and unsafe conditions. Due to unlawful modifications to pre-existing planning laws, Palestinians

⁷⁶ Segev, *The First Israelis* (n 39).

⁷⁷ IMEU, ‘Fact Sheet: Palestinian Citizens of Israel’ (IMEU, 17 March 2021) <<https://imeu.org/article/fact-sheet-palestinian-citizens-of-israel>> accessed 3 October 2022.

⁷⁸ BADIL, *Israeli Land Grab and Forced Population Transfer of Palestinians: A Handbook for Vulnerable Individuals and Communities* (BADIL 2013) <https://www.badil.org/phocadownloadpap/Badil_docs/publications/handbook2013eng.pdf> [hereinafter BADIL, *Israeli Land Grab*].

⁷⁹ In *Dweikat v Government of Israel*, the Israeli High Court of Justice (HCJ) refused to use “military necessity” as a justification for land confiscation to build settlements; nonetheless, “military necessity” can still be used as a justification to confiscate land for purposes other than colonies: see HCJ 390/79 *Izzat Muhammad Mustafa Dweikat et al v Government of Israel et al*, 34 PD 1 (10 October 1980).

⁸⁰ Land Acquisition (Validation of Acts and Compensation) Law (1953) 5713-1953 <<https://jewishvoiceforpeace.org/wp-content/uploads/2016/06/Israeli-Land-Acquisition-Law-1953.pdf>> accessed 3 October 2022. The establishment of nature reserves and national parks was the result of Military Orders 363 and 373, respectively.

⁸¹ Under Article 55 of the 1907 Hague Regulations, an Occupying Power (OP) may use public lands and even derive profit (usufruct), however, it is not permitted to behave as or become the owner of such lands. Additionally, under Article 43, the OP is required to respect the laws in place prior to occupation. See BADIL, *Israeli Land Grab* (n 78), 34-43.

⁸² The Order extends to include property owned by a resident of an enemy country or corporation owned by residents of an enemy country; see Order Regarding Abandoned Property (Private Property) (Judea and Samaria) 5727-1967, 1967.

⁸³ B’Tselem, *Access Denied: Israeli Measures to Deny Palestinians Access to Land around Settlements* (B’Tselem 2008), 7 <http://www.btselem.org/publications/summaries/200809_access_denied> accessed 3 October 2022.



are excluded from participating in planning processes and bodies that make determinations and plans concerning their lands.⁸⁴

1.2.5. Institutionalized Segregation, Fragmentation, and Isolation

The Israeli segregation policy is multifaceted, resulting in geographical, ideological, and national fragmentation of the Palestinian people.⁸⁵ This policy of categorization and isolation not only separates Palestinians from Israeli-Jews, but it also further divides and creates a hierarchy of rights among Palestinians themselves. On top of the legal divisions, Israel divides the Palestinian population geographically in order to separate and isolate communities. Israel has never dealt with Palestinians as one people; instead, it adopts an approach to Palestinian people that deals with and accords them differential treatment based on separate local communities, geographic areas, geopolitical entities, religious minorities, or non-Jewish individuals. The ultimate aim is to erase Palestinian national unity and identity and to perpetuate its colonial domination and denial of Palestinians' right to self-determination, while creating an exclusively Israeli-Jewish space.⁸⁶

1.2.6. Denial of Access to Natural Resources and Services

The denial of access to natural resources and services has a collective character, impacting the Palestinian people in general. Besides their collective impact, the policies of denial of access to natural resources and services are inherently intertwined and, as such, the denial of one can often result in the denial of the other.

On the one hand, Israel unlawfully controls Palestinian natural resources through a variety of military, administrative, and political mechanisms. Mandatory Palestine is rich in natural resources such as water, natural gas, and mineral deposits, most of which are monopolized by Israel for its sole benefit. Thus, they are inaccessible to the Palestinian people, thereby significantly diminishing the possibility of Palestinians exercising their right of self-determination.

On the other hand, the denial of access to services can either be the result of the denial of natural resources or a standalone policy. The lack of services has a detrimental effect on the provision of education, health, and sanitation services as well as the right to work and to an adequate standard of living and housing guaranteed under international law. Further, the denial of services amounts to institutionalized discrimination against Palestinians, while its *de*

⁸⁴ BADIL, *Forced Population Transfer: The Case of Palestine - Discriminatory Zoning and Planning* (BADIL 2014) [hereinafter BADIL, *Discriminatory Zoning and Planning*] <<http://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp17-zoninig-plannig-en.pdf>> accessed 3 October 2022.

⁸⁵ See the withdrawn report issued by UN Economic and Social Commission for Western Asia (ESCWA), *Israeli practices towards the Palestinian People and the Question of Apartheid* (15 March 2017) E/ESCWA/ECRI/2017/1<https://www.middleeastmonitor.com/wp-content/uploads/downloads/201703_UN_ESCWA-israeli-practices-palestinian-people-apartheid-occupation-english.pdf> accessed 3 October 2022.

⁸⁶ BADIL, *Forced Population Transfer: The Case of Palestine – Segregation, Fragmentation, and Isolation* (Working Paper No. 23, BADIL 2020) <https://www.badil.org/cached_uploads/view/2021/04/19/wp23-sfi-1618823935.pdf> accessed 3 October 2022.





Bethlehem-Jerusalem Segregation Wall, 2021. (Source: lajee.org)



Home Demolition, Bethlehem, 2020. (©Nasser Ishtayeh)



Deny Access to lands, Jordan Valley, 2020. (©Nasser Ishtayeh)



Checkpoints in the West Bank, 2019. (©Issam Rimawi)

facto enforcement, rather than via clear military orders or legislation, deliberately obfuscates the intentional denial of access to natural resources and services to Palestinians, further perpetuating and triggering new waves of displacement.⁸⁷

1.2.7. Denial of Reparations

Since 1948, Israel has systematically denied Palestinian refugees their right to reparations, which includes the right of return, property restitution, compensation, and guarantees of non-repetition. This has manifested both directly and indirectly as result of multiple Israeli laws, policies and practices.⁸⁸ Israel's legally and militarily enforced policies constitute an ongoing violation of Palestinian individual and collective rights. On a foundational level, the denial of Palestinian refugees' right of return hinders the ability of the Palestinian people to exercise their right to self-determination, as the physical presence of Palestinians as a whole is prerequisite to self-determination.⁸⁹ In addition, the denial of their right to return renders

⁸⁷ BADIL, *Forced Population Transfer: The Case of Palestine – Denial of Access to Natural Resources and Services* (Working Paper No. 20, BADIL 2017) [hereinafter BADIL, Denial of Access] <<http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp20-DANRS.pdf>> accessed 3 October 2022.

⁸⁸ BADIL, Denial of Reparations (n 45), 28-32.

⁸⁹ BADIL, Palestinian Self-Determination: Land, People, and Practicality (Working Paper No. 28, BADIL 2021) <https://www.badil.org/cached_uploads/view/2021/11/15/wp-28-self-determination-1636973309.pdf> accessed 3 October 2022.

refugees and IDPs especially vulnerable to further displacement. For instance, since the Syrian crisis began, more than 280,000 Palestinian refugees from Syria have been internally displaced, and around 120,000 have fled to neighboring countries,⁹⁰ highlighting how Israel's denial of the right to return coupled with the failure of the international community and the lack of effective protection leads to further displacement of the Palestinian people, either as forced transfer within Palestine or as secondary displacement of refugees inside host countries.

1.2.8. Suppression of Resistance

Israel employs various mechanisms to suppress legitimate Palestinian resistance.⁹¹ It is a right protected and reinforced in UN resolutions, which includes the right to armed and unarmed struggle,⁹² and has been recognized with specific reference to the Palestinian struggle.⁹³ Israel's purpose from this policy is to control the population, further colonize Palestinian land, and ultimately forcibly transfer the Palestinian people. To achieve this, Israel engages in a wide range of violent and bureaucratic practices that individually and collectively target Palestinians, their families, and communities. Such practices include, *inter alia*, collective punishment, arbitrary arrest and detention, the suppression of freedom of assembly and expression, and the illegal and excessive use of force.⁹⁴ These forms of persecution cause and result in the perpetuation and creation of new displacement.

1.2.9. State-Backed Non-state Actors

Israel depends on a number of non-state actors to facilitate its colonization, expansion, and forcible transfer of the Palestinian population. Non-state actors include three main categories: parastatal Israeli-Jewish organizations, Israeli-Jewish civil society and colonizers, and the private sector – either national or international corporations.⁹⁵ These entities operate

⁹⁰ UNRWA, 'Syria Crisis' (UNRWA, 11 May 2022) <<https://www.unrwa.org/Syria-crisis>> accessed 3 October 2022.

⁹¹ See BADIL, *Forced Population Transfer: The Case of Palestine - Suppression of Resistance* (Working Paper No. 19, BADIL 2016) [hereinafter BADIL, *Suppression of Resistance*] <<http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf>> accessed 3 October 2022.

⁹² UNGA Resolution 33/24 of 29 November 1978, "Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, particularly armed struggle", see Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights, UNGA Res A/RES/33/24 (29 November 1978), available at: <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/360/42/IMG/NR036042.pdf?OpenElement>> accessed 3 October 2022.

⁹³ UNGA Resolution 3236 of 1974 by which the UNGA reaffirmed the Palestinian people's inalienable rights, including self-determination, national independence, sovereignty, and refugees' return to their homes and property from where they were displaced. It also recognizes "the right of the Palestinian people to regain its rights by all means in accordance with the purposes and principles of the Charter of the United Nations." The Question of Palestine, UNGA Res A/RES/3236 (XXIX) (22 November 1974) <[https://undocs.org/A/RES/3236%20\(XXIX\)](https://undocs.org/A/RES/3236%20(XXIX))> accessed 3 October 2022.

⁹⁴ BADIL, *Suppression of Resistance* (n 91).

⁹⁵ BADIL, *Corporate Complicity in Violations of International Law in Palestine* (BADIL 2014) <<http://www.badil.org/phocadownloadpap/badil-new/publications/research/in-focus/complicit-companies-en.pdf>> accessed 3 October 2022.





to enhance or support the illegal acts of Israel, often with questionable and illegal acts of their own, and enjoy a significant measure of impunity, and often times, outright support of the state. Israel utilizes Jewish parastatal organizations, such as the Jewish National Fund (JNF), to privatize ‘state-owned’ land and ensure it remains in Jewish hands in perpetuity, thereby frustrating Palestinian attempts to reclaim or access their land.⁹⁶ Israel also relies on colonizers themselves to inflict violence against Palestinian communities in order to induce fear in Palestinians. Consequently, Palestinians are inhibited from cultivating their land or are forced to leave, thereby freeing land up for seizure. It is a policy that Israel implicitly perpetuates through the security its military provides to colonizers and through denying equal enforcement of the law. In the past 14 years, colonizers have killed 37 Palestinians, and wounded at least 2,026 people.⁹⁷ In the first ten months of 2021 alone, there were 410 attacks by colonizers against Palestinians, with 302 of these attacks being against property and 108 against individuals – four of whom were murdered.⁹⁸ Since 2020, there have been 757 documented incidents, with 274 of the attacks being on agricultural property, 297 on non-agricultural property, and 218 on individuals.⁹⁹

1.3. RECENT DEVELOPMENTS

Over the past three years since the last survey was conducted during 2016-2018, Israel has unabatedly advanced its colonial enterprise throughout Mandatory Palestine with unassailable impunity. While both the US and Israeli administrations have changed during that period, the strategy has remained the same in its hostility towards Palestinians and in its colonial-apartheid policies. These attacks have been augmented by the increased Arab-Israeli normalization deals, used as a method by the Israeli-American allyship to entrench Zionist-Israeli presence and relevance in the region. Naturally, this shift has come at the expense of Palestinian self-determination and their inalienable rights. The Palestinian struggle is simultaneously being undermined locally and internationally, as Palestinian civil society is confronting increased shrinking spaces. All of this is unraveling with the backdrop of Palestinian refugee living conditions worsening and their right to durable solutions sidelined. Israeli impunity, nonetheless, has remained largely untouched.

⁹⁶ The Israel Land Administration Law of 2009 allows the privatization of lands ‘owned’ by the State of Israel, in Israel and the oPt, authorizing the sale of colony units and areas confiscated from Palestinians for colonies to private Jewish owners; see Adalah, ‘New Discriminatory Laws and Bills in Israel’ (Adalah, October 2012) <https://www.adalah.org/uploads/oldfiles/Public/files/English/Legal_Advocacy/Discriminatory_Laws/Discriminatory-Laws-in-Israel-October-2012-Update.pdf>. For more on the JNF, see BADIL, ‘The Jewish National Fund (JNF)’ (2007) 34 Al Majdal <<http://www.badil.org/en/publication/periodicals/al-majdal/item/429-the-jewish-national-fund-jnf.html>> accessed 3 October 2022.

⁹⁷ OCHA, ‘Data on casualties’ (OCHA, 26 December 2018) <<https://www.ochaopt.org/data/casualties>> accessed 3 October 2022.

⁹⁸ Office of the United Nations High Commissioner for Human Rights (OHCHR), ‘UN experts alarmed by rise in settler violence in occupied Palestinian territory’ (OHCHR, 10 November 2021) <<https://www.ohchr.org/en/press-releases/2021/11/un-experts-alarmed-rise-settler-violence-occupied-palestinian-territory>> accessed 3 October 2022.

⁹⁹ B’Tselem, ‘Settler Violence = State Violence’ (B’Tselem, 2022) <https://www.btselem.org/settler_violence_updates/overview> accessed 3 October 2022.



1.3.1. Different Governments, Same Strategy

The Biden Administration

In continuation with the increased rate of colony construction that marked the first two years of former US President Trump's term (2017 and 2018),¹⁰⁰ the two latter years (2019 and 2020) were characterized by a 28 percent increase in the annual average of colony construction in the West Bank. In 2019 and 2020 combined, plans were advanced for 20,617 housing units and tenders were reportedly published for more than 4,000 housing units in east Jerusalem.¹⁰¹

It is striking, or perhaps not so, that although 2021 saw the end of the pro-Israeli Trump administration and the pro-expansionist Netanyahu government, it did not see a decrease in colony expansion. The Biden Administration operates largely in continuity with its predecessor when it comes to Palestinian issues. US President Joe Biden, inaugurated on January 2021, has publicly declared himself an uncritical supporter of Israel's settler-colonial regime for decades, and has described himself as a Zionist on numerous occasions.¹⁰² In 2019 he went as far as saying that to place any conditions on US political and economic support for Israel would be "absolutely outrageous".¹⁰³

Biden's empty speech in Bethlehem in his recent and brief visit to the region in July 2022 acknowledged Palestinians' "grief and frustration" while refusing to acknowledge that it is Israel, with the US's direct support, that is causing this very grief and frustration.¹⁰⁴ He also reaffirmed his administration's support of "two states along the 1967 lines with mutually agreed [land] swaps".¹⁰⁵ Concurrently, Secretary of State Anthony Blinken has proved intransigent on whether a Palestinian state under such a plan would have its capital in Jerusalem, meaning that the Palestinians would be likely left, as under the Trump plan, with a mere suburb of

¹⁰⁰ It has been argued that this correlation is relevant (and exists) due to the Trump's administration's unequivocal support for Israel, which has included both his 2017 recognition of Jerusalem as Israel's capital despite its status as illegally occupied under international law and the US policy shift that no longer considers Israeli colonies as illegal under international law. See Al Jazeera, 'Pompeo: US no longer considers Israeli settlements illegal' (*Al Jazeera*, 18 November 2019) <<https://www.aljazeera.com/news/2019/11/18/pompeo-us-no-longer-considers-israeli-settlements-illegal>> accessed 3 October 2022.

¹⁰¹ Peace Now, 'From De Jure to De Facto Annexation: 2020 Settlement Construction Report' (*Peace Now*, March 2021) <<http://peacenow.org.il/wp-content/uploads/2021/04/Construction-in-Settlements-2020.pdf>> accessed 3 October 2022.

¹⁰² Ramzy Baroud, "Zionist" Biden in His Own Words: "My Name Is Joe Biden, and Everybody Knows I Love Israel" (*The Arab American News*, 18 March 2022) <<https://www.arabamericannews.com/2020/03/18/zionist-biden-in-his-own-words-my-name-is-joe-biden-and-everybody-knows-i-love-israel>> accessed 3 October 2022.

¹⁰³ *Ibid.*

¹⁰⁴ Maureen Clare Murphy, 'Biden's moment of truth about Palestine' (*The Electronic Intifada*, 15 July 2022) <<https://electronicintifada.net/blogs/maureen-clare-murphy/bidens-moment-truth-about-palestine>> accessed 3 October 2022.

¹⁰⁵ The White House, 'Remarks by President Biden and President Abbas of the Palestinian National Authority in Joint Press Statement' (*The White House*, 15 July 2022) <<https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/07/15/remarks-by-president-biden-and-president-abbas-of-the-palestinian-national-authority-in-joint-press-statement-bethlehem-west-bank/>> accessed 3 October 2022.



Jerusalem, east of the Israeli Apartheid Wall, to call their capital.¹⁰⁶ Though Biden announced that the “ground is not ripe at this moment” to restart negotiations, his insistence that two states for two people “both of whom have deep and ancient roots to this land, living side by side, and peace and security”¹⁰⁷ further reflects the US’s legacy in whitewashing Israel’s colonial history, depicting the violent colonial-apartheid regime of the Israeli state and the legitimate Palestinian resistance that opposes it as an equally-sided, religious misunderstanding. He also claimed that it is “heart-wrenching” for the US “that so many Palestinians and Israelis have lost their lives just this year”, conveniently disregarding the fact that as of, 8 September 2022, 140 Palestinians, including 25 children, have been killed by Israel.¹⁰⁸

Initial talk of Biden “revenue”¹⁰⁹ US-Palestinian relations quickly returned to the status quo, with no backtracking on Trump’s widely criticized move to recognize Jerusalem as the Israeli capital, and no withdrawal of US recognition of Israel’s annexation of the Syrian Golan Heights. Talk of reopening the US consulate in east Jerusalem and reopening the Palestinian Liberation Organization (PLO) office in Washington, both closed by Trump in an effort to further Palestinian diplomatic isolation, has so far remained just talk due to US reluctance to move without Israeli cooperation.¹¹⁰ Additionally, the Biden Administration requested \$3.3 billion in foreign military financing for Israel and \$500 million in missile defence aid for the fiscal year of 2022.¹¹¹ The US Congress is also considering several bills that would provide \$1 billion in additional aid for Israel’s Iron Dome over the span of 3 years.¹¹² Biden’s administration also remains staunchly opposed to the Boycott, Divestment, Sanctions (BDS) movement and to the International Criminal Court (ICC) investigation in Palestine,¹¹³ in a blanket rejection of any measures initiated by Palestinians to effectively challenge Israel. International diplomatic efforts to draw attention to Israeli crimes, such as through an open-ended UN Commission of Inquiry, have been cited by the Biden administration as examples of the “unfair singling out”¹¹⁴ of Israel.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ Al Jazeera, ‘Israeli forces kill Palestinian youth near Ramallah in West Bank’ (*Al Jazeera*, 8 September 2022) <<https://www.aljazeera.com/news/2022/9/8/israeli-forces-kill-palestinian-man-near-ramallah-in-west-bank>> accessed 3 October 2022.

¹⁰⁹ Al Jazeera, ‘Biden Administration Crafting Plan to Reset US-Palestinian Ties’ (*Al Jazeera*, 18 March 2021) <<https://www.aljazeera.com/news/2021/3/18/biden-administration-crafting-plan-to-reset-us-palestinian-ties>> accessed 3 October 2022.

¹¹⁰ Mohammad Al-Kassim, ‘Palestinians Have Little Hope for Major Breakthrough During Biden Visit’ (*The Media Line*, 4 July 2022) <<https://themedialine.org/top-stories/palestinians-have-little-hope-for-major-breakthrough-during-biden-visit/>> accessed 3 October 2022.

¹¹¹ Jeremy M. Sharp, ‘U.S. Foreign Aid to Israel’ (*Congressional Research Service*, 18 February 2022) <<https://crsreports.congress.gov/product/pdf/RL/RL33222>> accessed 3 October 2022.

¹¹² *Ibid.*

¹¹³ Noura Erakat, ‘Biden’s early Israel policies show he won’t be much better for Palestinians than Trump’ (*NBC News*, 9 February 2021) <<https://www.nbcnews.com/think/opinion/biden-s-early-israel-policies-show-he-won-t-be-ncna1257146>> accessed 3 October 2022.

¹¹⁴ Ned Price ‘The UN Human Rights Council’s Commission of Inquiry on the Situation in Israel, the West Bank, and Gaza’ (*U.S. Department of State*, 7 June 2022) <<https://www.state.gov/the-un-human-rights-councils-commission-of-inquiry-on-the-situation-in-israel-the-west-bank-and-gaza/>> accessed 3 October 2022.



Even the deaths of two Palestinian-American dual citizens in 2022 at the hands of Israeli soldiers did not prompt the Biden administration to adopt a more critical position towards Israel. In January, 78-year-old Omar Asaad was bound and gagged by Israeli soldiers, who left him lying on the ground for over an hour, where, due to freezing winter conditions, he died of a heart attack.¹¹⁵ The US State Department responded only with a request for Israeli ‘clarification’ over the circumstances of Asaad’s death.¹¹⁶ The high-profile murder of Palestinian-American journalist Shireen Abu-Akleh in May 2022 was confirmed by eyewitness testimony and digital forensic evidence¹¹⁷ to have been the result of deliberate Israeli sniper fire. In the immediate aftermath of the killing, Israel worked hard to obfuscate the facts surrounding her death,¹¹⁸ an effort which the Biden administration did nothing to challenge. A US report on Shireen’s death framed it as “unintentional” and refrained from explicitly assigning responsibility to Israel,¹¹⁹ further whitewashing her murder.¹²⁰ On the very day that the report was published, US ambassador to Israel Tom Nides reassured the Israeli public that “this president loves Israel”,¹²¹ in a clear indicator that Israeli accountability is extremely far down the list of the Biden administration’s priorities. The Israeli Occupation Forces (IOF) have since admitted that there is a “high possibility” that Shireen Abu Akleh was “accidentally hit” by live Israeli fire but stated that they would not be launching any investigations and that they are “very proud of the conduct of [their] soldiers”.¹²²

The Israeli Elections

With Prime Minister Benjamin Netanyahu failing to negotiate a coalition government after the April 2019 elections, new elections were quickly tabled for September of that same year. This was the first time that two Israeli elections have taken place in the same calendar year,

¹¹⁵ Riyadh Mansour, ‘Identical letters dated 14 January 2022 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council’ General Assembly A/ES-10/888-S/2022/30 (17 January 2022) <<https://www.un.org/unispal/document/death-of-80-year-old-omar-asaad-during-a-military-raid-on-the-village-of-jiljilya-letter-from-state-of-palestine-a-es-10-888-s-2022-30/>> accessed 3 October 2022.

¹¹⁶ Ned Price, ‘Statement on Israeli Defense Forces Report on Death of Omar Assad’ (U.S. Department of State, 1 February 2022) <<https://www.state.gov/statement-on-israeli-defense-forces-report-on-death-of-omar-assad/>> accessed 3 October 2022.

¹¹⁷ Zeena Saifi and others, “‘They were shooting directly at the journalists’: New evidence suggests Shireen Abu Akleh was killed in targeted attack by Israeli forces’ (CNN, 26 May 2022) <<https://edition.cnn.com/2022/05/24/middleeast/shireen-abu-akleh-jenin-killing-investigation-cmd-intl/index.html>> accessed 3 October 2022.

¹¹⁸ Middle East Monitor, ‘B’Tselem: Israel Narrative about Killing Shireen Abu Akleh “Untrue”’ (Middle East Monitor, 12 May 2022) <<https://www.middleeastmonitor.com/20220512-btselem-israel-narrative-about-killing-shireen-abu-akleh-untrue/>> accessed 3 October 2022.

¹¹⁹ Chris Gallagher, ‘Al Jazeera Reporter Likely Killed by Unintentional Gunfire from Israeli Positions, U.S. Says’ (Reuters, 4 July 2022) <<https://www.reuters.com/world/middle-east/no-conclusion-reached-origin-bullet-that-killed-palestinian-american-journalist-2022-07-04/>> accessed 3 October 2022.

¹²⁰ David Gritten, ‘Shireen Abu Aqla: US Report on Journalist’s Death Unacceptable, Family Says’ (BBC, 5 July 2022) <<https://www.bbc.com/news/world-middle-east-62048881>> accessed 3 October 2022.

¹²¹ Haaretz, “‘This President Loves Israel’: U.S. Ambassador Talks Biden Visit, Saudi Ties’ (Haaretz, 4 July 2022) <<https://bit.ly/3C4WYCI>> accessed 3 October 2022.

¹²² Al Jazeera, ‘Israel says ‘high possibility’ its army killed Shireen Abu Akleh’ (Al Jazeera, 5 September 2022) <<https://www.aljazeera.com/news/2022/9/5/israel-probe-shireen-abu-akleh>> accessed 3 October 2022.





indicating the increased dysfunction of the Israeli political system. The elections, held on 17th September, did little to break the political stalemate and Netanyahu remained unable to form a coalition and by December, yet another election had been called, this time for March 2020. Netanyahu and Benny Gantz of the Blue and White party formed a “national unity emergency government”,¹²³ though mutual mistrust and a failed budget agreement drove the unity government to collapse,¹²⁴ necessitating another election to be tabled for March 2021. After yet another inconclusive election and a drawn-out negotiation period, the supposedly centrist party Yesh Atid and its allies entered a coalition with the far right party Yamina, headed by Naftali Bennett, and the Islamist party the United Arab List headed by Mansour Abbas.¹²⁵ Bennett assumed the role of alternate prime minister on the 14th June 2021, just weeks after the May Dignity and Unity Habba. Currently, Yair Lapid serves as the prime minister of Israel, with Naftali Bennett serving as alternate prime minister and Benny Gantz serving as minister of defense and deputy prime minister.

Throughout history, Israel’s routine elections, numerous political parties, and inter-party conflicts all work in Israel’s favor to promote the misconception that Israel is a democratic state and that its elections have the ability to influence a dramatic change in the state’s political strategy. The Provisional Government’s debates that occurred in 1948 prior to the first Israeli election displayed Israel’s strategy in using the elections as a means to provide the state with international legitimacy as a democratic state rather than a colonial-apartheid regime, with the foreign minister arguing that “if [Israel] will not have an election, our image in the world will be different and we cannot insist on our rights”,¹²⁶ and with Ben Gurion “stressing that, unlike France, which did not need elections for its legitimacy since the French people had inhabited France’s territory for many years, Israel needs this legitimacy”.¹²⁷ Israeli election campaigns have repeatedly seen the exclusion of policies relating to Palestinian human rights from the manifestos of all Israeli parties. Unsurprisingly, the ongoing occupation of the oPt was barely mentioned in any election campaign.¹²⁸ For example, the March 2020 elections only addressed Palestinian issues in terms of how much more Palestinian land Likud and Blue and White were respectively prepared to annex, with one commentator describing it as a “an

¹²³ Emma Graham Turak Natasha, ‘Israel Heads for Unity Government as Netanyahu Rival Gantz Puts Coronavirus over Politics’ (CNBC, 30 March 2020) <<https://www.cnbc.com/2020/03/30/israel-to-have-unity-government-with-netanyahu-and-rival-gantz-amid-coronavirus.html>> accessed 3 October 2022.

¹²⁴ Associated Press, ‘Israel Heads to New Elections as Government Collapses’ (VOA, 22 December 2020) <<https://www.voanews.com/a/middle-east-israel-heads-new-elections-government-collapses/6199875.html>> accessed 3 October 2022.

¹²⁵ Al Jazeera, ‘What We Know about Israeli Coalition That May Oust Netanyahu’ (*Al Jazeera*, 31 May 2021) <<https://www.aljazeera.com/news/2021/5/31/close-look-at-israels-potential-coalition-against-netanyahu>> accessed 3 October 2022.

¹²⁶ Israel State Archives, ‘Protocol of the Provisional Government’ (8 August 1948), 28, cited in: Hassan Jabareen, ‘Hobbesian Citizenship: How the Palestinians Became a Minority in Israel’, in Will Kymlicka and Eva Pförtl (eds), *Multiculturalism and Minority Rights in the Arab World*, ed. Will Kymlicka and Eva (Oxford University Press 2014), 194, <<https://ssrn.com/abstract=3486259>> accessed 3 October 2022.

¹²⁷ Jabareen (n 126), 197.

¹²⁸ Daniel Estrin, ‘Israeli-Palestinian Conflict Is Mostly Absent In Israeli Election Campaign’ (NPR, 21 March 2021) <<https://www.npr.org/2021/03/21/979809522/israeli-palestinian-conflict-is-mostly-absent-in-israeli-election-campaign>> accessed 3 October 2022.



election between those promising permanent occupation and those promising permanent occupation who are also corrupt”.¹²⁹ In practice, when it comes to Palestinians’ fundamental rights, there is no real difference between Israel’s significant political parties and governments or coalitions.

All of the dominant Israeli political parties share a unified position on Israel’s policies with regards to colonization, the denial of Palestinians’ right to self-determination and to return, the annexation of Jerusalem as a ‘Jewish capital of Israel’, and the blockade of and attacks on Gaza.¹³⁰

Naftali Bennett himself was involved in the 1996 Qana Massacre in Lebanon, which murdered 106 civilians, and has boasted that he has “killed lots of Arabs in [his] life and there’s no problem with it”.¹³¹ His premiership has been marked by a point-blank refusal to engage in negotiations of any sort with the Palestinian leadership, and a marked increase in settler colonial violence in the West Bank¹³² and East Jerusalem, with frequent violent invasions of the al-Aqsa Mosque compound by soldiers and Jewish extremists during Ramadan.¹³³ During the last elections, Bennett had vowed to maintain the status quo in regard to the occupation. Based on such positions, some had assumed that colony construction would slow down. The figures instead show that Bennett’s government, despite vowing that it will “neither annex territory nor establish a Palestinian state”,¹³⁴ brought about an increase in colony construction and planning, as well as tenders, at rates higher than the yearly average during Netanyahu’s 10-year tenure.¹³⁵ Gantz and Lapid’s recent and deadly military campaign in the West Bank further reveals that there is no difference between dominant Israeli political parties when it comes to dealing with the Palestinian people; all these parties share the common goal of crushing legitimate Palestinian resistance and wiping out Palestinian presence from the land

¹²⁹ Robert Mackey, ‘Netanyahu Hints Trump Peace Plan Will Allow Israel to Annex Key West Bank Territory’ (The Intercept, 11 September 2019) <<https://theintercept.com/2019/09/11/netanyahu-hints-trump-peace-plan-will-allow-israel-annex-key-west-bank-territory/>> accessed 3 October 2022.

¹³⁰ For examples of how Israeli politics have consistently been dominated by racist politicians who blatantly support these policies as well as incitements to violence and genocide against the Palestinian people, see IMEU, ‘Fact Sheet: Meet Israel’s New Government’ (IMEU, 15 June 2021) <<https://imeu.org/article/fact-sheet-meet-israels-new-government>>; IMEU, ‘Israel Election Guide 2021’ (IMEU, 19 February 2021) <<https://imeu.org/article/israel-election-guide-2021>> accessed 3 October 2022.

¹³¹ Ali Abuminah, ‘Naftali Bennett and the Qana massacre’ (*Electronic Intifada*, 8 January 2015) <<https://electronicintifada.net/blogs/ali-abuminah/naftali-bennett-and-qana-massacre>> accessed 3 October 2022.

¹³² Middle East Monitor, ‘EU Calls for Protection of Palestinians to Deter Settler Violence’ (*Middle East Monitor*, 29 March 2022) <<https://www.middleeastmonitor.com/20220329-eu-calls-for-protection-of-palestinians-to-deter-settler-violence/>> accessed 3 October 2022.

¹³³ Leila Fadel and Mairav Zonszein, ‘Jerusalem Sees Unrest during Convergence of Passover, Ramadan and Easter’ (NPR, 18 April 2022) <<https://www.npr.org/2022/04/18/1093282010/jerusalem-sees-unrest-during-convergence-of-passover-ramadan-and-easter>> accessed 3 October 2022.

¹³⁴ Ramona Wadi, ‘Bennett’s rhetoric can’t conceal Israel’s colonial land grab’ (Middle East Monitor, 27 August 2021) <<https://www.middleeastmonitor.com/20210827-bennetts-rhetoric-cant-conceal-israels-colonial-land-grab/>> accessed 3 October 2022.

¹³⁵ Peace Now, ‘The government of unequivocal annexation: Deepening of the settlement project, dispossession and oppression One year of the Israeli government headed by Yair Lapid and Naftali Bennett’ (*Peace Now*, June 2022) <<http://peacenow.org.il/wp-content/uploads/2022/06/settlement-report-Bennett-Lapid-2022-English.pdf>> accessed 3 October 2022.





Khan Yunis in the southern Gaza Strip during an Israeli airstrike. May 2021. (@Said Khatib)

through various destructive policies, including near-daily murder and mass arrests which have reached an all-time high, especially in the West Bank.¹³⁶

Such colonial expansion was reinforced by a correlating acceleration in Israeli forcible transfer policies against the Palestinian people. Between 2019-2022, Israel demolished 2,789 Palestinian-owned structures in the West Bank, including east Jerusalem, and displaced more than 3,600 persons.¹³⁷ Of those, 23 percent were in east Jerusalem and 75 percent were in the West Bank's Area C. Palestinians with Israeli citizenships, especially those living in the Muthallath (Triangle),¹³⁸ Al-Jalil (Galilee), and Al-Naqab regions, are subject to the same fate despite their status; for example, Israeli forces demolished more than 10,000 homes belonging to Palestinian Bedouin communities living in Al-Naqab between 2013 and 2019,¹³⁹ and, as recently as 15 August 2022, Israeli forces completely demolished the Palestinian

¹³⁶ For recent examples of Israel's operations, see PCHR, 'Four Palestinians Killed, Including 1 Civilian and 20 Others Injured, Mostly Civilians Including 4 Children: 2 in Critical Condition, After Israeli Occupation Forces Opened Fire and Launched Projectiles at House in Jenin Refugee Camp' (PCHR, 28 September 2022) <<https://pchrgaza.org/en/four-palestinians-killed-and-20-others-injured-mostly-civilians-including-4-children-2-in-critical-condition-after-israeli-occupation-forces-opened-fire-and-launched-projectiles-at-house-in-jenin-r/>>; Al Jazeera, 'Second Palestinian killed in Nablus by Israeli forces in 24 hours' (Al Jazeera, 25 September 2022); Middle East Monitor, 'IDF chief of staff says 1,500 Palestinians have been arrested' (Middle East Monitor, 6 September 2022) <<https://www.middleeastmonitor.com/20220906-idf-chief-of-staff-says-1500-palestinians-have-been-arrested/>> accessed 3 October 2022.

¹³⁷ OCHA, 'Data on demolition and displacement in the West Bank' (OCHA, 22 September 2022) [hereinafter OCHA, Data on Demolition] <<https://www.ochaopt.org/data/demolition>> accessed 3 October 2022.

¹³⁸ See, for example, Middle East Eye, 'Demolition of Palestinian homes sparks protests in Israel' (Middle East Eye, 17 January 2017) <<https://www.middleeasteye.net/news/demolition-palestinian-homes-sparks-protests-israel>> accessed 3 October 2022.

¹³⁹ Nour Olwan, 'Israel/Palestinian territories: Negev afforestation is an Israeli maneuver to carry out a racist scheme' (Euro-Med Monitor, 18 January 2022) <<https://euromedmonitor.org/en/article/4850/Israel-Palestinian-territories:-Negev-afforestation-is-an-Israeli-maneuver-to-carry-out-a-racist-scheme>> accessed 3 October 2022.

Bedouin village of Al-Araqib for the 205th time.¹⁴⁰ Palestinians in various neighborhoods and villages throughout Mandatory Palestine are under the imminent threat of dispossession and displacement, including those with homes in Silwan,¹⁴¹ Sheikh Jarrah,¹⁴² Khan Al-Ahmar,¹⁴³ Masafer Yatta,¹⁴⁴ and Al-Naqab.¹⁴⁵

It is thus clear that any change facilitated by various Israeli political parties is merely an illusion. The atrocities that the Palestinian people face at the hands of Israel are not a result of the actions of a specific actor or political party nor can they be attributed to a few ‘bad apples’ in the otherwise ‘democratic’ system. All Israeli politicians, regardless of political leaning, are working towards the same goal imbedded in the very foundation of their state: that is, the total and indefinite theft and colonization of Palestinian land, the establishment of an engineered Jewish majority, and the continuous ethnic cleansing of the Palestinian people and the denial of their right to return and self-determination.

The Events of May 2021: Sheikh Jarrah, Gaza, and the Palestinian Unity and Dignity Habba (Uprising)

The case of eight Palestinian families facing impending forced evictions in the Sheikh Jarrah neighborhood of Jerusalem reached a pinnacle in 2021, which soon catalyzed mass popular mobilization in Palestine and beyond. The attempted forced displacement of the families of Sheikh Jarrah was merely the spark that triggered the Unity and Dignity Habba; the mass mobilization was in fact predicted to eventually occur in light of Israel’s increasingly aggressive policies of, *inter alia*, forced

¹⁴⁰ Dukium, ‘House Demolitions’ (Dukium, 2022) <<https://www.dukium.org/articles-reports/house-demolitions-and-destruction-of-crops/house-demolitions/#>> accessed 3 October 2022.

¹⁴¹ Al-Haq, *House Demolitions and Forced Evictions in Silwan: Israel’s Transfer of Palestinians from Jerusalem* (Al-Haq 2020) <https://www.alhaq.org/cached_uploads/download/2021/08/17/silwan-webversion-1-page-view-1629184473.pdf> accessed 3 October 2022.

¹⁴² OCHA, ‘Statement of the Humanitarian Country Team on the imminent eviction of the Salem Family in Sheikh Jarrah in East Jerusalem’ (OCHA, 18 February 2022) <<https://www.ochaopt.org/content/statement-humanitarian-country-team-imminent-eviction-salem-family-sheikh-jarrah-east-jerusalem>> accessed 3 October 2022.

¹⁴³ Ramona Wadi, ‘Publicising the demolition of Khan al-Ahmar is not political support against displacement’ (*Middle East Monitor*, 27 January 2022) <<https://www.middleeastmonitor.com/20220127-publicising-the-demolition-of-khan-al-ahmar-is-not-political-support-against-displacement/>> accessed 3 October 2022.

¹⁴⁴ OCHA, ‘Fact sheet: Masafer Yatta communities at risk of forcible transfer | June 2022’ (OCHA, 6 July 2022) <<https://www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022>>; Ahmed Jundeya, ‘Israel expelled my father from Masafer Yatta 20 years ago. Now it’s happening again’ (+972 Magazine, 4 July 2022) <<https://www.972mag.com/masafer-yatta-father-interview/>>; <<https://www.972mag.com/masafer-yatta-demolitions-expulsion/>> accessed 3 October 2022.

¹⁴⁵ Adalah, ‘Adalah: Israel Land Authority’s attempt to forcibly displace 500 Palestinian Bedouin residents of Ras Jrahah to expand the primarily-Jewish city of Dimona is illegal and must be cancelled’ (*Adalah*, 15 May 2022) <<https://www.adalah.org/en/content/view/10623>>; Amnesty International, ‘Israel/ OPT: Scrap plans for forced transfer of Palestinian Bedouin village Ras Jrahah in the Negev/Naqab’ (*Amnesty International*, 22 May 2022) <<https://www.amnesty.org/en/latest/news/2022/05/israel-opt-scrap-plans-for-forced-transfer-of-palestinian-bedouin-village-ras-jrahah-in-the-negev-naqab/>>; BADIL, Israel’s Forcible Displacement of Palestinian Bedouin: Forced Displacement as a Pillar of Colonialism and Apartheid (Submission for the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, BADIL 2015) <https://www.badil.org/cached_uploads/view/2021/04/25/submission-for-the-special-rapporteur-on-20the-situation-of-human-rights-in-20the-palestinian-territories-occupied-since-1967-28july2015-29-1619361750.pdf> accessed 3 October 2022.





displacement, home demolition, annexation, confiscation, and suppression. In April of that year, the Jerusalem District Court rejected the families' appeals and ordered that the residents must vacate their homes by 2 May 2021. To protest this court decision and in attempts to forestall it, the families launched a grassroots campaign, which was popularized through social media under the hashtag, "Save Sheikh Jarrah". In addition to calling for solidarity and submitting appeals to international and regional actors, a central component of this campaign was raising awareness about the violent attacks carried out by Israeli colonizers and police against Palestinians in the neighborhood. As such, residents provided around the clock documentation of this harassment, which attracted not only wide local participation and mobilization, but also international attention. Soon after, Palestinians from other areas were joining the sit-ins in Sheikh Jarrah and they held protests throughout Jerusalem, the West Bank, and 1948 Palestine against this crime of ethnic cleansing.

As more protests erupted, Israel employed excessive and disproportionate force against protesters, including firing tear gas canisters, sound bombs, and skunk water, and arbitrarily arresting them, with such attacks also targeting worshipers in Al-Aqsa Mosque during the month of Ramadan. In response to Israeli excessive oppression, armed clashes started between Gaza-based Palestinian resistance movements and Israeli occupying forces which resulted in the killing of 260 Palestinians, the injuring of 1,948, the temporary displacement of 113,000, and the prolonged displacement of 8,500.¹⁴⁶ Despite the rockets launched from Gaza, the Israeli airstrikes were disproportionate (to highlight the disparity, only 7 Israelis were killed by Gaza rockets),¹⁴⁷ indiscriminate, and deliberately attacked civilians and civilian objects, wiping out families at a time and destroying high-rise buildings, housing units, water and sanitation facilities and infrastructure, civilian structures, and businesses.¹⁴⁸

In November 2021, the families of Sheikh Jarrah rejected a 'proposal' issued to them by Israel's colonial Supreme Court in October, which required them to accept colonizer ownership of their own land and homes in order for them to be allowed to remain in their homes for 15 years as "protected tenants" while paying rent to the colonizer organization that have illegally laid claim to their land.¹⁴⁹ As a result of the perseverance of the families of Sheikh Jarrah as well as the ongoing popular mobilization within Palestine and abroad, the Israeli Supreme Court issued a decision in March 2022 to suspend the forced displacement of the families for the time being until Israel carries out a land arrangement.¹⁵⁰

¹⁴⁶ OCHA, 'Response to the escalation in the oPt | Situation Report No. 1 (21-27 May 2021)' (OCHA, 27 May 2021) <<https://www.ochaopt.org/content/response-escalation-opt-situation-report-no-1-21-27-may-2021>> accessed 3 October 2022.

¹⁴⁷ B'Tselem, 'Fatalities: All Data – May 10-May 21 2021' (B'Tselem, 28 July 2022) <<https://statistics.btselem.org/en/all-fatalities/by-date-of-incident?section=overall&tab=overview&operationSensor=%5B%22guardian-walls%22%5D>> accessed 3 October 2022.

¹⁴⁸ Al-Haq, 'Palestinian Human Rights Organizations Submit File to the ICC, Urge Prosecutor to Open Cases from Attack on Palestinians in Gaza in May 2021' (Al-Haq, 24 May 2022) <<https://www.alhaq.org/advocacy/20043.html>> accessed 3 October 2022.

¹⁴⁹ Al Jazeera, 'Sheikh Jarrah families reject "unjust" deal with Israeli settlers' (Al Jazeera, 2 November 2021) <<https://www.aljazeera.com/news/2021/11/2/sheikh-jarrah-palestinians-reject-deal-with-israeli-settlers>> accessed 3 October 2022.

¹⁵⁰ Al Jazeera, 'Israeli top court suspends Palestinian evictions in Sheikh Jarrah' (Al Jazeera, 1 March 2022) <<https://www.aljazeera.com/news/2022/3/1/israeli-top-court-suspends-palestinian-evictions-in-sheikh-jarrah>> accessed 3 October 2022.



Above all, however, as explicated upon below, Israel's colonial expansion and forcible transfer policies are underpinned by the enduring failure of the Oslo peace process, political conditional funding, deterioration of Palestinian refugees' rights and living conditions and simultaneous attacks on the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and growing Israeli impunity amongst the international community.

1.3.2. Deceased Oslo Peace Process: Deal of the Century and Arab-Israeli Normalization

In January 2020, the US announced the details of the 'Deal of the Century.' While former US President Trump perceived it as a "historic opportunity for the Palestinians,"¹⁵¹ many have actually referred to it as the final nail in the coffin of the peace process. The proposal discussed the creation of a non-contiguous, capitulated Palestinian 'self-governing Palestinian state' with Israeli-regulated borders, and connected by Israeli-controlled bridges, tunnels, and roads. It further proposed denying the Palestinian refugee right to return, and rather refocus efforts on forced resettlement in Arab states. The Palestinian Authority (PA) rejected the proposal and officially withdrew from US-brokered negotiations.¹⁵²

As for the Palestinian people, many of them are leaning towards abandoning the peace process as a whole. In a survey conducted by BADIL in April 2021, it was found that 92.7 percent of Palestinian youth believe that the peace process was not only a failure, but it also facilitated Israeli colonization.¹⁵³ It was additionally demonstrated that 74 percent of youth reject the two-state premise that the process is built on, advocating for an abolishment of such an approach and the peace process as a whole.¹⁵⁴

Importantly, the all-around prioritization of Israeli-Palestinian negotiations and revival of the peace process is currently on the back burner. This is justified by two primary factors. Firstly, all concerned actors, namely Israel, the PA, the US, the European Union (EU), and the Arab states alike,¹⁵⁵ are benefiting from the *status quo*; the former is enabled to aggressively advance its colonial intents by means of annexing Palestinian lands while the

¹⁵¹ Anne Gearan, Steve Hendrix and Ruth Eglash, 'Trump announces long-awaited Israeli-Palestinian peace package amid doubts it will lead to progress' (*The Washington Post*, 28 January 2020) <https://www.washingtonpost.com/politics/trump-set-to-release-long-awaited-mideast-peace-package-seen-as-generous-to-israel/2020/01/28/883e3d50-41d3-11ea-b5fc-eefa848cde99_story.html> accessed 3 October 2022.

¹⁵² Reuters in Cairo, 'Palestinians cut ties with Israel and US after rejecting Trump peace plan' (*The Guardian*, 1 February 2020) <<https://www.theguardian.com/world/2020/feb/01/palestinians-cut-ties-israel-us-trump-peace-plan>> accessed 3 October 2022.

¹⁵³ BADIL, *Palestinian Youth Perspectives* (n 65), 24.

¹⁵⁴ *Ibid*, 40.

¹⁵⁵ The Biden Administration has clearly indicated that it feels free from any commitment towards a new peace process, which in turn relieves it from the need to make any direct political intervention. Likewise, the EU does not have an independent policy towards any peace processes and instead follows the US's strategy, and the Arab States have increasingly deprioritized the Palestinian issue, either because they are overloaded with their own conflicts and issues or because they are directly benefitting from their deals with the US and Israel.



latter is authorized to remain in control despite the Palestinian people's dissatisfaction with the respective leadership. Secondly, international actors, particularly the US, have successfully recreated a conception of regional stability in the Middle East that is not dependent on resolving the Israeli-Palestinian conflict. The feasibility of this is explained by the Arab states' departure from the "land for peace" strategy, evidenced



The signing of the Abraham Accords, September 15, 2020. (Source: al-ayyam.ps)

by the Abraham Accords signed in 2020 – deals that normalized relations between Israel and all of Bahrain, United Arab Emirates (UAE), and Morocco.¹⁵⁶ Creating alliances between Israel and Arab states is accordingly no longer attached to Palestinian liberation, and neither is the desired stability of the region, elucidating to reduced relevance of the Palestinian cause to international players with interests in the region. Rather, this new vision of regional stability is described by its proponents as founded on economic development and growth, stability, and religious tolerance. At the core of the said vision is, in actuality, sharing invasive surveillance and military technology that entrenches population control in already despotic states.¹⁵⁷

1.3.3. Delegitimizing the Palestinian Struggle and Shrinking Palestinian Civil Society Space

In the last few years, there has been an international shift from the human rights paradigm to a paradigm of humanitarianism regarding the Palestinian question, thus depoliticizing the Palestinian struggle from its context of ongoing colonialism while also delegitimizing Palestinian human rights within a frame of counterterrorism and International Holocaust Remembrance Alliance (IHRA) allegations and campaigns. Israel has intensified its efforts to criminalize the Palestinian struggle and shrink the space within which they can demand their individual and collective rights through the following tactics.

¹⁵⁶ Lara Jakes, Isabel Kershner, Aida Alami and David M. Halbfinger, 'Morocco Joins List of Arab Nations to Begin Normalizing Relations with Israel' (*New York Times*, 10 December 2020) <<https://www.nytimes.com/2020/12/10/world/middleeast/israel-morocco-trump.html>> accessed 3 October 2022.

¹⁵⁷ For more, see Tareq Baoni, 'A Palestinian Response to Global and Regional Trends' (*Al Shabaka*, 29 June 2022) <<https://al-shabaka.org/commentaries/a-palestinian-response-to-global-and-regional-trends/>> accessed 3 October 2022.

Political Conditional Funding and the Securitization of the Palestinian Context

One of Israel's central tenants includes persuading regional actors and states to impose political conditional funding in their contracts with Palestinian civil society organizations (CSOs) and UNRWA. This catapulted in December 2019 as the EU and EU member states increased political condition clauses in their contracts with Palestinian CSOs.¹⁵⁸ This carries far-reaching implications for Palestinian CSOs whose work is decisive in supporting Palestinian communities threatened by Israeli policies of forcible displacement, colonization, and apartheid.¹⁵⁹

In July 2021, the US joined suit by introducing counter-terrorism regulations in its funding agreement with UNRWA. The agreement includes clauses that condition funding on UNRWA carrying out vetting and screening mechanisms that the US deems appropriate. It additionally labels Palestinian political and resistance factions as terrorist groups and organizations, which contradicts the right of the Palestinian people to struggle for self-determination. The provision further leads to the exclusion of a large number of Palestine refugees and other persons addressed in the Consolidated Eligibility and Registration Instructions (CERI), especially those who have engaged in the Palestinian resistance struggle. The agreement also now allows for the surveillance, attacking, and punishing of UNRWA staff for their opinions on social media. This measure works to advance the Israeli-influenced US political to liquidate the Palestinian refugee question without granting Palestinian refugees their enshrined rights.¹⁶⁰

De-Contextualizing and De-Politicizing the Palestinian Educational Curriculum

Israel strategically undermines, denies, and coerces Palestinians' right to education in order to advance its colonial enterprise and simultaneously subdue the Palestinian people's capacities, national awareness, and sense of belonging. In 1948 Palestine, Palestinian students - as subjected to colonial-apartheid regime attend public schools separate from those that service Jewish Israeli students and receive disproportionate funding, and are forced to learn Hebrew, the language of their colonizers, while being forbidden from learning about their Palestinian identity, history, and national rights.¹⁶¹ In the occupied Palestinian territory, the Israeli colonial-apartheid regime hinders and impedes the realization of and access to the right to education through endless policies, including: access restrictions to schools, discriminatory planning and construction restrictions, demolition and confiscation of school equipment and facilities, military and

¹⁵⁸ BADIL, *European Union Conditional Funding: Its Illegality and Political Implications* (BADIL 2020) [hereinafter BADIL, EU Conditional Funding] <https://www.badil.org/cached_uploads/view/2021/04/20/europeanunionconditionalfunding-positionpaper-april2020-1618905422.pdf> accessed 3 October 2022.

¹⁵⁹ *Ibid.*

¹⁶⁰ BADIL, *USA-UNRWA Framework Agreement: Assistance or Securitization?* (Working Paper No. 29, BADIL 2022) [hereinafter BADIL, UNRWA Framework Agreement] <https://www.badil.org/cached_uploads/view/2022/02/21/wp-29-unrwa-eng-1645448404.pdf> accessed 3 October 2022.

¹⁶¹ Sawsan Zaher, 'The Prohibition on Teaching the Nakba in the Arab Education System in Israel' (*Adalah*, September 2010) <<https://www.adalah.org/uploads/oldfiles/newsletter/eng/sep10/docs/Sawsan%20Nakba%20English%20final.pdf>> accessed 3 October 2022.



colonizer violence around schools, threats and intimidation of students and teachers, military closures and incursions during school time, as well as detention of children on their way to and within schools.¹⁶² On the 19 September 2022, hundreds of schools in East Jerusalem observed a general strike in protest of Israel's attempts to impose the Israeli curriculum and biased colonial textbooks, and in response to the Israeli Ministry of Education's revocation of six schools' teaching licenses and the threat of revoking several others under the pretext of using textbooks that "allegedly incite against the occupying state and its army".¹⁶³

A central tenant in undermining the Palestinian right to education is carried out through exerting pressure on the PA, and now UNRWA,¹⁶⁴ to alter the curriculum taught in Palestinian schools, including UNRWA schools. This is done through conditional funding by the international donor community, on which the PA and UNRWA are heavily dependent on, which is fostered, nurtured, and promoted by a series of biased Israeli studies on Palestinian textbooks that equate content covering the Palestinian people's collective national identity, heritage and values with inciting racial hatred and violence.¹⁶⁵ Similarly, the US-UNRWA Framework Agreement additionally imposes obligations to neutralize and decontextualize UNRWA's educational curriculum of any national, historical, and Palestinian content, thereby depriving Palestinian children of their awareness of their human rights and their ability to later engage in political participation for the purpose of realizing their people's right to self-determination.

Delegitimizing Palestinian Political Parties and Civil Society Organizations

The defamation, smear, and delegitimization campaigns that Palestinian and international CSOs advocating for Palestinian rights are facing stem from Israeli Government-Organized NGOs (GONGOs) that aim to discredit, silence, and defund organizations that criticize Israeli colonial policies and practices. These Zionist GONGOs function under the auspices of the former Israeli Strategic Affairs Ministry, and lobby governments to pass laws and develop policies to suppress domestic and international organizations. In fact, Israel's designation of six Palestinian Non-Governmental Organizations (NGOs) as terrorist entities by both the Israeli Minister of Defense and the military in October 2021 is a direct repercussion of the donor community's decision, mainly the EU, to include terminology that designates Palestinian political parties as terrorist entities while granting contracts. Although the decision is fallacious and based on unsubstantiated claims, several funders have delayed their contributions to

¹⁶² BADIL, *Israel's Apartheid-Colonial Education: Subjugating Palestinian Minds and Rights* (Working Paper No. 26, BADIL 2020), 25-27 [hereinafter, BADIL, Colonial Education] <https://www.badil.org/cached_uploads/view/2021/04/19/wp26-right2education-1618824001.pdf> accessed 3 October 2022.

¹⁶³ Wafa, 'Palestinian schools in Jerusalem go on strike in protest against Israeli attempts to impose distorted textbooks' (Wafa, 19 September 2022) <<https://english.wafa.ps/Pages/Details/130909>>. See also Zena Al Tahhan, 'Palestinian schools in Jerusalem strike over Israel-imposed books' (*Al-Jazeera*, 19 September 2022) <<https://www.aljazeera.com/news/2022/9/19/jerusalem-palestinian-schools-strike-over-israeli-imposed-books>> accessed 3 October 2022.

¹⁶⁴ BADIL, UNRWA Framework Agreement (n 160).

¹⁶⁵ BADIL, Colonial Education (n 162), 2-5.



the Palestinian CSOs as they “investigate the claims”, while the EU formally suspended its funding to two of these organizations, Al-Haq and Palestinian Centre for Human Rights.¹⁶⁶ Funding for these organizations has since resumed more than a year after the decision, but the decision remains to be harmful, unlawful, and performed in bad faith.¹⁶⁷ These EU policies are perilous because they impede on Palestinian CSOs’ work, while also avenue a dangerous precedent which validates the Israeli-Zionist false allegations of terrorism and antisemitism.

Generally, these various policies of delegitimization, securitization, and decontextualization are unlawful because they neglect the Palestinian people’s right to legitimate resistance and violate the principles of humanitarian action. They are ultimately rooted in a fundamentally false Israeli conflation of legitimate resistance with terrorism and criticism of the Israeli colonial-apartheid regime with antisemitism.

1.3.4. Palestinian Refugee Living Conditions and Rights

Palestinian refugees’ living conditions have continued to deteriorate over the past several years, especially in Lebanon, Syria, and Gaza. Lebanon’s current severe economic and financial crisis, aggravated by COVID-19 and the explosion at the Port of Beirut in August 2020 along with the US financial restrictions imposed upon Lebanon,¹⁶⁸ has had a detrimental impact on Palestinian refugees in the country. They are facing rapidly increasing levels of food insecurity, unemployment, poor housing conditions, poverty, as well as a lack of access to health services, gas, electricity, and heating. The legal status given to Palestinian refugees in Lebanon, where they are still categorized as foreigners rather than refugees, prevents them from obtaining a work permit, limiting them to low-paid jobs in the informal sector which do not offer any social protection.¹⁶⁹ Palestinian refugees in Syria continue to face severe hardships resulting from war, poverty (further worsened by the US sanctions imposed upon Syria), and multiple displacements. Palestinians in refugee camps in Syria face a consistent depletion of medication and food stocks, electricity and water cuts, and limited access to

As for Palestinian refugees in Gaza, who make up more than 78.8 percent of the population, many are living in abject poverty, dependent on food assistance and living in one of the eight overcrowded refugee camps.¹⁷⁰ Over 80% of the Palestinian population in Gaza is aid-

¹⁶⁶ OHCHR, ‘Israel/Palestine: UN experts call on governments to resume funding for six Palestinian CSOs designated by Israel as “terrorist organisations”’ (OHCHR, 25 April 2022) <<https://www.ohchr.org/en/press-releases/2022/04/israelpalestine-un-experts-call-governments-resume-funding-six-palestinian>> accessed 3 October 2022.

¹⁶⁷ Al-Haq, ‘European Commission Lifts its Unlawful Suspension of Funding for Al-Haq’ (*Al-Haq*, 30 June 2022) <<https://www.alhaq.org/advocacy/20237.html>> accessed 3 October 2022.

¹⁶⁸ The World Bank, ‘The World Bank In Lebanon’ (*The World Bank*, 17 October 2021) <<https://www.worldbank.org/en/country/lebanon/overview>> accessed 3 October 2022.

¹⁶⁹ UNGA, ‘Visit to Lebanon: Report by the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter’ A/HRC/50/38/Add.1 (11 April 2022) <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/306/19/PDF/G2230619.pdf?OpenElement>> accessed 3 October 2022.

¹⁷⁰ OCHA, ‘Gaza Strip | The humanitarian impact of 15 years of the blockade - June 2022’ (OCHA, 30 June 2022) <<https://www.ochaopt.org/content/gaza-strip-humanitarian-impact-15-years-blockade-june-2022>> accessed 3 October 2022.



dependent, and many have had their homes destroyed at least once since the start of Israel's multiple assaults on the Strip with greatly restricted access to reconstruction due to Israel's ongoing blockade; only 200 out of the 1,700 housing units that were completely destroyed in Israel's assault on Gaza in May 2021 were rebuilt.

Palestinian refugees in Europe also find themselves trapped in a legal lacuna that does not provide them the international protection they are entitled to. They face discriminatory legal frameworks and various hindrances to obtaining fair treatment as refugees and/or stateless persons in different European states. This is primarily due to the jurisprudence relevant to Article 1D of the Refugee Convention which fails to adequately recognize the article's protective purpose, and instead fails to acknowledge their pre-existing refugeehood.¹⁷¹ For Palestinian refugees everywhere, their right to durable solutions remains elusive due to an Israeli-US coalition that aims to liquidate the Palestinian refugee issue and their right to return, releasing Israel from its responsibilities towards the refugee problem it has caused since 1948.¹⁷²

1.3.5. Attacks on UNRWA

The aforementioned conditions of Palestinian refugees are exacerbated by an underfunded UNRWA that is constantly facing Israeli-led attacks and defamation campaigns aimed at delegitimizing and invalidating the Agency. As a result, UNRWA is gradually becoming less able to provide adequate services to all Palestinian refugees. The US, as was evident in the Deal of the Century, desires to transfer international responsibility for the refugee question into an Arab-Palestinian issue, under which Arab countries and other agencies assume UNRWA's role and funding,¹⁷³ while seeking to dissolve the legal status of Palestinian refugees.¹⁷⁴ Recently, in June 2022, the Commissioner-General of UNRWA, Mr. Lazzarini, made it known that



Palestinians campaign to support UNRWA, Gaza Strip (©BADIL)

¹⁷¹ Cynthia Orchard, *Palestinians and the Search for Protection as Refugees and Stateless Persons* (BADIL and European Network on Statelessness 2022) [hereinafter Orchard, Search for Protection] <https://www.badil.org/cached_uploads/view/2022/07/06/lp-refugeeprotection-eng-1657089036.pdf> accessed 3 October 2022.

¹⁷² Palestinian Human Rights Organizations Council (PHROC) and BADIL, 'بيان مجلس منظمات حقوق الإنسان الفلسطينية: أوقفوا النكبة المستمرة... وقرروا الحماية الدولية للاجئين' [Stop the Ongoing Catastrophe and Provide International Protection for Refugees] (BADIL, 14 May 2019) [hereinafter PHROC, Stop the Ongoing Catastrophe] <<http://www.badil.org/ar/publications-ar/press-releases/89-2019/4948-pr-ar-140519-22.html>> accessed 3 October 2022.

¹⁷³ BADIL, *Confronting the Campaign Targeting the United Nations Relief and Work Agency (UNRWA): Parameters, Principles and Recommendations for a Palestinian Strategic Plan* (BADIL 2018), 11-12 [hereinafter BADIL, Confronting the Campaign] <https://www.badil.org/cached_uploads/view/2021/04/20/unrwa-crisis-determination-of-principles-and-proposal-of-a-palestinian-strategic-plan-badil-sep-2018-eng-1618907779.pdf> accessed 3 October 2022.

¹⁷⁴ PHROC, Stop the Ongoing Catastrophe (n 172).

UNRWA intends to expand its partnerships with other UN agencies and international organizations to address the financial crisis of the Agency. This approach constitutes an actual implementation of the strategy to disrupt UNRWA, as per pressure applied to it by the US and other allies complicit in Israel's colonization. The strategy aims to first, transfer UNRWA's responsibilities to host countries, and/or UN agencies and international organizations, and to second, end the political dimension of the Palestinian refugee issue and limit it to humanitarian needs.¹⁷⁵

Importantly, UNRWA is at the center of these attacks because it acts as an international institutional reminder to Israel and the international community of the continued existence of Palestinian refugees and of Israeli violations and crimes. By disparaging UNRWA, the goal is to close the chapter on the Palestinian refugee issue and remove the topic from the political discourse of the international community.

1.3.6. Increased Israeli Impunity

Despite the extensive evidence that Israel is carrying out systematic violations against the Palestinian people and is subjecting them to a system of apartheid, no international accountability measure has been implemented to date. As described by UN High Commissioner for Human Rights Michelle Bachelet, Israel enjoys a culture of global impunity,¹⁷⁶ which is a consequence of several factors.

Israel and its allies aggressively orchestrate strategic efforts to shut down any criticism of its racist policies and to rather persuade states, international organizations, and individuals that there is no substance to garner such discussions. In 2021, following the ICC's decision to open an inquiry into suspected war crimes committed by Israel,¹⁷⁷ former Israeli Prime Minister Netanyahu accused the court of "hypocrisy and antisemitism," while the foreign minister referred to it as a "biased institution that has lost all legitimacy." In agreement, the US referred to the ICC's inquiry as an action that "seek[s] to target Israel unfairly" and that the Court "has no jurisdiction over this matter."¹⁷⁸ Shortly after, Bensouda resigned, and the inquiry has not advanced much since.¹⁷⁹ Israel and its allies had previously embarked on a similar witch hunt in 2017 following the UN Economic and Social Commission for Western

¹⁷⁵ GPRN and others, 'The GPRN and Palestinian organizations in Palestine and in exile address an open letter to the UNRWA Advisory Committee in response to the statements of Commissioner-General Philippe Lazzarini' (*BADIL*, 2022) <<https://www.badil.org/press-releases/13182.html>> accessed 3 October 2022..

¹⁷⁶ UN News, 'Israel: UN rights chief calls for end to "culture of impunity"' (*UN News*, 14 May 2022) <<https://news.un.org/en/story/2022/05/1118272>> accessed 3 October 2022.

¹⁷⁷ UN News, 'ICC Prosecutor opens probe into alleged crimes in occupied Palestine' (*UN News*, 4 March 2022) <<https://news.un.org/en/story/2021/03/1086342>> accessed 3 October 2022.

¹⁷⁸ Deutsche Welle (DW), 'ICC to investigate reported war crimes in Palestinian territories' (*DW*, 3 March 2021) <<https://www.dw.com/en/icc-to-investigate-reported-war-crimes-in-palestinian-territories/a-56759912>> accessed 3 October 2022.

¹⁷⁹ Al Jazeera, 'ICC to elect new prosecutor after failing to reach consensus' (*Al Jazeera*, 12 February 2021) <<https://www.aljazeera.com/news/2021/2/12/top-icc-job-goes-to-a-vote-after-failure-to-agree-on-prosecutor>> accessed 3 October 2022.





Asia's (ESCWA) report that recognized Israel as an apartheid regime. ESCWA's Executive Secretary, Rima Khalaf, resigned after the UN withdrew its report, detailing that she and the UN were pressured by "vicious attacks and threats" by "powerful member states."¹⁸⁰

To augment this, Israel obstructs the ability of international bodies, UN committees and commissions, and the special rapporteurs to fulfill their mandates and duties by denying them access and entry to conduct their investigations. During Israel's massacre in Jenin in 2002, UN representatives and committees were only allowed access to the camp after Israeli forces had withdrawn,¹⁸¹ however the United Nations Secretary-General at the time, Kofi Annan, disbanded a UN fact-finding mission that was to be sent to Jenin following lobbying efforts from the US and Israel alike. Israel has similarly deliberately obstructed the work of UN Special Rapporteurs on the region; for example, in 2008, former Special Rapporteur on the situation of human rights in the occupied Palestinian territory, Richard Falk, was detained and denied access to the West Bank on his official mission,¹⁸² and former Special Rapporteur Michael Lynk was also consistently denied entry into Palestine on his official missions since his appointment in 2016.¹⁸³ Israel has recently refused entry for members of the Independent International Commission of Inquiry on the occupied Palestinian territory, including East Jerusalem, and Israel probing the 2021 Israeli aggression on Gaza pursuant to Human Rights Council Resolution S-30/1, and accused them of politically motivated bias and anti-Israeli positions.¹⁸⁴ UN High Commissioner for Human Rights Michelle Bachelet also recently condemned Israel's continuous refusal to issue or renew visas for UN Human Rights staff in Palestine, emphasizing that "Israel's treatment of [UN] staff is part of a wider and worrying trend to block human rights access to the occupied Palestinian territory".¹⁸⁵ Even when investigations are carried out, they are conducted in a manner that is wary of Israeli

¹⁸⁰ Reuters, 'Senior U.N. official quits after "apartheid" Israel report pulled' (*Reuters*, 17 March 2017) <<https://www.reuters.com/article/us-un-israel-report-resignation-idUSKBN16O24X>> accessed 3 October 2022.

¹⁸¹ Economic and Social Council, 'Report of the United Nations High Commissioner for Human Rights and Follow-Up to the World Conference on Human Rights: Report of the High Commissioner for Human Rights submitted pursuant to decision 2002/103', E/CN.4/2002/184 (24 April 2002), para 47 <<https://undocs.org/Home/Mobile?FinalSymbol=E%2FCN.4%2F2002%2F184&Language=E&DeviceType=Desktop&LangRequested=False>> accessed 3 October 2022.

¹⁸² Richard Falk, 'My expulsion from Israel' (*The Guardian*, 19 December 2008) <<https://www.theguardian.com/commentisfree/2008/dec/19/israel-palestinian-territories-united-nations>> accessed 3 October 2022.

¹⁸³ For a list of all the reports of former Special Rapporteur Michael Lynk, which *all* describe how he has been denied access to the territory by Israel under paragraph 2 of each report, see OHCHR, 'Documents Listing: Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967' (OHCHR, 2022) <https://www.ohchr.org/en/documents-listing?field_content_category_target_id%5B182%5D=182&field_entity_target_id%5B1305%5D=1305> accessed 3 October 2022.

¹⁸⁴ See UNGA, 'Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel', A/HRC/50/21 (9 May 2022), paras 5-7 <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/337/18/PDF/G2233718.pdf?OpenElement>>; Jonathan Lis, 'Israel Won't Cooperate With UN War Crimes Probe, Accuses Chair of "anti-Israel Agenda"' (*Haaretz*, February 17 2022) <<https://www.haaretz.com/israel-news/2022-02-17/ty-article/.premium/israel-wont-cooperate-with-un-inquiry-into-alleged-war-crimes-in-may-gaza-war/0000017f-e1d9-d38f-a57f-e7dbcb440000>> accessed 3 October 2022.

¹⁸⁵ OHCHR, 'Bachelet deplores Israel's failure to grant visas for UN Human Rights staff in the occupied Palestinian territory' (OHCHR, 30 August 2022) <<https://www.ohchr.org/en/press-releases/2022/08/bachelet-deplores-israels-failure-grant-visas-un-human-rights-staff-occupied>> accessed 3 October 2022.



retaliation, which includes not mentioning issues that are of most ‘controversy’, such as the issue of Palestinian refugees.¹⁸⁶

Israel’s ability to maintain its impunity is thus further aggravated by the international community’s lack of political will to confront Israel and risk international alienation. The Western response to Russia’s invasion of Ukraine has confirmed this in an unprecedented way. The US and EU rightfully took rapid measures, including sanctions, to hold Russia accountable for its military operation and alleged war crimes, speaking of the rules-based world order and the rights of refugees. However, this stands in massive contrast to the reactions that western states have given to Israel’s more than 74 years of ongoing *Nakba* and half-century military occupation and crimes, whereby both have been directly complicit in enabling Israeli aggression, especially through the former’s unwavering military aid and the latter’s unwillingness to take a hardline on Israeli racist policies.¹⁸⁷

In fact, the international community, rather than implementing practical measures to hold Israel accountable, is adopting policies that exponentially shrink the already miniscule Palestinian civil society space. This includes the previously discussed practices of political conditional funding, equating criticism of Israel with antisemitism, criminalizing legitimate resistance (such as the BDS), and marginalizing UNRWA. The international community continues to undermine the legal rights that Palestinians are entitled to as well as the international forums and judicial bodies that they resort to. This is especially evident in the EU’s boycott of Item 7 in the UN Human Rights Council (HRC), a position that is increasingly concerning given the absence of Item 7 in the 50th Human Rights Council Session’s (13 June - 8 July 2022) Programme of Work.¹⁸⁸ Furthermore, Member States operate within a policy of double standards, punishing other States for the very same crimes that Israel continues to freely and openly commit against the Palestinian people. The international community thus lacks the political will to respect and ensure the rights for all people living in Mandatory Palestine as well as those in exile who are due to return and refuses to acknowledge that colonialism has been the guiding axiom of the Zionist-Israeli enterprise, operating at the expense of Palestinian self-determination.

1.3.7. Recent Recognitions of Israel as an Apartheid State and their Shortcomings

The call to recognize Israel as a state which practices a system of apartheid is not new; the accusation goes at least as far back as 1965, as detailed in Fayez Sayegh’s *Zionist Colonialism in Palestine*, which compared the racial systems of domination between the Israeli government

¹⁸⁶ See, for example, UNGA, A/HRC/50/21 (n 184).

¹⁸⁷ IMEU, ‘IMEU Policy Analysis #6: Accountability for Russia, Impunity for Israel in US Policy’ (IMEU, 30 March 2022) <<https://imeu.org/article/imeu-policy-analysis-6-accountability-for-russia-impunity-for-israel-in-us>> accessed 3 October 2022.

¹⁸⁸ Found at UNHRC, ‘50th regular session of the Human Rights Council (13 June – 8 July 2022)’ (UNHRC, 2022) <<https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session50/regular-session>> accessed 3 October 2022.





and the apartheid South African government and emphasized how Zionism demands “racial exclusiveness [...] [and] necessarily rejects the coexistence of Jews and non-Jews in the land of Jewish regrouping”.¹⁸⁹ After decades of perseverance and work put in by Palestinians on advocacy around this issue, Western and Israeli NGOs began to finally catch up. In June 2020, Israeli NGO Yesh Din published a legal opinion on Israel’s apartheid policies in the West Bank.¹⁹⁰ Israeli NGO B’Tselem followed suit in January 2021 with a report concluding that Israel is an apartheid state, detailing Israel’s regime of Jewish supremacy not just in the West Bank, but in all of Palestine from the Jordan River to the Mediterranean Sea.¹⁹¹ In April 2021, Human Rights Watch published a report detailing Israel’s crimes of apartheid and persecution in all of Palestine,¹⁹² with Amnesty International publishing a similar report in January 2022.¹⁹³

The global attention and praise received by these NGOs highlight the racist double standards of the international community, which deems research by Western and Israeli historians and organizations into Israel’s crimes of apartheid as legitimate, while “the hundreds of Palestinians that have contributed an endless body of analysis and literature on the topic in question in the past are ignored”¹⁹⁴ and are subject to threats, punishment, and ridicule. Regardless, these four reports are extensive and detailed, and the widespread attention they received is undoubtedly helpful in raising international awareness on the struggle of the Palestinian people. The apartheid framework employed in the NGOs’ reports offers a welcome development from the prevalent occupation paradigm that restricts the crimes of Israel to the Occupied Palestinian Territories and is built on the assumption of temporariness. Instead, the apartheid framework allows for a recognition of the Palestinian people’s suffering at the hands of Israel as a whole throughout the entirety of Mandatory Palestine and in exile.

The apartheid paradigm on its own, however, is insufficient, as Israeli apartheid is simply “one form of domination within a settler colonial project”.¹⁹⁵ To restrict discussions of apartheid to a liberal analysis of inequality would strip the Palestinian struggle of its anti-

¹⁸⁹ Faye A. Sayegh, *Zionist Colonialism in Palestine* (PLO Research Center 1965), 23 <http://www.freedomarchives.org/Documents/Finder/DOC12_scans/12.zionist.colonialism.palestine.1965.pdf>; For another example of earlier calls to recognize Israel’s system of apartheid, see Elias T. Zureik, *The Palestinians in Israel: a study in internal colonialism* (Routledge & K. Paul 1979) <<https://archive.org/details/palestiniansinis0000zureik/mode/2up?q=apartheid>> accessed 3 October 2022.

¹⁹⁰ Michael Sfard, ‘The Israeli Occupation of the West Bank and the Crime of Apartheid: Legal Opinion’ (*Yesh Din*, June 2020) <<https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/Apartheid+2020/Apartheid+ENG.pdf>> accessed 3 October 2022.

¹⁹¹ B’Tselem, ‘A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid’ (*B’Tselem*, January 2021) <https://www.btselem.org/sites/default/files/publications/202101_this_is_apartheid_eng.pdf> accessed 3 October 2022.

¹⁹² Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (Human Rights Watch 2021) <https://www.hrw.org/sites/default/files/media_2021/04/israel_palestine0421_web_0.pdf> accessed 3 October 2022.

¹⁹³ Amnesty International, *Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity* (Amnesty International 2022) <<https://www.amnesty.org/en/documents/mde15/5141/2022/en/>> accessed 3 October 2022.

¹⁹⁴ Dalya Al Masri, ‘Amnesty’s Israeli Apartheid Report Won’t Help Palestinians’ (*Passage*, 7 February 2022) <<https://readpassage.com/amnestys-israeli-apartheid-report-wont-help-palestinians/>> accessed 3 October 2022.

¹⁹⁵ Nihal El Aasar, ‘Why Won’t Amnesty Say “Colonialism”?’ (*Novara Media*, 8 February 2022) <<https://novaramedia.com/2022/02/08/why-wont-amnesty-say-colonialism/>> accessed 3 October 2022.



colonial context and would treat racial domination “as a standalone feature of the Israeli state, disconnected from the settler-colonial enterprise in Palestine”.¹⁹⁶ Indeed, this Western narrative dominates the mentioned reports; Yesh Din’s legal opinion is the only one of these publications that mentioned Israel’s strategy of colonization, though the NGO has limited this discussion only to the West Bank. The other three reports do not even mention the word ‘colonization’ once in their 512 collective pages, and none of the four reports discuss Zionism as a violent ideology of racism and colonial domination. The concept of apartheid is thus depicted by these reports “as a free-floating event, to be condemned by everyone but impossible to understand or redress”.¹⁹⁷ The lack of will of Western and Israeli NGOs to recognize Israel as a colonial-apartheid state is evident through their conduct; for example, Human Rights Watch and Amnesty International both demonize any form of Palestinian resistance in blatant disregard of multiple UN resolutions reaffirming the right of a people to resist colonial domination through all available means.¹⁹⁸ Similarly, after publishing its report, Amnesty International published a press release where it stated that it “does not consider that Israel labelling itself as a ‘Jewish State’ in itself indicates an intention to oppress and dominate”,¹⁹⁹ disregarding one of the main elements of Israel’s system of Jewish and racial supremacy over the Palestinian people and further highlighting the lack of genuine understanding of Israel’s colonial-apartheid regime often prevalent in Western NGOs’ conduct.

Thus, employing the apartheid framework in the Palestinian context is necessary to highlight the extent to which Israel operates within a system of colonial domination over the Palestinian people, and it can be used strategically in the international arena to encourage Member States, corporations, and individuals to end Israeli impunity. However, apartheid must be considered as a tool of Israeli colonization in order to bring forth real decolonization based on a human rights approach and “premised on the long-standing rejection of Zionism as a racist and settler-colonial project”.²⁰⁰

¹⁹⁶ Lana Tatour, ‘Why calling Israel an apartheid state is not enough’ (*Middle East Eye*, 18 January 2021) <<https://www.middleeasteye.net/opinion/why-calling-israel-apartheid-state-not-enough>> accessed 3 October 2022.

¹⁹⁷ El Aasar (n 195).

¹⁹⁸ See, for example, UNGA Res A/RES/34/44 (n 62), art 2.

¹⁹⁹ Amnesty International, ‘Israel’s apartheid against Palestinians: a cruel system of domination and a crime against humanity’ (*Amnesty International*, 1 February 2022) <<https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>> accessed 3 October 2022.

²⁰⁰ Rania Muhareb, ‘International Law and the Palestinian Anti-Apartheid Movement’ (*Al-Shabaka*, 23 March 2022) <<https://al-shabaka.org/memos/international-law-and-the-palestinian-anti-apartheid-movement/>> accessed 3 October 2022.



POPULATION SIZE, DISTRIBUTION AND CHARACTERISTICS

By the end of 2021, it is estimated that 9.17 million of the 14 million Palestinians worldwide (65.5 percent) are forcibly displaced persons.²⁰¹ Among them are approximately 8.36 million Palestinian refugees and 812,000 IDPs.²⁰² Palestinians form the largest and most protracted population of refugees, and the second largest displaced population in the world, second only to Syrians.²⁰³

The Palestinian refugee and IDP population described here is based on the total estimated number of Palestinians and their descendants who have been and continue to be displaced from their homes and properties located in Mandatory Palestine due to fear of persecution and/or lack of protection. Palestinian refugees fall into three main categories: (1) those who were forced to flee their homes and country during the *Nakba* of 1947-1949 and their descendants (7.0 million), (2) those displaced during the 1967 War and their descendants (1.33 million), and (3) an unknown number of Palestinians who are neither 1948 nor 1967 refugees, but who have also been forcibly displaced outside the area of Mandatory Palestine and are unable or unwilling to return to their homes owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

As for Palestinian IDPs, they include two main categories: (1) Palestinians who have been internally displaced and remained inside what became Israel since 1948 and their descendants (439,171) and (2) Palestinians who have been internally displaced in the oPt since 1967 (372,793).

There is no single authoritative source that accounts for the displaced Palestinian population.²⁰⁴ As such, estimates of the current size of Palestinian refugee and IDP population are based on

²⁰¹ Palestinian Central Bureau of Statistics (PCBS), 'Dr. Awad Presents a Brief on Palestinians at the End of 2021' (PCBS, 30 December 2021) [hereinafter PCBS, Dr. Awad Brief] <<https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=4150>> accessed 3 October 2022.

²⁰² See the definition of Palestinian refugees and IDPs in the Glossary of Terms.

²⁰³ There are 6.8 million Syrian UNHCR registered refugees and 6.9 million IDPs, see UNHCR, 'Figures at a Glance' (UNHCR, 16 June 2022) <<https://www.unhcr.org/figures-at-a-glance.html>>; World Vision, 'Syrian refugee crisis: Facts, FAQs, and how to help' (World Vision, 12 July 2022) <<https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts>> accessed 3 October 2022.

²⁰⁴ While UNRWA does have registration statistics, they do not claim to be, and should not be, taken as statistically sound or comprehensive demographic data as they are based on voluntary registration and its definition excludes many refugees that meet the 1951 Refugee Convention definition.

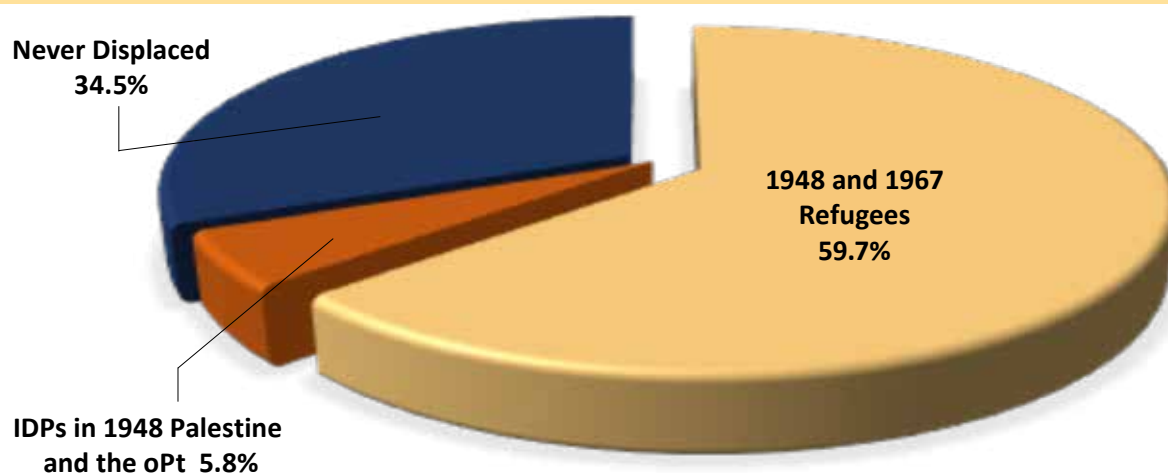
available data, which is uneven and shifting, primarily due to the absence of a comprehensive registration system, reoccurring forced displacement, and the lack of a uniform understanding and definition of the Palestinian situation, including what constitutes a refugee within internationally accepted definitions. In this regard, BADIL's estimates are higher than UNRWA's (5.8 million registered refugees), which only includes "Palestine refugees", defined as "persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict."²⁰⁵ This need-based definition excludes refugees displaced outside UNRWA's area of operation, those who have never registered with UNRWA, others who did not inherit registered status due to their mother only being a registered refugee, and those that have been forcibly displaced since 1967, all of which BADIL accounts for in its estimates.

Detailed description of the applied methodology is included in Section 2.4 below. Unless otherwise stated, the estimates of the Palestinian refugee and IDP population are per the end of 2021.

2.1. THE CURRENT SCOPE OF PALESTINIAN DISPLACEMENT

As shown in Graph 2.1, there are roughly 9.17 million forcibly displaced Palestinians, constituting 65.5 percent of the entire Palestinian population of 14 million.²⁰⁶ Among them are 8.36 million Palestinian refugees and approximately 812,000 IDPs.

Graph 2.1: Percentage Distribution of Palestinian Population Worldwide by Type of Displacement, End of 2021



The largest group of displaced Palestinians is made up of those who were forced to leave their homes and, in many cases, country, as a result of the *Nakba* in 1947-1949, as well as their descendants. These people total approximately 7.0 million, a figure that includes the 5.8 million Palestinian refugees who are registered with and eligible for UNRWA assistance

²⁰⁵ UNRWA, 'Palestine Refugees' (UNRWA, 18 September 2013) [hereinafter UNRWA, Palestine Refugees] <<http://www.unrwa.org/palestine-refugees>>. Moreover, there are unregistered groups entitled to receive UNRWA's humanitarian assistance, such as persons displaced as a result of 1967 hostilities. See UNGA Res 2252 (ES-V) (4 July 1967) UN Doc A/RES/2252 (ES-V) <[https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F2252%2520\(ES-V\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F2252%2520(ES-V)&Language=E&DeviceType=Desktop&LangRequested=False)> accessed 3 October 2022.

²⁰⁶ PCBS, Dr. Awad Brief (n 201).



(often referred to as “registered refugees” or “Palestine refugees”), and a further 1.2 million refugees who were also displaced during the *Nakba* (1947-1949), but are not eligible or did not register for assistance with UNRWA (see 2.4.2 and 2.4.3 in Notes regarding estimates about this group).

The second major group of displaced Palestinians is comprised of those displaced for the first time from their homes and country in the context of the 1967 War, and their descendants. The total number of 1967 Palestinian refugees is estimated at 1,331,311 persons (see 2.4.4 in Notes regarding estimates about this group).

Internally displaced Palestinians can be divided into two groups. The first is composed of persons displaced in 1948 Palestine. This group includes those who were displaced during the *Nakba*, (46,000 Palestinians,²⁰⁷ today amounting to approximately 439,171 persons) as well as those displaced internally in the years after. The second group (approximately 372,793 persons) is composed of Palestinians internally displaced within the oPt since 1967 as a result of Israel’s policies of colonization, forcible transfer, and apartheid. This figure includes Palestinian refugees who suffered secondary forced displacement inside the oPt, but due to the lack of official and comprehensive records, the category of 1967 IDPs includes an unknown number of 1948 refugees (see 2.4.5 and 2.4.6 in Notes regarding estimates about 1948 IDPs and 1967 IDPs). While no authoritative data exists for this second category, thousands of Palestinians are at risk of displacement today due to Israeli forcible transfer policies, including the lack of up-to-date Master Plans, inadequate allocation and zoning of land, insufficient provision of financial resources and services for Palestinian use, and exhausting procedures for Palestinians to obtain Israeli-issued permits for construction.²⁰⁸

Between January 2019 and August 2022, Israel displaced 3,702 Palestinians in the West Bank and east Jerusalem as a result of home demolitions and property confiscation.²⁰⁹ Forcible seizure of Palestinian homes contributes to the existence of a coercive environment that leads to displacement. In east Jerusalem, especially in recent years, the Israeli government, along with colonizer organizations, have intensified their efforts to take control of Palestinian properties located in close proximity to Jerusalem’s Old City. This includes homes in Sheikh Jarrah and Silwan. As of the end of 2021, the UN recorded that about 218 Palestinian households in Jerusalem have eviction cases filed against them, most initiated by colonizer organization. Approximately 970 people, including 424 children, are at risk of forcible displacement.²¹⁰



Home demolition in Beit hanina, Jerusalem. (Source: al-ayyam.ps)

²⁰⁷ See BADIL, ‘Survey of Palestinian Refugees and Internally Displaced Persons 2013-2015’ (2015) VIII Survey of Palestinian Refugees & IDPs, 53 [hereinafter BADIL, Survey of Palestinian Refugees 2013-2015] <<http://www.badil.org/phocadownloadpap/badil-new/publications/survey/Survey2013-2015-en.pdf>> accessed 3 October 2022.

²⁰⁸ BADIL, Denial of Access (n 87).

²⁰⁹ OCHA, Data on Demolition (n 137).

²¹⁰ Roald Høvring, ‘10 things you should know about the evictions in East Jerusalem’ (Norwegian Refugee Council (NRC), 11 November 2021) <<https://www.nrc.no/perspectives/2021/10-things-you-should-know-about-the-evictions-in-east-jerusalem/>> accessed 3 October 2022.



Table 2.1: Palestinian Refugees and IDPs by Group, 1950-2021

Year	UNRWA Registered 1948 Refugees ²¹¹	Non-Registered 1948 Refugees ²¹²	1967 Refugees	1948 IDPs	1967 IDPs ²¹³
1950	914,221 ²¹⁴	304,740	–	47,610	–
1955	905,986	301,995	–	56,546	–
1960	1,120,889	373,630	–	67,159	–
1965	1,280,823	426,941	–	79,763	–
1970	1,425,219	475,073	266,092	94,734	16,240
1975	1,632,707	544,236	316,034	112,514	23,901
1980	1,844,318	614,773	375,349	133,631	31,920
1985	2,093,545	697,848	445,797	158,712	41,041
1990	2,422,514	840,838	529,467	188,500	49,889
1995	3,172,641	1,057,547	628,841	223,879	59,444
2000	3,737,494	827,022	743,257	264,613	72,758
2005	4,283,892	935,641	861,639	306,759	98,673
2010	4,966,664	1,042,420	993,939	351,488	156,182
2011	4,797,723	1,028,130	1,022,546	359,924	159,447
2012	4,871,341	1,007,027	1,051,995	367,842	223,948
2013	4,976,920	1,026,634	1,082,293	375,935	225,693
2014	5,094,886	1,049,848	1,113,463	384,205	334,618
2015	5,266,603	1,110,619	1,145,753	391,889	314,082
2016	5,340,443	1,118,992	1,177,835	399,727	321,719
2017	5,442,947	1,143,480	1,207,280	407,721	329,119
2018	5,545,540	1,161,812	1,237,462	415,876	344,599
2019	5,629,829	1,186,145	1,268,399	423,778	353,546
2020	5,708,400	1,204,286	1,300,109	431,406	363,020
2021	5,807,653	1,220,018	1,331,311	439,171	372,793

These estimates do not include a further unknown number of displaced Palestinians who are neither 1948 nor 1967 refugees, but who have been displaced outside the area of Mandatory Palestine and are also likely to qualify as refugees under international law. The majority of the latter have likely been forcibly displaced from the occupied West Bank and Gaza Strip since 1967 as a result of the policies and practices of Israel's colonial- apartheid regime. They now reside abroad and are unable or unwilling to return owing to a well-founded fear of persecution.

²¹¹ Recent digitization of UNRWA's registration records enables us to present more detailed beneficiary statistics. Other registered persons include those eligible to receive services.

²¹² The figures were revised starting from 2007 based on the final percentage of non-registered refugees in the West Bank and the Gaza Strip, which is estimated at 1.43%, while it was 1.66% for 2017 and 2018 then the growth rate is considered for the recent years.

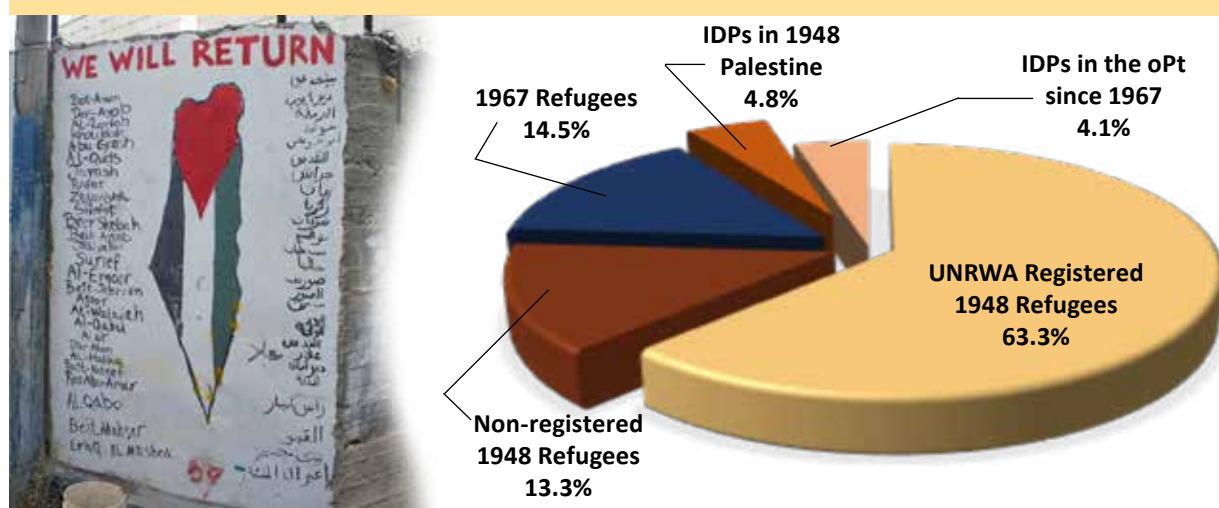
²¹³ This includes refugees displaced at least secondarily. The figures above reflect estimates according to the best available sources and population growth projections. Figures are therefore indicative rather than conclusive. For more details about these estimates, see Section 2.4.

²¹⁴ Excluding the 45,800 persons (1948) in 1948 Palestine who received relief from UNRWA until June 1952.



The United Nations High Commissioner for Refugees (UNHCR) also regards 114,335 Palestinians as a Population of Concern. This number includes 103,581 refugees, 9,645 asylum seekers, and 1,109 persons categorized as “others of concern,” which refers to individuals who do not necessarily fall directly into either of the other groups but to whom UNHCR may extend its protection and/or assistance services.²¹⁵ This group includes a mixture of Palestinians displaced in 1948, 1967, and other refugees displaced outside these two major displacement events. These Palestinians fall under UNHCR’s mandate as they are eligible under the 1951 Refugee Convention and fall outside of UNRWA’s area of operations; for example, 70,027 are Palestinians in Egypt and 7,885 are Palestinians in Iraq (see Chapter 3 for information on the 1951 Convention Relating to the Status of Refugee and the 1967 Protocol).

Graph 2.2: Percentage Distribution of Palestinian Refugees and IDPs by Group, End of 2021



2.2. DISTRIBUTION

1948 Registered Refugees

During the two major waves of displacement in the 20th century, Palestinian refugees had a tendency to remain as close as possible to their homes and villages of origin, based on the assumption that they would return once armed conflict had ceased. After the *Nakba* (1947-1949), an estimated 65 percent of the Palestinian refugees remained in areas of Palestine not under Israeli control – i.e., the West Bank (including east Jerusalem) and the Gaza Strip, which comprised 22 percent of the territory of Mandatory Palestine.

In the West Bank, the Palestinian population swelled from 460,000 to 740,000 due to the mass influx of refugees at that time. The impact of this mass influx into areas of the former Gaza District that became known as the Gaza Strip was even more dramatic as the population almost quadrupled. According to the Palestinian Central Bureau of Statistics (PCBS), about

²¹⁵ UNHCR, ‘Refugee Data Finder: Palestinians as a Population of Concern’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=qy8wOQ>> accessed 3 October 2022.

40.5 percent of the total Palestinian population of the oPt were registered refugees as of the end of 2020, corresponding to 23.9 percent of the population in the West Bank and 64.8 percent of the population in the Gaza Strip.²¹⁶

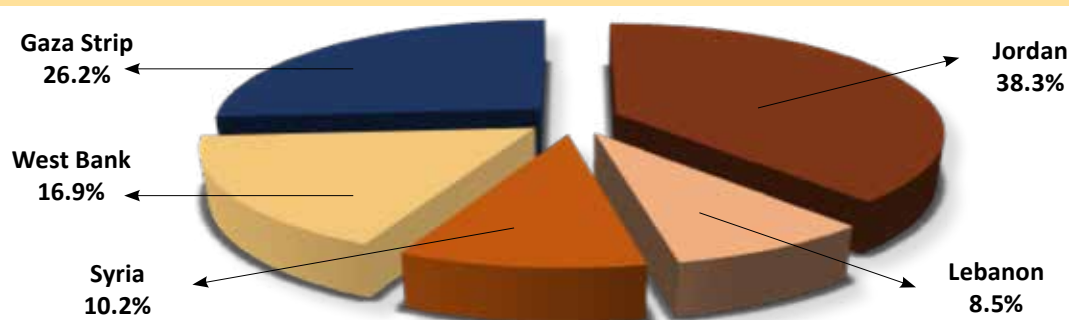
The remaining 35 percent of the Palestinian refugee population displaced during the *Nakba* sought refuge in neighboring states, including Jordan, Lebanon, Syria, Iraq and Egypt. Additionally, an unknown number of Palestinians were abroad at the time of the *Nakba* and were unable to return following the cessation of hostilities, thereby becoming refugees *sur place*.²¹⁷

In 2021, approximately 38.3 percent (2,504,333) of UNRWA-registered persons were registered in Jordan, of which 2,337,780 were registered refugees (RRs) and 166,553 were other registered persons (ORPs) eligible to receive services and married to non-refugees (MNRs). Followed by the Gaza Strip, which has about 26.2 percent (1,710,567) of UNRWA-registered persons: 1,520,653 RRs, 104,720 ORPs and 85,194 MNRs. Around 16.9 percent (1,103,862) of UNRWA-registered persons were registered in the West Bank, of which 887,009 were RRs, 99,763 ORPs and 117,090 were MNRs. Almost 10.2 percent (667,861) of UNRWA-registered persons were registered in Syria, of which 576,357 were RRs and 91,504 were ORPs. Lebanon has about 8.5 percent (553,221) of UNRWA-registered persons, of which 485,854 were RRs, 22,967 were ORPs, and 44,400 were MNRs.²¹⁸

Table 2.2: UNRWA-Registered Palestinians by Category and Area, End of 2021

	Jordan	Lebanon	Syria ²¹⁹	West Bank	Gaza Strip	Total
Registered Refugees (RR)	2,337,780	485,854	576,357	887,009	1,520,653	5,807,653
Other Registered Persons (ORPs)	166,553	67,367	91,504	216,853	189,914	732,191
Total Registered Persons	2,504,333	553,221	667,861	1,103,862	1,710,567	6,539,844

Graph 2.3: Percentage Distribution of UNRWA-Registered Persons by Area, End of 2021



²¹⁶ PCBS, *Statistical Yearbook of Palestine 2021* (PCBS 2021), 25 [hereinafter PCBS, *Statistical Yearbook 2021*] <<https://www.pcbs.gov.ps/Downloads/book2593.pdf>> accessed 3 October 2022.

²¹⁷ A “refugee *sur place*” refers to a person who is not a refugee when they leave their country of origin, but who becomes a refugee, that is, acquires a well-founded fear of persecution, at a later date.

²¹⁸ UNRWA, ‘Registered population dashboard’ (UNRWA, 2021) [hereinafter UNRWA, *Population Dashboard*] <<https://bit.ly/3Ma0jF2>> accessed 3 October 2022.

²¹⁹ All Syria figures represent a working estimate as the situation in Syria remains volatile.





1948 IDPs

The 30,000 - 40,000 persons who were internally displaced during *Nakba* were uprooted to the north and to the center of Mandatory Palestine, constituting 85.5 percent and 75.1 percent of that population, respectively.²²⁰ A smaller number were displaced between 1949 and 1967 (7.1 percent from the north and 18.1 percent from the center). These IDPs took refuge in some 47 Palestinian populated cities, towns and villages that found themselves located within the area that became known as Israel in 1948.²²¹

In the south, specifically the Naqab, just 12 percent of the original Palestinian population remained in their homes following the *Nakba*, a small percentage of them were internally displaced at this time and the rest were expelled to Gaza or Jordan.²²² Of those who were not displaced during the *Nakba*, a substantial number faced internal displacement after the 1967 War, with 77.2 percent of the IDP population originating from the south, having been displaced after 1967.²²³ Today this population is estimated to exceed 439,000 Palestinian IDPs in 1948 Palestine.

1967 Refugees

The majority of those Palestinians displaced from the oPt during the 1967 War found refuge in neighboring states. Around 200,000 Palestinians were displaced to Jordan, with smaller numbers displaced to Syria, Egypt and Lebanon.²²⁴ The areas of the West Bank closest to Jordan suffered the highest population loss, while in the central highlands, most Palestinians sought temporary refuge in nearby fields and villages and were able to return to their homes after the war.²²⁵ In addition, it is estimated that some 60,000 Palestinians were abroad at the time of the war and were subsequently unable to return to the oPt.²²⁶

1967 IDPs

The distribution of the Palestinians displaced from and within the oPt since 1967, including those displaced for the first time, is difficult to determine given the absence of a registration

²²⁰ Ahmad El-Sheikh Muhammad and Shefa-Amr (eds), 'Table 5.10 : Percentage Population Distribution of Internally-Displaced Palestinians in Israel by Year of Displacement and Selected Background Characteristics, 2004' in *Palestinians in Israel: Socio-Economic Survey (Main Findings- 2004)* (The Galilee Society, Rikaz, and MADA 2005), 78 [hereinafter The Galilee Society, *Palestinians in Israel*] <<https://www.gal-soc.org/en/socio-economic-survey-of-palestinians-in-israel-2004/>> accessed 3 October 2022.

²²¹ 'Table 11: Distribution of localities which continued to exist in northern Israel, by the number of refugees who entered them' in Charles S. Kamen, 'After the Catastrophe I: The Arabs in Israel, 1948–51' (1987) 23(4) *Middle Eastern Studies*, 473; The Galilee Society, *Palestinians in Israel* (n 229), 78.

²²² Adalah, 'Nomads Against Their Will – The Attempted Expulsion of the Arab Bedouin in the Naqab: The Example of Atir-Umm al- Hieran' (2011), 5 <<https://bit.ly/2ncfNAV>> accessed 3 October 2022.

²²³ The Galilee Society, *Palestinians in Israel* (n 220), 78.

²²⁴ UNGA Res 2252 (ES-V) (n 205).

²²⁵ For more details, see William Harris, *Taking Root: Israeli Settlement in the West Bank, the Golan and the Gaza-Sinai, 1967–1980* (John Wiley & Sons Ltd 1980).

²²⁶ Tayseer Amro, 'Table 5: Palestinian Estimates of Displaced Persons and Refugees During the 1967 War' in 'Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee] (not including spouses and descendants)' (1995) 74(14) *BADIL*.



system. This absence is due in large to the frequent and recurring displacement of the described population by the Israeli forces and the regime's respective colonial-apartheid policies that continue to result in forced population transfer. According to the 2022 Global Report on Internal Displacement by (IDMC) and Norwegian Refugee Council (NRC), at the end of 2021, there were 118,000 IDPs in the oPt, which in the last 10 years have been primarily caused by Israeli military bombardments on the Gaza Strip.²²⁷ In the previous three years the same source recorded that there were 238,000 in 2018, 243,000 in 2019 and 131,000 in 2020.²²⁸ This figure is lower than BADIL's estimate due to two factors. The first being that the IDMC does not consider natural growth of the IDP population for those who have been denied a durable solution, whereas BADIL's estimates do consider this for as long as individuals are not enabled to practice one of the durable solutions and provided reparation as prescribed in international law.²²⁹ The second is that the IDMC's assessed triggers of displacement are narrower than BADIL's, particularly with respect to understanding what constitutes a coercive environment.²³⁰

2.2.1. Refugees Registered in Camps

As of December 2021, UNRWA's records show that 1,814,295 Palestinian refugees are registered in one of the 58 official refugee camps throughout UNRWA's five areas of operation.²³¹ Registered refugees in camps comprise 31.2 percent of the registered Palestine refugees (27.7 percent of the total UNRWA registered persons).²³² The majority of Palestinian refugees registered in camps are 1948 refugees and their descendants. A smaller number of refugees displaced for the first time in 1967 are also registered in refugee camps, primarily in Jordan and Syria. It should be noted it is not necessary to physically reside in a camp to be deemed an UNRWA registered person in that camp. Due to factors which include forcible secondary displacement, high population density, poor infrastructure, and lack of livelihoods, some refugees have moved to areas outside the camp but are still registered as living within its boundaries. For instance, more than 237,000 Palestinian refugees reside in one of the 17 unofficial camps in the oPt, Jordan, Lebanon and Syria.

²²⁷ 'Palestine' in Internal Displacement Monitoring Centre (IDMC) and NRC, 'GRID 2022: Children and youth in internal displacement' (2022), 49-50 <https://www.internal-displacement.org/sites/default/files/IDMC_GRID_2022_HQ.pdf> accessed 3 October 2022.

²²⁸ IDMC, 'Country Profile: Palestine, State of' (IDMC, 19 May 2022) <<https://www.internal-displacement.org/countries/palestine>> accessed 3 October 2022.

²²⁹ See BADIL, Denial of Reparations (n 45).

²³⁰ Simon Reynolds and BADIL, *Coercive Environments: Israel's Forcible Transfer of Palestinians in the Occupied Territory* (BADIL 2017) <https://www.badil.org/cached_uploads/view/2021/04/20/ft-coercive-environments-1618907680.pdf> accessed 3 October 2022.

²³¹ A camp, according to UNRWA's working definition, is a plot of land placed at the disposal of the Agency by a host government for accommodating Palestine refugees, and for avenue up facilities to cater to their needs. The plots of land on which camps were originally set up either belong to the state, or, in most cases, are leased from local landowners by the host government. This means that the refugees in camps do not "own" the land on which their shelters stand, but have the right to "use" the land for a residence. The lease agreements have a time frame of 99 years, after which the land should revert back to the original owner. See UNRWA, Palestine Refugees (n 205).

²³² UNRWA, 'Statistics Bulletin' (UNRWA, 2021) [hereinafter UNRWA, Statistics Bulletin] <<https://www.unrwa.org/what-we-do/unrwa-statistics-bulletin>> accessed 3 October 2022.



Several factors explain why many Palestinian refugees have remained in, or maintained ties with, the camps after 74 years of exile:

- The refugee camp represents the temporary nature of exile and the preservation of the individual and collective demand to exercise the right of return;
- The presence of the familial and village support structure in the camp;
- The lack of financial resources to rent or buy alternative accommodation outside the camp;
- The lack of living space outside the camp due to over-crowdedness;
- Legal, political, and social obstacles imposed by host states that force refugees to remain in the camp; and
- Issues concerning physical safety.

Table 2.3: Total UNRWA-Registered Refugees in Official Camps, End of 2021²³³

	Jordan	Lebanon	Syria	West Bank	Gaza Strip	Total
Total Registered Refugees (RR)	2,337,780	485,854	576,357	887,009	1,520,653	5,807,653
Registered Refugees in Official Camps	430,994	279,741	203,437	273,485	626,638	1,814,205
Percentage of Registered Refugees in Official Camps of Total Registered Refugees	18.4	57.5	35.2	30.8	41.2	31.2

The largest camp-based Palestinian refugee population resides in the occupied Gaza Strip (626,638 persons as of 2021). Fewer refugees reside in camps in the West Bank (273,485). The second-highest number of camp-based refugees is found in Jordan (430,994). However, Jordan is also the host country with the lowest percentage of Palestinian refugees residing in camps. Only 18.4 percent of the UNRWA-registered Palestinian persons in Jordan reside in camps. This reflects the Jordanian citizenship status afforded to most Palestinian refugees in Jordan which grants them almost the same rights as other Jordanian citizens.

In contrast, in Lebanon, approximately 57.5 percent (279,741) of Palestinian refugees are registered in official camps. The high percentage of refugees residing in camps is directly related to the legal, administrative, and security restrictions placed on rights to work, obtain property, and freedom of movement by the Lebanese government,²³⁴ the lack of financial resources available for securing alternative housing outside of the camps, and concerns about physical safety. Recent data shows that Palestinian refugees compose 72.8 percent of all residents in Lebanon's refugee camps, of which 7.4 percent are Palestinian refugees displaced from Syria.

²³³ Note that data is generally to 30 June of the respective year, except the years 2011-2012 and 2015-2021, where data is calculated to end of the respective year. For data for 2020-2021, see UNRWA, Statistics Bulletin (n 232); UNRWA, 'UNRWA in Figures 2020-2021' (2021) [hereinafter UNRWA, UNRWA in Figures] <https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2021_eng.pdf> accessed 3 October 2022.

²³⁴ For more information regarding the restrictions on right to work, right to property ownership, and right to social security in Lebanon, see Lebanese Palestinian Dialogue Committee (LPDC), 'Rights' (LPDC, 2022) <<https://lpdc.gov.lb/rights/>> accessed 3 October 2022.



The remaining population in refugee camps in Lebanon are from other nationalities; mainly Syrian refugees (23.1 percent) and Lebanese nationals (3.6 percent).²³⁵

Lebanon and Jordan, as two main host countries, have also faced many changes in the distribution of Palestinian refugees within their borders on account of the arrival of thousands of Palestinians refugees fleeing Syria.

**Table 2.4: Total UNRWA-Registered Refugees in Camps (*Official* and *Unofficial*),²³⁶
End of 2021**

Host Country	Camp (Local Name)	Population	Families	Infants	Year Established
Gaza Strip					
Official Camps²³⁷	Jabalia	116,193	27,024	1,824	1948
	Beach (Shati)	91,587	21,875	1,487	1948
	Nuseirat	84,756	18,314	1,164	1948
	Bureij	46,868	10,334	849	1948
	Deir el-Balah	27,398	6,431	429	1948
	Maghazi	33,363	7,498	530	1948
	Khan Younis	92,935	21,254	1,573	1948
	Rafah	133,538	29,514	2,436	1948
Total		626,638	142,244	10,292	
West Bank					
Official Camps²³⁸	Aqbat Jaber (Jericho camp)	10,033	2,221	128	1948
	Ein el-Sultan	3,258	670	77	1948
	Shu'fat	16,043	3,612	34	1965
	Am'ari	14,882	3,630	118	1949
	Kalandia	15,723	3,651	205	1949
	Deir Ammar	3,583	858	67	1949
	Jalazone	16,015	3,788	188	1949
	Fawwar	12,203	2,639	186	1949
	al-Arroub	15,220	3,403	200	1950
	Dheisheh	18,558	4,417	266	1949

²³⁵ LPDC and PCBS, 'The Population and Housing Census in Palestinian Camps and Gatherings 2017: Key Findings Report' (2018) [hereinafter LPDC and PCBS, Key Findings Report 2017] <<http://www.lfdc.gov.lb/DocumentFiles/Key%20Findings%20report%20En-636566196639789418.pdf>> accessed 3 October 2022.

²³⁶ The summary of Total Registered Camp Population as of the end of 2021 refugees in the unofficial camps is based on the growth rates in the host countries/regions.

²³⁷ During the 1970s, the Israeli military administration destroyed thousands of refugee shelters in the occupied Gaza Strip under security pretexts. Large refugee camps were targeted in particular. Refugees were forcibly resettled in other areas of the occupied Gaza Strip, with a smaller number transferred to the occupied West Bank. In the occupied Gaza Strip, several housing projects were established for these refugees. Some of these projects today are referred to as camps. These include the Canada project (1972), the Shuqairi project (1973), the Brazil project (1973), the Sheikh Radwan project (1974), and the al-Amal project (1979).

²³⁸ There are thousands of former Gaza refugees distributed throughout the West Bank camps.



	Aida	6,971	1,631	98	1950
	Beit Jibrin (al-Azzeh)	2,976	715	42	1950
	al-Far'a	10,593	2,533	169	1949
	Camp No. 1 (El-Ain)	9,315	2,289	126	1950
	Askar	23,079	5,510	304	1950
	Balata	31,791	7,788	229	1950
	Tulkarm	26,774	6,205	397	1950
	Nur Shams	13,223	3,116	191	1952
	Jenin	23,245	5,676	233	1953
	M'ascar ²³⁹	-	-	-	1948-1955/6
Sub-total		273,485	64,352	3,258	
Unofficial Camps²⁴⁰	Silwad	497	NA	NA	1971/2
	Abu Shukheidim	NA	NA	NA	1948
	Qaddoura	998	NA	NA	1948
	Birzeit (As-Saqeif)	NA	NA	NA	1948
Sub-total		1,504	NA	NA	
West Bank: Total		274,980	64,352	3,258	
Jordan					
Official Camps	Amman New Camp (Wihdat)	60,954	13,657	187	1955
	Talbieh	10,485	2,106	16	1968
	Irbid	30,493	7,227	145	1950/1
	Hosun ('Azmi al-Mufti)	28,479	6,509	174	1968
	Souf	21,759	5,042	167	1967
	Jarash (Gaza)	34,419	7,778	421	1968
	Jabal el-Hussein	33,221	7,937	82	1952
	Baq'a	129,794	29,762	564	1968
	Zarqa	20,983	5,115	61	1949
	Marka (Hittin) ²⁴¹	60,407	13,786	275	1968
Sub-total		430,994	98,919	2,092	
Unofficial Camps²⁴²	Madaba	8,858	NA	NA	1956
	Sakhna	7,649	NA	NA	1969
	Al-Hassan	14,494	NA	NA	1967
Sub-total		31,001	NA	NA	
Jordan: Total		461,995	98,919	2,092	

²³⁹ The camp was closed because of unsanitary living conditions, and residents were relocated to Shu'fat refugee camp.

²⁴⁰ These are estimated figures based on 2017 Census, see LPDC and PCBS, Key Findings Report 2017 (n 235). See also PCBS, 'Projected Mid-Year Population for Ramallah & Al-Bireh Governorate by Locality 2017-2021' (2021) <http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/RamallahE.html> accessed 3 October 2022. **Note: NA refers to "not available"**. For other unofficial camps the growth rates for 2019-2020 is 2.5 and 2.4 for 2021.

²⁴¹ Also locally known as Shlinnar camp, wherein most residents are originally from the Gaza Strip.

²⁴² Population figures for unofficial camps in Jordan are for the year 2000, including an annual population growth of 3 percent from 2000 to 2008, 2.4 percent for the years 2009-2014, 1.8 percent for 2015-2018, 1.3 percent in 2019, 1.0 percent in 2020 and 0.7 percent in 2021. In 2000, the population of Madaba was 5,500; Sakhna, 4,750; and al-Hassan, 9,000.

Lebanon					
Official Camps ²⁴³	Mar Elias	717	208		1952
	Burj el-Barajneh	20,156	5,396	113	1948
	Dekwaneh (Tel al-Zaatar) (Destroyed in the 1970s) ²⁴⁴	8,598	2,235	42	1948
	al-Nabatieh (Destroyed in the 1970s) ²⁴⁵	9,333	2,288	65	1956
	Dbayeh	4,570	1,281	8	1956
	Chatila	11,259	2,914	53	1949
	Ein el-Hilweh	62,519	16,394	562	1948/9
	Mieh Mieh	6,040	1,679	46	1954
	Al-Buss	12,785	3,474	96	1948
	Rashidieh	36,097	9,410	329	1948
	Burj al-Shamali	26,015	6,694	220	1948
	Nahr al-Bared	46,961	11,341	590	1950
	Beddawi	22,214	5,699	154	1955
	Wavell (al-Jalil)	9,812	2,557	65	1948
	Jisr al-Bashah	2,665	716	5	1952
	Gouraudi ²⁴⁶				1948
Sub-total		279,741	72,286	2,348	
Unofficial Camps ²⁴⁷	Al-Ma'ashouq	5,094	NA	NA	
	Shabiha	7,137	NA	NA	
	Al-Qasmia	3,892	NA	NA	
	Kufr Bada (Abu al-U'sod)	1,202	NA	NA	
	Al-U'rash (Adlon)	2,141	NA	NA	
	Shhim	2,925	NA	NA	
Sub-total		22,391			
Lebanon: Total		302,132	72,286	2,348	

²⁴³ Population figures for unofficial camps in Lebanon are for 2001, updated based on a 3 percent annual growth until 2008, and 2.0 percent for the years 2009-2018. For 2019, the growth rate was 0 percent, while in 2020 it declined to -0.4 percent and in 2021 0.9 percent. In 2001, the population of al-Ma'ashouq was 3,447; Shabiha, 4,829; al-Qasmia, 2,634; KufrBada (Abu al-U'sod), 813; al-U'rash (Adlon), 1,448; and Shhim, 1,978.

²⁴⁴ Dikwaneh and al-Nabatieh were completely destroyed in the 1970s, but refugees who lived in these camps maintain their registration numbers with these centers until such a time as UNRWA's new Refugee Registration Information System (RRIS) is developed.

²⁴⁵ Dikwaneh and al-Nabatieh were completely destroyed in the 1970s, but refugees who lived in these camps maintain their registration numbers with these centers until such a time as UNRWA's new Refugee Registration Information System (RRIS) is developed.

²⁴⁶ The camp was evacuated, and residents were moved to Rashidieh camp.

²⁴⁷ Population figures for unofficial camps in Lebanon are for 2001, updated based on a 3 percent annual growth until 2008, and 2.0 percent for the years 2009-2018. For 2019, the growth rate was 0 percent, while in 2020 it declined to -0.4 percent and in 2021 0.9 percent. In 2001, the population of al-Ma'ashouq was 3,447; Shabiha, 4,829; al-Qasmia, 2,634; KufrBada (Abu al-U'sod), 813; al-U'rash (Adlon), 1,448; and Shhim, 1,978.



Syria					
Official Camps	Khan Eshieh	30,040	8,534	317	1949
	Khan Dynoun	14,567	4,124	253	1949
	Sbeineh	32,093	9,432	399	1958
	Qabr Essit (As-Sayyida Zeinab)	34,313	9,748	433	1967/8
	Jaramana	23,242	7,144	242	1949
	Dera'a²⁴⁸	15,018	4,283	170	1950/1, 1967
	Homs	18,014	5,190	118	1949
	Hama	11,043	3,173	105	1949/50
	Neirab	25,107	6,793	281	1948/50
Sub-total		203,437	58,421	2,318	
Unofficial Camps²⁴⁹	Ein el-Tal (Hindrat)	6,350	NA	NA	1962
	Al-Yarmouk	165,084	NA	NA	1956/7
	Ramadani	1,466	NA	NA	1956
	Latakia	9,319	NA	NA	1955/6
Sub-total		182,219			
Syria: Total		385,656			
Grand Total		2,051,401	436,222	20,308	



View of Dheisheh refugee camp, Bethlehem, West Bank, 1948, 1980s, 2000s (©UNRWA/BADIL)

²⁴⁸ Similar to most of the refugee camps in Syria, thousands of refugees left the camps and the country seeking for job opportunities and more safety. The population of Dera'a Camp includes the new part (Dera'a emergency) that was built after the 1967 war to host 4,200 Palestinian Refugees; see UNRWA, 'Dera'a Camp' (UNRWA, 2022) <<https://www.unrwa.org/where-we-work/syria/deraa-camp>> accessed 3 October 2022.

²⁴⁹ The statistics for the unofficial camps in Syria are for 2002, including an annual population growth of 3 percent until 2008 and 1.6 percent for the years 2009-2011. The 2002 population of Ein el-Tal was 4,329; al-Yarmouk, 112,550; Ramadani, 1,000; and Latakia 6,354. The specific data per camp for 2014 represents those of 2011 as no accurate numbers are available due to the current crisis in Syria. For the years 2019-2021, the calculated growth rates was 0.7 percent for 2019, 2.5 percent in 2020 and 4.5 percent for 2021.

2.2.2. Refugees Residing Outside of Camps

Most Palestinian registered refugees (68.8 percent) live outside UNRWA's 58 official camps.²⁵⁰ These refugees reside in and around cities and towns in the host countries, often in areas adjacent to refugee camps or in one of the unofficial refugee camps in Syria, Lebanon, and Jordan. Many West Bank villages and towns host a significant refugee population. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50 percent of the total population. Based on the Palestinian Housing Censuses in 1997, 2007 and 2017, the proportion of refugees living in the West Bank showed significant fluctuations in certain governorates over the last two decades.²⁵¹

In Lebanon, UNRWA reported that 49.5 percent of the Palestinian refugee population was registered as living outside of camps. The 2017 Population and Housing Census in Palestinian Camps and Gatherings conducted by the Lebanese government, showed that 54.9 percent of Palestinians in Lebanon live in 156 gatherings, which are defined as “the geographic area, outside the official camps, which is home to a minimum 15 Palestinian households.”²⁵²

2.3. CHARACTERISTICS OF THE REFUGEE AND IDP POPULATION

Demographic and socioeconomic indicators reflect the vulnerability of both Palestinian refugees and IDPs over the course of more than seven decades of displacement. The lack of personal security, socio-economic wellbeing, and stability are the result of Israel's policies and practices of colonization, forcible transfer, and apartheid. Further, due to a series of armed conflicts in the region,²⁵³ refugeehood is compounded by statelessness, ineffective protection, and insufficient assistance.²⁵⁴

Due to lack of registration and documentation, and the protracted intergenerational nature of the displacement, no precise statistical data is available on the demographic and socioeconomic characteristics of Palestinian refugee populations outside UNRWA's area of operations, and little reliable data is available on the characteristics of internally displaced Palestinians throughout Mandatory Palestine. Such data is available almost exclusively for the population of UNRWA registered 1948 refugees, who constitute only 63.3 percent of the Palestinian displaced population.

²⁵⁰ Middle East Monitor, 'Report: 6.4m Palestinians are refugees' (*Middle East Monitor*, 20 June 2022) <<https://www.middleeastmonitor.com/20220620-report-6-4m-palestinians-are-refugees/>> accessed 3 October 2022.

²⁵¹ PCBS, 'Population, Housing and Establishment Census 1997: Census Final Results – Summary (Population, Housing, Buildings & Establishments) by Governorate' (1999) <http://www.pcbs.gov.ps/pcbs_2012/Publications.aspx>; PCBS, *Population, Housing and Establishment Census 2007: Census Final Results in The Palestinian Territory – Summary (Population and Housing)* (PCBS 2012) <<http://www.pcbs.gov.ps/Downloads/book1822.pdf>>; PCBS, *Population, Housing and Establishment Census 2017: Census Final Results Summary* (PCBS 2018) <<http://www.pcbs.gov.ps/Downloads/book2369.pdf>> accessed 3 October 2022.

²⁵² LPDC and PCBS, Key Findings Report 2017 (n 235).

²⁵³ See BADIL, 'Forced Secondary Displacement: Palestinian refugees in Arab host countries' (2010) 44 Al Majdal <https://www.badil.org/phocadownload/Badil_docs/publications/al-majdal-44.pdf> accessed 3 October 2022.

²⁵⁴ For a discussion on statelessness and the “protection gaps” that impact the situation of Palestinian refugees and IDPs, see Chapter 3 of this survey.





Moreover, no data is available about the demographic and socio-economic characteristics of Palestinian IDPs separate from the general characteristics of the population in the host region. However, it is likely that their age structure, fertility rate, and other characteristics are similar to that of the general Palestinian population in 1948 Palestine and in the oPt.

2.3.1. Demographic Indicators in UNRWA's Five Areas of Operation

With regards to demographic indicators, specifically age structure, fertility rate, and growth rate, differences between the Palestinian refugee populations and the local non-refugee populations are negligible in most Arab host states, with Lebanon constituting the only major exception.

2.3.1.1. Age Structure of Palestinian Refugees

Similar to the non-refugee populations in UNRWA's five areas of operation, the Palestinian refugee population is young. The Gaza Strip has the youngest refugee population, with about 41.9 percent of males under 18 years old and 41.1 percent for females. In contrast, about one fifth of registered refugees in Lebanon are under 18 years old, of which 22.8 males and 22.2 percent females. Of the overall Palestinian refugee population, nonetheless, approximately one third of all Palestinian registered refugees are younger than 18 years old, with no significance differences between males (31.6 percent) and females (31.0 percent). This large share of children and youth populations gives rise to high dependency ratios, a large burden on the refugee labor force, and a strong need for health and education services.

Table 2.5: Percentage of UNRWA Registered Palestinian Refugees by Major Age Groups, End of 2021²⁵⁵

Age	0-17		18-59		60+		Total	
Region	M	F	M	F	M	F	M	F
Jordan	26.5	26.4	59.5	59.4	14.0	14.2	100	100
Lebanon	22.8	22.2	59.4	58.9	17.7	18.8	100	100
Syria	31.9	30.6	55.9	55.2	12.3	14.2	100	100
West Bank	31.8	30.5	55.9	54.8	12.3	14.7	100	100
Gaza Strip	41.9	41.1	49.9	49.6	8.9	9.3	100	100
Total	31.6	31.0	56.1	55.7	12.3	13.4	100	100

2.3.1.2. Fertility Rates of Palestinian Refugees

Refugees have a high fertility rate, calculated as the average number of children per woman. However, there has been a general consistent decline in the fertility rate among Palestinian refugees. In the West Bank, the fertility rate decreased from 6.17 in 1983-1994 to 4.2 in 2006 to 3.9 in 2010. Meanwhile, in the Gaza Strip, it increased between 1983 and 1994 from 7.15 to 7.69, followed by a slow decrease from 2000 onwards, reaching 4.3 in 2010. As of 2021, the fertility rate for the whole

²⁵⁵ UNRWA, Population Dashboard (n 218).



Palestinian population in the West Bank and Gaza Strip is 3.6.²⁵⁶ In Jordan, the overall fertility rate has decreased steadily (from 6.2 in 1983-1986 to 4.6 in 2000, 3.3 in 2010, and to 3.2 in 2021. In Lebanon, it has fluctuated, from 4.49 in 1991 to 2.3 in 2006, 2.8 in 2011, and currently sitting at 2.7 in 2021 for the entire population of Lebanon. In Syria, the overall fertility rate has decreased from 3.8 in 2000 to 2.4 in 2006, while increasing again in 2010 to 2.5 and to 2.7 in 2021.²⁵⁷ The total fertility rate in 2013 among Palestinian women living in 1948 Palestine was 3.4 births compared to 3.1 births among Jewish women; in 2020, it had declined to 2.5 for Palestinian women and 3.0 for Jewish women.²⁵⁸ This observable overall declining fertility rate is likely the result of later marriage, increased female enrollment in higher education, more prevalent use of contraceptives, and a slight rise in the participation rate of women in the labor force.

2.3.1.3. Growth Rate of Palestinian Refugees

The Palestinian refugee and IDP populations have a high, albeit declining, growth rate. This is quite similar to the Palestinian population as a whole. The average annual growth rate of the UNRWA-registered refugee population for the period 1955– 2008 is 3.3 percent, in comparison to 2.1 percent in 2021. Similarly, according to PCBS, the average annual growth rate of the entire Palestinian population was 3.5 percent for 1994– 1999, 3 percent for 2000– 2008, and 2.4 percent in 2021.²⁵⁹

By 2021, the annual growth rate for registered Palestinian refugees in Jordan was 1.5 percent. As for Lebanon, it was 1.1 percent (down from 3.7 percent in 2018). Meanwhile, the annual growth rate for Palestinian refugees in Syria, West Bank, and Gaza Strip in 2021 was 1.5 percent, 1.6 percent, and 3.8 percent., respectively, with both Syria and the West Bank decreasing since 2010, but the Gaza Strip increasing from 2.6 in 2010.

Table 2.6: Palestinian Refugees' Total Fertility and Annual Growth Rates by Region, End of 2021²⁶⁰

Region	Overall Fertility Rate	Growth Rate of Registered Refugees
Jordan	3.2	1.5
Lebanon	2.7	1.1
Syria	2.7	1.5
West Bank	3.6	1.6
Gaza Strip	3.6	3.8
Total	3.2	2.1

²⁵⁶ UNRWA, 'Department of Health: Annual Report 2021' (2022) [hereinafter UNRWA, Department of Health] <https://www.unrwa.org/sites/default/files/content/resources/annual_report_2021_final_version_update_18_august_2022_low_size.pdf> accessed 3 October 2022.

²⁵⁷ *Ibid.*

²⁵⁸ PCBS, *Palestinians at the End of 2021* (PCBS 2021) <<https://www.pcbs.gov.ps/Downloads/book2595.pdf>> accessed 3 October 2022.

²⁵⁹ PCBS, 'Indicators' (PCBS, 2022) <https://www.pcbs.gov.ps/site/lang_en/881/default.aspx> accessed 3 October 2022.

²⁶⁰ UNRWA, Department of Health (n 256).



2.3.2. Socioeconomic Indicators in UNRWA's Five Areas of Operation

2.3.2.1. Labor Force Participation, Unemployment Rates, and Dependency

Levels of labor force participation and unemployment rates indicate the level of economic wellbeing of a population.²⁶¹ High rates of labor force participation and low unemployment are indicators of a healthy economy that, in turn, provides a good quality of life for the resident population. Low levels of participation in the labor force and high unemployment are related to low-income levels, high poverty rates and unhealthy living conditions.

The labor force participation rate for Palestinians in the oPt was 44.3 percent in 2019, falling to 40.9 percent in 2020 – perhaps a decrease exacerbated by COVID-19 – and slightly increased to 43.4 percent in 2021.²⁶² According to the International Labor Organization (ILO), this rate is amongst the lowest in the world.²⁶³ For refugees in the West Bank and Gaza Strip, the rate was 45.5 percent and 39.8 percent respectively, with little distinction between refugees and non-refugees in relation to their labor force participation rate.²⁶⁴

There is no available data that specifically focuses on Palestinian refugees' labor force participation and unemployment in Jordan, Lebanon, and Syria. However, it is sensible to hypothesize that the rate for Palestinian participation is lower than that of the general participation in these regions, and the unemployment rate is higher, due to the discriminatory treatment that Palestinian refugees face (see Chapter 4.2.1). Based on this assumption, the lowest participation rate was found in Jordan, at about 38 percent, while it was about 43 percent in Lebanon and similarly in Syria.²⁶⁵ Moreover, it should be noted that the economic characteristics of Palestinian refugees in both Lebanon and Syria have dramatically changed due to the current economic crisis in the former and the ongoing stability in the latter.

The highest female labor force participation rate was found among the Palestinian population in 1948 Palestine at 51 percent, while the lowest rate was in Jordan at roughly 14 percent. It must be noted that the data regarding Palestinian citizens of Israel is not limited to IDPs, but includes the total Palestinian population.

²⁶¹ The labor force participation rate is defined as the proportion of employed and working persons above the age of 15 to the total population of that age. Employed persons include everyone who has worked for at least one hour within a set reference period for cash or in-kind payment, as well as those temporarily absent from a job they perform on a regular basis. The unemployment rate is defined as the proportion of unemployed persons among the total labor force. Unemployed persons include everyone who did not work in the set reference period, not even for one hour, although they were available for work and actively sought work during that period.

²⁶² PCBS, *Palestinian Labor Force Survey Annual Report: 2021* (PCBS 2021) [hereinafter PCBS, Labor Force Survey] <<https://www.pcbs.gov.ps/Downloads/book2605.pdf>> accessed 3 October 2022.

²⁶³ International Labour Office (ILO), *The situation of workers of the occupied Arab territories: Report of the Director-General - Appendix 2021* (ILO 2021) ILC.109/DG/APP <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_793285.pdf> accessed 3 October 2022.

²⁶⁴ PCBS, Labor Force Survey (n 262).

²⁶⁵ The data represents the estimation for the entire population of Jordan; see The World Bank, 'Labor force participation rate, total (% of total population ages 15-64) (modeled ILO estimate)' (ILO, June 2021) [hereinafter World Bank Labor Force Participation Rate] <<https://data.worldbank.org/indicator/SL.TLF.ACT.LZS>> accessed 3 October 2022.

Table 2.7: Palestinian Refugees' and IDPs' Labor Force Participation by Region, End of 2021

Country	Percentage Total Labor Force Participation	Percentage Participation for Women	Unemployment Rate
Jordan ²⁶⁶	38.1	13.5	19.3
Lebanon ²⁶⁷	42.5	20.8	14.5
Syria ²⁶⁸	43.0	15.7	10.6
West Bank ²⁶⁹	45.5	18.3	26.4
Gaza Strip ²⁷⁰	39.8	19.3	46.9
Palestine ²⁷¹ 1948	64.7	51.1	5.0

These low rates of workforce participation are compounded by high rates of unemployment among those who are active in the labor market. According to the World Bank, unemployment in the oPt is the fourth highest rate in the world²⁷² (26.4 percent for total population), with Gaza experiencing excessively high rates (46.9 percent).²⁷³ Although labor force participation rates for refugees are on a par with non-refugees in the oPt, their unemployment rates are significantly higher (about 35 percent for refugees and 21 percent for non-refugees).²⁷⁴ This is, in part, due to the fact that unemployment overall is significantly worse in Gaza, where most of the population are refugees. However, in general, refugees in the West Bank (16 percent unemployment for refugees, 13 percent for males and 30 percent for females, versus 15 percent for non-refugees) and Gaza (47 percent for refugees, 43 percent for males and 63 percent for females, versus 46 percent for non-refugees) fare worse than non-refugees.²⁷⁵

According to the General Population Census in the Camps and Palestinian Communities in Lebanon conducted in 2017 by the PCBS, the unemployment rate for Palestinian refugees residing in Lebanon aged 15-19 years was at 43.7 percent, whilst for those aged between 20-29 years, the unemployment rate was 28.5 percent.²⁷⁶ Overall, from the 51,393 Palestinian refugees

²⁶⁶ “Unemployment refers to the share of the labor force that is without work but available for and seeking employment. Definitions of labor force and unemployment differ by country”. The World Bank, ‘Unemployment, total (% of total labor force)’ (ILO, June 2022) [hereinafter World Bank, Unemployment] <<https://data.albankaldawli.org/indicator/SL.UEM.TOTL.ZS>>. Data represents the estimation for the entire population of Jordan; see World Bank Labor Force Participation Rate (n 265).

²⁶⁷ Data represents the estimation for the entire population of Lebanon; see World Bank Labor Force Participation Rate (n 265).

²⁶⁸ Data represents the estimation for the entire population of Syria; see *ibid*.

²⁶⁹ PCBS, Labor Force Survey (n 262).

²⁷⁰ *Ibid*.

²⁷¹ This number reflects the labor force of the entire Palestinian population in 1948 Palestine, including IDPs. See PCBS, Statistical Yearbook 2021 (n 216).

²⁷² World Bank, Unemployment (n 266).

²⁷³ PCBS, Labor Force Survey (n 262).

²⁷⁴ *Ibid*.

²⁷⁵ *Ibid*.

²⁷⁶ PCBS, ‘New census: 174422 Palestinian refugees in Lebanon’ (PCBS, 21 December 2017) <<http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3013>> accessed 3 October 2022.





that made up the labor force, 18.4 percent of them were unemployed.²⁷⁷ Although there have not been any more recent studies focusing on Palestinian refugees in Lebanon, it is likely that the unemployment rate has further increased over the past few years due to the dismal economic crisis in Lebanon, compounded by COVID-19, political unrest, and the currency's depreciation. Some sources have estimated that the unemployment rate in Palestinian camps reached 60 percent,²⁷⁸ while others have placed the rate as high as 80 percent.²⁷⁹

Unemployment among Palestinian refugees is directly related to the restrictive living and working conditions that Palestinians face in Lebanon.²⁸⁰ As Palestinian refugees in Lebanon (PRL) are classified as foreigners, they are barred from working in at least 19 different professions, including medicine and law.²⁸¹ In 2015, UNRWA noted that 36 percent of Palestinians were employed in elementary occupations such as agriculture and cleaning.²⁸² Moreover, only 14 percent of the PRL hold a written employment contract.²⁸³ Palestinian refugees in Lebanon are also excluded from the sickness, maternity and family allowances allocated to Lebanese national citizens, despite the fact that they contribute the full 23.5 percent of their wages to the National Social Security Fund.²⁸⁴ All of these factors exacerbate the already unstable working conditions for PRL.



Students at the UNRWA Wadi Seer Training Centre in Amman, Jordan, 2019 (©UNRWA)

The highest dependency ratio among Palestinian refugees was found in Gaza at 71.1, which

²⁷⁷ *Ibid.*

²⁷⁸ Middle East Monitor, '60% of Palestine refugees in Lebanon now unemployed, activist says' (Middle East Monitor, 8 October 2021) <<https://www.middleeastmonitor.com/20211008-60-of-palestine-refugees-in-lebanon-now-unemployed-activist-says/>> accessed 3 October 2022.

²⁷⁹ Najdeh Association, Development Action Without Borders (Naba'a) and others, 'UPR 2020: Palestinian Refugee Rights in Lebanon' (2020) <<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8181&file=EnglishTranslation>> accessed 3 October 2022.

²⁸⁰ BADIL, 'BADIL's Position Paper: Stop the Ongoing Discrimination against Palestinians Refugees in Lebanon' (2019) <https://www.badil.org/cached_uploads/view/2021/04/20/lebanon-pal-ref-rights-1618905391.pdf> accessed 3 October 2022.

²⁸¹ Samih Eloubeidi and Tina Kempin Reuter, 'Restricting access to employment as a human rights violation: a case study of Palestinian refugees in Lebanon' (2022) *The International Journal of Human Rights* <<https://doi.org/10.1080/13642987.2022.2059657>>; Nada Al-Nashif and Samir El-Khoury, *Palestinian Employment in Lebanon – Facts & Challenges: Labor Force Survey Among Palestinian Refugees Living in Camps and Gathering in Lebanon* (International Labour Organization 2012) <https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_236502.pdf> accessed 3 October 2022.

²⁸² UNRWA, 'Protection Brief: Palestine Refugees Living in Lebanon' (2017) [hereinafter UNRWA-Lebanon, Protection Brief 2017] <https://unrwa.org/sites/default/files/lebanon_protection_brief_october_2017.pdf> accessed 3 October 2022.

²⁸³ *Ibid.*

²⁸⁴ LPDC, 'Palestinian Refugee Rights: Social Security' (LPDC, 2022) <<https://lpdc.gov.lb/rights/social-security/>> accessed 3 October 2022.



means that about two and half persons are depending on one economically active person, while the dependency ratio ranged 44 to 52 in the rest of the regions. The largest family size is 5.6 persons, also found in Gaza, which aligns with its dependency ratio.

Table 2.8: Palestinian Refugees' Dependency Ratio by Region, End of 2021²⁸⁵

Region	Average Family Size	Dependency Ratio
Jordan	5.2	44.4
Lebanon	4.7	47.6
Syria	4.8	47.7
West Bank	5.6	48.7
Gaza Strip	5.6	71.1
Total	5.3	52.0

2.3.2.2. Poverty and Food Insecurity

Palestinians in the oPt, especially refugees and IDPs, suffer from high rates of poverty. As of the end of 2020, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that the poverty rate is 36 percent in the West Bank and 64 percent in the Gaza Strip.²⁸⁶ More than one quarter of Palestinians – 1.4 million individuals – are now considered to be living in poverty. A 2017 PCBS study shows that the poverty rate among refugees is 38.7 percent, while for non-refugees, it stands at 22.3 percent.²⁸⁷ This can be explained by the high unemployment rates, the high dependency ratio, and the larger households in refugee camps in comparison with urban and rural households. Another explanation is provided by the higher poverty level in the Gaza Strip, where the majority of the population are refugees, especially within camps. Moreover, in Gaza, even those who are employed struggle to make a living wage, with 82 percent of private sector employees earning less than the national minimum wage in the second quarter of 2020.²⁸⁸

According to the 2020 Socio-Economic and Food Security Survey, food insecurity in the oPt remains at very high levels, with 31 percent of households classified as being 'food insecure either severe or moderate.' Additionally, those who are severely food insecure increased from 14.6 percent in 2018 to 17.6 by the end of 2020.²⁸⁹ In the Gaza Strip, about 64 percent of households are considered to be moderately (23.6 percent) or severely food insecure (40.65 percent), while in the West Bank, food insecurity was approximately 9 percent. Refugee households also experience higher rates of food insecurity than the rest of the population,

²⁸⁵ UNRWA, Department of Health (n 256).

²⁸⁶ United Nations – The Question of Palestine (UNISPAL), 'Israeli Occupation of Palestinian Territory: In facts and figures' (UNISPAL, 2021) <<https://www.un.org/unispal/in-facts-and-figures/>> accessed 3 October 2022.

²⁸⁷ PCBS, 'Palestinian Central Bureau of Statistics: Poverty Profile in Palestine, 2017' (2017) <https://www.pcbs.gov.ps/Document/pdf/txt_e_poverty2017.pdf?date=16_4_2018_2> accessed 3 October 2022.

²⁸⁸ OCHA, 'Humanitarian Needs Overview 2021: OPT' (2020) <https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno_2021_0.pdf> accessed 3 October 2022.

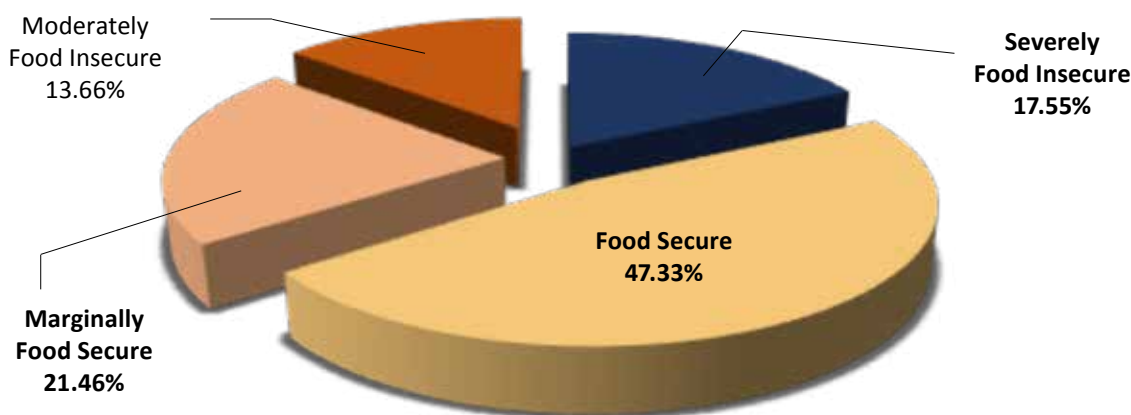
²⁸⁹ Palestine Economic Policy Research Institute (MAS), 'Food Security (SEFSEC)' (MAS, 2020) <<https://mas.ps/en/sefsec>> accessed 3 October 2022.





whereby it was almost 48 percent for refugees in comparison to 17 percent for non-refugees. As for the locality, food insecurity was experienced in refugee camps by 49.38 percent, 33.35 percent in urban areas, and 9.17 percent in rural areas.²⁹⁰

Graph 2.4: Food Security in oPt, 2020²⁹¹



In the same context, UNRWA's 2022 oPt Emergency Appeal stated that about 1.2 million Palestinian refugees in the West Bank and Gaza Strip have been targeted for emergency food assistance, while 47,000 refugees were targeted for cash-for-work opportunities. In the West Bank, 38,350 individuals from Bedouin and herder communities were targeted for emergency food assistance, and about 22,044 Palestinian abject poor refugees are targeted for emergency cash assistance.²⁹²

As for Jordan, poverty rates for Palestinian refugees are higher amongst those living in the camps in comparison to those living outside of camps. A direct positive correlation is noticeable between poverty and household size, health problems, less education, unemployment or the lack of Jordanian nationality.²⁹³ UNRWA statistics show that in 2021, some approximately 59,000 registered refugees in Jordan received cash-based transfers under the Social Safety Net Program (SSNP).²⁹⁴ Palestinian refugees without citizenship in Jordan, including nearly 175,000 forcibly displaced persons from Gaza in 1967 and 19,000 Palestinian refugees from Syria (PRS), are particularly vulnerable to poverty as they have limited employment opportunities and no access to social benefits other than the ones provided by UNRWA. UNRWA's Syria, Lebanon, and Jordan Emergency Appeal 2022 Humanitarian Dashboard reveals that 100 percent of PRS are in need of winterization assistance and emergency cash

²⁹⁰ *Ibid.*

²⁹¹ MAS, 'Publications: Socio-Economic & Food Security Survey 2020 – SEFSEC' (MAS, 2021) <<https://mas.ps/en/publications/5387.html>> accessed 3 October 2022.

²⁹² UNRWA, 'Occupied Palestinian Territory: Emergency Appeal 2022' (2022) <https://www.unrwa.org/sites/default/files/content/resources/2022_opt_ea-english_eng.pdf> accessed 3 October 2022.

²⁹³ Åge A. Tiltne and Huafeng Zhang, *Progress, Challenges, Diversity: Insights into the Socio-Economic Conditions of Palestinian Refugees in Jordan* (FAFO 2013) <https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf> accessed 3 October 2022.

²⁹⁴ UNRWA, 'Annual Operational Report 2020' (2021) <<https://www.un.org/unispal/document/unrwa-annual-operational-report-2020/>> accessed 3 October 2022.



assistance. As for the refugees from Gaza, about 159,100 of them are in need of emergency cash assistance to mitigate the impact of COVID-19.²⁹⁵

The 29,000 PRS in Lebanon are also extremely vulnerable, whereby 87.3 percent are living below the absolute poverty line and 11.3 percent exist in a state of abject poverty. Additionally, 73 percent of Palestinian refugees in Lebanon are living in poverty, and 162,301 are in need of emergency cash assistance.²⁹⁶

UNRWA statistics estimate that, as of April 2022, approximately 438,000 Palestinian refugees remain in Syria, 82 percent of whom are living on less than \$1.90 a day, and 420,000 are in need of cash and in-kind food assistance.²⁹⁷ According to UNRWA records, women account for 60 per cent of the most vulnerable refugee caseload in Syria.²⁹⁸ Moreover, up to 280,000 PRS are currently internally displaced inside Syria and about 145,000 Palestine refugees are identified as extremely vulnerable.

2.3.2.3. Education and Literacy Rates

Education is highly valued in the face of the protracted nature of the Palestinian refugee crisis. It is seen both as an opportunity for a better life and as a means of reaffirming identity. Most refugees benefit from elementary and preparatory education provided by UNRWA schools, which is usually provided until the age of 16, with the exception of Lebanon, where it is provided until the age of 18. Other refugees attend public schools in their host countries, while few of them study in private schools. Access to secondary and higher (tertiary) education is restricted in some host countries, with requirements such as payment of fees at the foreign-student rate. Financial constraints, among other impediments, prevent some refugees from continuing their education (see Chapter 4: Palestinian Refugees in Host States and the International Responsibility, for country-specific information).

Nearly all refugee children are enrolled at the elementary stage, and no statistical differences exist between male and female enrollment at the elementary and preparatory stages. For the scholastic year 2021/2022, about 545,000 students were recorded as enrolled in 702 UNRWA schools across the five regions (278 in Gaza Strip, 161 in Jordan, 102 in Syria, 96 in the West Bank and 65 in Lebanon). About 65 percent of pupils are enrolled in elementary schools (351,000 pupils), and one third are enrolled in preparatory education (187,400 thousand pupils), while enrolment in secondary schools is marginal as it is applicable only to Lebanon UNRWA schools (6,320 students). Moreover, eight vocational training centers are functioning under the supervision of UNRWA, which are currently educating 8,000

²⁹⁵ UNRWA, 'Syria, Lebanon and Jordan Emergency Appeal 2022' (2022), 8 [hereinafter UNRWA 2022 Emergency Appeal] <https://www.unrwa.org/sites/default/files/content/resources/2022_slj_ea_eng_final.pdf> accessed 3 October 2022.

²⁹⁶ *Ibid.*

²⁹⁷ UNRWA, 'Syria - Humanitarian Snapshot, March & April 2022' (2022) [hereinafter UNRWA, Syria Humanitarian Snapshot] <https://www.unrwa.org/sites/default/files/content/resources/syria_-_humanitarian_snapshot_march_april_2022.pdf> accessed 3 October 2022.

²⁹⁸ UNRWA 2022 Emergency Appeal (n 295).



trainees. In the past year, 4,422 trainees graduated from the technical and vocational training educational centres.²⁹⁹

The drop-out rate among Palestinian refugees is quite low, augmenting the argument that education is perceived as important by Palestinian refugees and as worth investing in. Approximately 99 percent of pupils remain in primary education across the five regions, where the West Bank has the highest rate of 99.2 percent and Lebanon has the lowest of 96.6 percent.

About 56 percent of the UNRWA schools are working double shift (72 percent in Gaza Strip, 83 percent in Jordan, 57 percent in Syria, while in Lebanon only 3 percent and in the West Bank 2 percent). The existence of a double shift system indicates a shortage in schools and staff members. In the last five years, UNRWA has reduced its educational staff by 12 percent in comparison to the scholastic year 2017/2018, although student enrollment numbers have increased by 3.4 percent. This has been the most felt in Gaza, where staff numbers declined by 820 persons at 8 percent, while students increased by 6 percent. For Lebanon, the staff declined at 16 percent with a 5 percent for the students in 2021/2022 in comparison to 2017/2018. As for Jordan, there was an 11 percent decline in the staff with a 2 percent increase in the students. Student numbers in the West Bank and Syria declined at 4 percent each in the same period although the decline in the staff was 16 percent and 19 percent respectively.

Table 2.9: UNRWA Schools, Staff, Pupils, and Sex by Region, 2021/2022³⁰⁰

UNRWA Fields of Operations	Number of Schools	Number of Staff	Percentage Female Staff	Number of Students	Percentage Female Students ³⁰¹	Vocational Training Centers	Number of Students at Training Centers
Jordan	161	4,560	51.1	119,780	48	2	2,940
Lebanon	65	1,790	59.2	39,140	52	1	718
Syria	102	1,880	63.3	49,430	49	1	1,400
West Bank	96	2,210	60.6	46,070	60	2	1,000
Gaza Strip	278	9,440	64.0	290,290	48	2	1,860
Total	702	19,880	60.1	544,710	50	8	7,930

2.3.3. Health Indicators in UNRWA's Five Areas of Operation

UNRWA has 140 supervised health facilities and other medical centers. It also facilitates some services through existing health centers in the host countries as UNRWA does not operate its hospitals (except Qalqilya hospital in the West Bank).

²⁹⁹ UNRWA, Statistics Bulletin (n 232).

³⁰⁰ *Ibid.*

³⁰¹ The percentage of female students and number of vocational training centers refers to the scholastic year of 2020/2021, see UNRWA, Statistics Bulletin (n 232); UNRWA, UNRWA in Figures (n 233).

The total number of patients visits or the medical consultations declined in 2020 by 34.0%, as the total was 5.7 million (face to face) compared with 8.7 million medical consultations in 2019. While in 2021, it increased by 5 percent to reach about 6.1 million (face to face), and by 14.3 percent once considering the telemedicine consultation in both years: 6.1 million in 2020 and 7 million in 2021, which is 20 percent less in 2021 than 2019.

During the first year of the pandemic in 2020, a total of 325,811 telemedicine calls were received in all five fields except Lebanon; with an increase of 160 percent, it had been recorded that in 2021, a total of 844,518 telemedicine consultations were implemented of which 767,904 were in Gaza, Syria (46,379), Jordan (28,211), West Bank (2,024). UNRWA recognizes telemedicine both as an efficient solution for safe patient care during the pandemic as well as a good alternative consultation method to avoid unnecessary patient visits to Health Centers.

Table 2.10: UNRWA Health Infrastructure by Region, End of 2021³⁰²

Region/Health Infrastructure	Jordan	Lebanon	Syria	West Bank	Gaza Strip	Total
Number of Primary Health Care Facilities (PHCF)	25	27	23	43	22	140
Number of Health Staff	671	299	431	659	964	3,024
Number of Annual Patient Visits	1,350,000	595,780	809,460	894,950	3,350,000	7,000,190
Number of Hospitalized Patients	2,470	21,500	15,860	25,550	14,500	79,880



UNRWA health centre, Damascus, 2019 (©UNRWA)

³⁰² UNRWA, 'Statistics Bulletin' (UNRWA, 2021) <<https://www.unrwa.org/what-we-do/unrwa-statistics-bulletin>>; UNRWA, UNRWA in Figures (n 233).



The Impact of the Current Crisis in Lebanon on Palestinian Refugees' Access to Health Services

The financial and economic crisis in Lebanon, compounded with UNRWA's funding shortage, has had a detrimental effect on Palestinian refugees' access to health care. Hospitals in Lebanon have generally confronted a shortage of staff, doctors, nurses, and medicine due to hyperinflation and emigration of health professionals.³⁰³ This has impacted Palestinian refugees as UNRWA cooperates with governmental and private hospitals to complement its services at its health centers. Additionally, UNRWA's health services to Palestinian refugees has declined in the past several years due to budgeting constraints. The Agency has also decreased its coverage to 50 percent of treatment for patients with acute diseases, including cancer, and 60 percent of hospitalization for patients with other diseases.³⁰⁴ The increase in hospitalization costs, surgeries, and medicine due to the country's economic crisis has left Palestinian refugees unable to cover their portion of the treatments, and have thus been forced to remain untreated.³⁰⁵

Among 651,720 beneficiaries screened during 2021, five percent (32,531 beneficiaries) were registered to have a disability. While the highest percentage among refugees was in Jordan, the highest number of disabled persons is in the Gaza Strip due to the ongoing cycle of violence and aggression carried out by Israel against the Palestinian people living there.

Table 2.11: Number and Percentage of Patients Identified with Disability at UNRWA Health Centers, End of 2021

UNRWA fields of operations	Female		Male		Total	
	No.	%	No.	%	No.	%
Jordan	2,772	8	1,440	13	4,212	9.7
Lebanon	1,062	3	720	4	1,782	3.6
Syria	1,713	5	1,451	10	3,164	6.6
West Bank	3,867	4	2,310	5	6,177	4.6
Gaza Strip	10,571	4	6,625	5	17,196	4.6
Total	19,985	5	12,546	6	32,531	5.0

³⁰³ Medical Aid for Palestinians, 'Interview: How Lebanon's economic collapse is compounding pandemic woes for Palestinian refugees' (MAP, 20 April 2021) <<https://www.map.org.uk/news/archive/post/1219-interview-how-lebanonas-economic-collapse-is-compounding-pandemic-woes-for-palestinian-refugees>> accessed 3 October 2022.

³⁰⁴ Palestinian Association for Human Rights (Witness), 'How did the economic crisis in Lebanon affect health care services for Palestinian refugees?' (Witness, 3 June 2022) <<https://bit.ly/3TqTAJB>>; Witness, 'The Lebanese crisis and its serious repercussions on the economic and social reality of Palestinian refugees in Lebanon' (2021) <<https://bit.ly/3UP3Z3a>> accessed 3 October 2022.

³⁰⁵ *Ibid.*



2.4. NOTES REGARDING ESTIMATES OF PALESTINIAN REFUGEES AND IDPs (see Table 2.1)

2.4.1. UNRWA Registered 1948 Refugees

UNRWA reported 5,807,653 registered refugees as of 31 December 2021; these figures are based on data voluntarily supplied by those registered refugees. UNRWA registration statistics do not claim to be, and should not be, taken as statistically sound or comprehensive demographic data. This information is collected by UNRWA for its own internal management purposes, and to facilitate certification of refugee eligibility to receive education, health, and relief and social services. New information on births, marriages, deaths, and changes in place of residence is recorded only when a refugee requests the updating of the family registration card issued by the Agency. UNRWA does not carry out a census, house-to-house survey, or any other means of verifying place of residence or other statistical data. Refugees will normally report births, deaths, and marriages when they seek a service from the Agency. Births, for instance, are reported if the family makes use of UNRWA maternity and child health services, or when the child reaches school age if admission is sought to an UNRWA school, or even later if neither of these services are needed. Deaths tend to remain under-reported. While families are encouraged to have a separate registration card for each nuclear family (parents and children), this is not obligatory. Information on family size may therefore include a mix of nuclear and extended families, and in some cases may include as many as four generations.

2.4.2. Non-registered 1948 Refugees

The calculation of 1,220,018 persons as 1948 non-registered refugees at end of 2021 is based on the assumption that, “UNRWA registered refugees represent approximately three-quarters of Palestinian refugees worldwide.”³⁰⁶ This assumption was applied to the calculation for the three regions: Syria, Lebanon and Jordan. As for the oPt, the results of the 2007 PCBS censuses revealed that non-registered 1948 refugees represent 1.43 percent of the total Palestinian population in the oPt. With regards to the growth rate, it was 2.86 percent for 2007, 2.87 percent for 2008, 2.88 percent for the years 2009-2014, 2.9 percent for 2015-2016, 2.5 percent for 2017-2020, and 2.4 percent in 2021.³⁰⁷

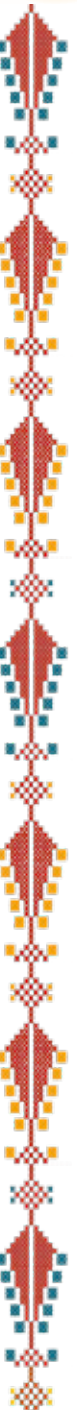
Alternative estimates: Based on *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine*, London, issued by the Palestinian Return Center in 1998, non-registered refugees compose roughly 27.1 percent of registered refugees.³⁰⁸ This would result in a total of 1,573,850, which is higher than the above estimated figure.

³⁰⁶ UNRWA, ‘Refugee Statistics 1953-2000’ (*Palestine Remembered*, 2000) <<http://www.palestineremembered.com/download/RefugeesStats.pdf>> accessed 3 October 2022.

³⁰⁷ PCBS, Statistical Yearbook 2021 (n 216).

³⁰⁸ Salman Abu Sitta, *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine* (Palestinian Return Centre (PRC) 1998).





2.4.3. Estimates of the 1948 Palestinian Refugee Population

The total number of 1948 refugees is calculated by combining UNRWA-registered refugees and non-registered refugees as described above; this figure amounted to 7,027,671 at the end of 2021.

Alternative estimates: *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine*, London - issued by the Palestinian Return Center in 1998 - assumes an average annual growth rate of 3.5 percent for the Palestinian refugee population, based on demographic data collated by British authorities in 1947. Accordingly, the total number of estimated 1948 refugees at the end of 1998 was estimated at 4,942,121. If an adjusted annual growth of 2.5 percent is applied from 1999 onwards, giving proper consideration to the decline of the fertility rate and the annual growth rate, the total number of 1948 refugees (registered and non-registered) would amount to 8,720,920 by the end of 2021.

2.4.4. Estimates of the 1967 Palestinian Refugee Population

The total number of 1967 refugees is estimated at 1,331,311 by the end of 2021. This was calculated by a projection of 240,000 Palestinians who were displaced for the first time in 1967. Using this 240,000-person projection as a starting point, the calculations are based on a growth rate of 3.5 percent until 1999, 3.0 percent during 2000-2006, 2.86 percent for 2007, 2.87 percent for 2008, 2.88 percent between the years 2009-2014, 2.9 for 2015-2016, 2.5 for 2017-2020, and 2.4 percent for 2021.³⁰⁹

This figure includes only persons who were externally displaced for the first time in 1967 (240,000). It does not include internally displaced persons or 1948 refugees displaced for a second time in 1967.³¹⁰ Approximately 193,500 Palestinian refugees were displaced for a second time as a result of Israel's 1967 phase of occupation, while 240,000 non-refugees were displaced for the first time, bringing the total of forcibly displaced persons for this period to more than 430,000. This figure also excludes those refugees who returned under a limited repatriation program between August and September 1967. The figure also does not account for Palestinians who were abroad at the time of the 1967 War and were subsequently unable to return, refugees reunified with family inside the oPt, nor those refugees who returned after 1994 as part of agreements formed under the Oslo peace process.

2.4.5. Palestinian IDPs in 1948 Palestine

It is estimated that there are approximately 439,171 Palestinians who have been internally displaced and remained inside 1948 Palestine since 1948, and their descendants. According to, and as stated by the National Committee for the Rights of the Internally Displaced in Israel: "[O]f the estimated 150,000 Palestinians who remained in Israel proper when the

³⁰⁹ UNGA Res 2252 (ES-V) (n 205).

³¹⁰ Takkenberg (n 58), 17.



last armistice agreement was signed in 1949, some 46,000 were internally displaced, as per UNRWA's 1950 registry record.”³¹¹

Data was calculated on the basis of an estimated average annual growth rate of the Palestinian population inside 1948 Palestine of 3.5 percent for the period 1949-1999, 3.0 percent for 2000-2008, 2.4 percent for the years 2009-2011, 2.2 for the years 2012-2018, 1.9 for 2019, and 1.8 for 2020-2021.

2.4.6. Palestinian IDPs in the oPt since 1967

It is estimated that there are around 372,793 Palestinians internally displaced within the oPt. It is important to note that these estimates include 1948 Palestinian refugees who have subsequently undergone internal displacement in the oPt, as no reliable data exists to indicate the percentage of 1967 IDPs who were also 1948 refugees.

The estimate includes:

- a) During the 1967 War, 10,000 people were displaced as a result of the destruction of three Palestinian villages, ‘Imwas, Bayt Nuba and Yalu, in the oPt. This figure has been adjusted on the basis of the average annual growth rate (3.5 percent until 2005, 3.0 percent for the year 2006, 2.86 for 2007, 2.87 for 2008, 2.88, for the years 2009-2014, 2.9 for 2015-2016, 2.5 for 2017-2020, and 2.4 percent for 2021). At the end of 2021, those displaced and their descendants numbered 57,108.
- b) According to the available data, 227,732 Palestinians have been displaced between 1967 and 2014. Palestinians that were displaced between 1967 and 2011 due to home demolitions by Israeli forces amount to 64,343 people. The estimated number of demolished homes since 1967 is 24,130. This number includes the 6,000 homes demolished directly after the 1967 War in the three villages of ‘Imwas, Bayt Nuba, and Yalu (mentioned above).

In a study conducted by OCHA and other agencies, it is stated that 57 percent of the habitants of demolished homes never returned. Excluding those homes demolished in the villages covered in the previous point, a total of 18,130 homes were demolished between 1967 and 2011. If we apply an average household size of six people, we can estimate that approximately 108,800 people were displaced. Of these, if 57 percent never returned to their home of origin, around 62,000 remain displaced ($24130 - 6000 = 18130 \times 57 \text{ percent} = 10334 \times 6 \text{ persons}$). This figure includes those displaced as a result of the establishment of the “security zone” south of Rafah in Gaza Strip in 2004-2005. It also includes the home demolitions that took place during the 2008-2009 war on the Gaza Strip (estimations vary between 2,000 and 4,000), most of which have not yet been rebuilt.

On top of these estimated 62,000 IDPs, 2,343 people were displaced between 2009 and

³¹¹ The original source is no longer available on the IDMC website as they have removed all information related to IDPs in 1948 Palestine. The source is cited at BADIL, ‘Overview: Palestinian Internally Displaced Persons inside Israel’ (BADIL, 6 November 2002) <<https://www.badil.org/en/publication/press-releases/16-2002/339-press277-02.html>> accessed 3 October 2022.





2011, bringing the total number to 64,343. During the years 2012-2014, two significant events further impacted existing IDPs and created new IDPs. 52,916 people became IDPs across the West Bank and the Gaza Strip in 2012-2013. This includes those displaced during the 2012 military assault on the Gaza Strip and those displaced by home demolitions in the West Bank. Most of those displaced inside Gaza Strip were a result of the damage and destruction caused by Israeli warfare practices, suggesting that, for many, re-building destroyed homes was not possible. Moreover, 517 people became internally displaced in Jerusalem due to home demolitions. In 2014, another Israeli military assault on the Gaza Strip forcibly displaced more than half a million Palestinians, leaving 22,000 as IDPs at the time of writing. The total number of homes and apartments destroyed during the 2012 and 2014 military assaults on the Gaza Strip was 19,257. According to OCHA, from 2006 to April 2022, 12,290 Palestinians were displaced due to home demolitions in the West Bank, including Jerusalem.³¹²

In total, around 211,045 Palestinians became internally displaced, mainly due to home demolitions or destruction between 1967 and 2014. Accounting for the growth rate of 2.5 percent during 2015-2020 and 2.4 percent for 2021, the grand total for this estimated IDP population is 232,150 persons until 2018 and then it reached 249,756, plus 3,104 new IDPs³¹³ due to demolished houses, totaling 252,860 persons. Additionally, 7,287 persons have been displaced as a result of harassment by Israeli-Jewish colonizers in the oPt. At least 1,014 Palestinian homes in the old city of Hebron had been vacated by 2007. Considering average household size in the Hebron district is 5.8 persons, and also taking into account the population growth from 2008 to 2016 and 2.5 percent for 2017-2020 and 2.4 percent for 2022; about 8,600 individuals were displaced in Hebron by 2021.³¹⁴

- c) Another category is Palestinians displaced as a result of revocation of residency rights in Jerusalem. The total number of Jerusalem ID cards held by Palestinians and subsequently confiscated by Israeli authorities since 1967 to the end of 2020 amounts to 14,701 IDs.³¹⁵ This number does not include the children (under the age of 16 years) of persons whose residency status was revoked (other sources estimate that 80,000 Palestinians have been affected by the revocation of Jerusalem ID cards since 1967), nor does it take into account ID cards that may have been reinstated due to a lack of supporting evidence for their original revocation.
- d) Persons who were displaced by the construction of the Apartheid Wall amount to 39,509. This number was calculated by adjusting the 2008 number (27,841 displaced persons) with the population growth of 2.88 percent for 2009-2016, 2.5 percent for 2017-2020, and 2.4 percent for 2021.³¹⁶

³¹² OCHA, Data on Demolition (n 137).

³¹³ *Ibid.*

³¹⁴ B'Tselem and the Association for Civil Rights in Israel (ACRI), 'Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron' (2007) <https://www.btselem.org/download/200705_hebron_eng.pdf> accessed 3 October 2022; B'Tselem, 'Statistics on Revocation of Residency in East Jerusalem' (B'Tselem, 7 April 2021) <https://www.btselem.org/arabic/jerusalem/revocation_statistics> accessed 3 October 2022.

³¹⁵ *Ibid.*

³¹⁶ PCBS, *Jerusalem Statistical Yearbook 2012* (PCBS 2012), 218 <<http://www.pcbs.gov.ps/Downloads/book1891.pdf>> accessed 3 October 2022.





Palestinians in Yarmouk refugee camp, Syria, 2019. (Source: maannews.net)

LEGAL FRAMEWORK ON INTERNATIONAL PROTECTION AND THE SEPARATE PROTECTION FRAMEWORK FOR DISPLACED PALESTINIANS

Displaced Palestinians, whether they are registered refugees, unregistered refugees, or IDPs, are subject to a separate legal protection framework than that which is afforded to other refugees. At the time the Palestinian refugee crisis arose in 1948, the international protection system was underdeveloped – neither the 1951 Convention relating to the Status of Refugees (Refugee Convention), nor the UNHCR existed. Instead, international protection was a piecemeal system that responded to specific crises and circumstances. Therefore, the UN, spearheaded by the Arab states, established two separate agencies to protect and assist Palestinian refugees: (1) the UN Conciliation Commission for Palestine (UNCCP), mandated to advocate for the *protection* of Palestinian refugees as per UNGA Resolution 194 of 1948,³¹⁷ and (2) UNRWA, mandated to provide *assistance* to Palestinian refugees as per UNGA Resolution 302 of 1949.³¹⁸

Aside from the temporal factor that the Refugee Convention and the UNHCR did not yet exist, the creation of a distinct framework for Palestinian refugees was also the result of the political position of Arab states. These states asserted that the UN was directly complicit in creating the Palestinian refugee issue, rendering it responsible for ensuring Palestinian refugees' protection, specifically facilitating their right to return. As stated by the representative of Lebanon at the time:

“... The existence of the Palestine refugees [...] was the direct result of a decision taken by the United Nations itself, with full knowledge of the consequences. The Palestine refugees were therefore a direct responsibility on the part of the United Nations and could not be placed in the general category of refugees without betrayal of that responsibility. Furthermore, the obstacle to their repatriation was not dissatisfaction with their homeland, but the fact that a Member of the United Nations was preventing their return”.³¹⁹

³¹⁷ 194 (III). Palestine - Progress Report of the United Nations Mediator (11 December 1948) UNGA Res A/RES/194 <[https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F194%2520\(III\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F194%2520(III)&Language=E&DeviceType=Desktop&LangRequested=False)> accessed 3 October 2022.

³¹⁸ 302 (IV). Assistance to Palestine Refugees (8 December 1949) UNGA Res A/RES/302 (IV) <<https://www.unrwa.org/content/general-assembly-resolution-302>> accessed 3 October 2022.

³¹⁹ UNGA ‘Refugees and Stateless Persons’ (27 November 1950) UN Doc A/C.3/SR.328, para 47 <<https://digitallibrary.un.org/record/819334?ln=en>> accessed 3 October 2022

To that end, even when the Refugee Convention was later negotiated in 1951, Arab states persisted in their demand that Palestinians continue to be afforded the protection of a special regime. The international protection system for refugees was thus framed in such a way as to underpin the special regime for Palestinians and to only supplement it when necessary.

In reality, however, this separate regime has resulted in a substantial lack of protection for displaced Palestinians. The more than 74 years of uninterrupted Israeli colonial-apartheid policies of forcible transfer are mirrored by a unique protection gap flowing from the misinterpretation and improper implementation of the system initially adopted to afford displaced Palestinians comprehensive protection. This system, rather than granting Palestinians international protection, has been utilized to exclude them from the protection regime of the Refugee Convention and the oversight of UNHCR. Moreover, protection of Palestinian IDPs throughout all of Mandatory Palestine has been undermined by Israel's unwillingness to provide them the protection and assistance to which they are entitled.

To elaborate on how displaced Palestinians have been left in a protection lacuna, the following chapter will first discuss the definition of international protection as well as the general international protection frameworks afforded to refugees. It will then discuss the content and structure of the separate regime for Palestinian refugees and the resultant protection gap. The Chapter also considers the separate regime for Palestinian IDPs.

3.1. INTERNATIONAL PROTECTION: TRIGGERS AND DEFINITIONS

Under international law, one of the primary duties of states is to ensure the protection of its citizens and persons under its sovereignty or jurisdiction. According to the International Committee of the Red Cross (ICRC),³²⁰ protection encompasses:

“All activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e., human rights law, international humanitarian law and refugee law)”.³²¹

When a state is unable or unwilling to ensure such protection, individuals under its jurisdiction may be exposed to such serious violations of their basic rights that they are forced to seek protection elsewhere, abandoning their homes and properties. International law states that in this instance, the international community has the responsibility to provide comprehensive protection to those who are entitled to it, triggering international protection.³²²

The UNHCR states that “international protection includes a range of concrete activities that ensure that all women, men, girls, and boys of concern to UNHCR have equal access to

³²⁰ The ICRC is a humanitarian agency mandated to protect victims of international or internal armed conflicts, under the system consolidated by the 1949 Geneva Conventions and their 1977 Additional Protocols.

³²¹ Carlo Von Flüe, Jacques de Maio, *Third Workshop on Protection for Human Rights and Humanitarian Organizations: Doing something about it and doing it well* (ICRC 1999).

³²² Global Protection Cluster Working Group, *Handbook for the Protection of Internally Displaced Persons* (Global Protection Cluster 2010), 7 <<https://www.refworld.org/docid/4790cbc02.html>> accessed 3 October 2022.





and enjoyment of their rights in accordance with international law [...] [and] the ultimate goal of these activities is to help [refugees] rebuild their lives within a reasonable amount of time”.³²³ The general framework for international protection is expanded upon in the Refugee Convention and its 1967 Protocol.

Tracing the interpretation used in relevant jurisprudence, reports of the Executive Committee of UNHCR,³²⁴ best practices of states, and by non-mandated organizations, international protection encompasses three essential elements:

- Physical safety and security (protection against physical harm);
- Legal protection (ensuring and respecting fundamental human rights and freedoms, including access to justice, legal status, security of properties, and finding a durable solution);
- Material security (ensuring the well-being of the persons involved, that is, to guarantee their human dignity and equal access to basic goods and services).

The framework of international protection similarly applies to both refugees and IDPs although the latter group is only partially covered by the Refugee Convention and its Protocol since they have not crossed an international border. Nonetheless, considering that they have many of the same protection needs as refugees, some principles of refugee law are applicable to IDPs by analogy. The legal framework applicable to IDPs is provided by the UNHCR Guiding Principles on Internal Displacement.³²⁵



Israeli air strikes over Rafah camp, Gaza, August, 2022. (Source: al-ayyam.ps)

³²³ UNHCR, ‘UNHCR and International Protection: A Protection Induction Programme’ (2006), 12 <<https://www.refworld.org/pdfid/466e71c32.pdf>> accessed 3 October 2022.

³²⁴ UNHCR, ‘Notes on International Protection’ (UNHCR, 2022) <<https://www.unhcr.org/search?comid=4a27bb7b6&cid=49aca93a20&tags=Notes%20International%20>>; and UNHCR, *A Thematic Compilation of Executive Committee Conclusions* (UNHCR 2014) <<https://www.unhcr.org/53b26db69.pdf>> accessed 3 October 2022

³²⁵ OCHA, ‘Guiding Principles on Internal Displacement’ (2004) [hereinafter OCHA, Guiding Principles] <<https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>> accessed 3 October 2022.



The UNHCR and the International Protection Framework

The UNCHR, a subsidiary organ of the UN General Assembly, was created in 1950 under Article 22 of the United Nations Charter to serve as the guardian of the international protection framework. While its mandate was initially intended to be short-term, the General Assembly removed this temporal limitation, deciding that the Office should continue to exist “until the refugee problem is solved”.³²⁶

The UNHCR’s function, set out in its 1950 Statute as well as in a range of other resolutions of the UN General Assembly, centers on “providing international protection”.³²⁷ Some of the activities carried out by the High Commissioner to fulfill this mandate are: promoting the passing of international conventions for the protection of refugees at a global and regional level, supervising their application and proposing amendments thereto, promoting national legislation and other measures to ensure the proper identification and appropriate standard and status of asylum seekers and refugees, ensuring the safety and well-being of refugees through national authorities, promoting the admission of refugees, and ensuring that the needs of vulnerable groups (especially women and children) are met.³²⁸ Furthermore, one



Palestinian refugee from Syria in Zaatari refugee camp, Jordan, August 2017 (Source: UNHCR)

of the main duties of the UNHCR is to promote durable solutions for the predicaments of refugees – i.e. voluntary repatriation, local integration or resettlement – according to the principle of voluntary repatriation (as a free and informed choice made by refugees).³²⁹

3.2. GENERAL FRAMEWORK OF INTERNATIONAL PROTECTION FOR REFUGEES

The international protection system established by the Refugee Convention and its 1967 Additional Protocol rests upon the idea that refugees are not just people displaced, but people without protection – a gap that the international community has the responsibility to fill. Under the Refugee Convention and its Protocol, a refugee is defined as:

³²⁶ UNGA ‘Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his office to carry out its mandate’ (2004) GAOR 58th Session Supp No. 49 UN Doc A/RES/58/153.

³²⁷ Statute of the Office of the United Nations High Commissioner for Refugees (adopted 14 December 1950) UNGA Res A/RES/428(V), art 1 [hereinafter UNHCR Statute] <<https://www.unhcr.org/4d944e589.pdf>> accessed 3 October 2022.

³²⁸ Guy Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (Oxford University Press 2007), 426 [hereinafter Goodwin-Gill and McAdam, *Refugee in International Law*].

³²⁹ UNHCR Statute (n 327), art 1; UNHCR, ‘Policy Framework and Implementation Strategy: UNHCR’s Role in Support of the Return and Reintegration of Displaced Populations’ (2008) <<https://www.unhcr.org/partners/guides/4c2203309/policy-framework-implementation-strategy-unhcrs-role-support-return-reintegration.html>> accessed 3 October 2022.





“Someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinions”.³³⁰

One of the principal goals of international protection is the realization of durable solutions for refugees. The UNHCR, as the “guardian” of the international protection framework, is responsible for promoting durable solutions for refugees, which include voluntary repatriation, local integration in the host country, or resettlement in a third country.

Until these durable solutions are facilitated, refugees are entitled to a minimum standard of treatment in host countries, as safeguarded by the Refugee Convention. The Convention recognizes and reinforces various fundamental human rights principles that guide the treatment of refugees, including the principles of non-discrimination, non-penalization and *non-refoulement*. That is, the provisions of the Convention are to be implemented without discrimination based on race, religion or country of origin;³³¹ a refugee is not to be penalized for illegal entry into a country in order to seek asylum;³³² and a refugee is not to be expelled or returned to a territory in which “his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion”.³³³ The principle of *non-refoulement* is considered to be the cornerstone of the Refugee Convention³³⁴ and a peremptory norm of international law,³³⁵ applicable to both formally recognized refugees and to asylum seekers.³³⁶

A corollary of the principle of *non-refoulement* is the principle of voluntariness – specifically voluntary repatriation – as the most appropriate durable solution to the plight of refugees,³³⁷ depending on both the conditions in the country of origin and the country of asylum.³³⁸ A person must be able to make an informed decision about return that is uninfluenced by

³³⁰ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137, art 1(A)(2) [hereinafter Refugee Convention] <<https://www.unhcr.org/4ca34bc29.pdf>> accessed 3 October 2022.

³³¹ *Ibid.*, Preamble & art 3.

³³² *Ibid.*, 31.

³³³ *Ibid.*, 33.

³³⁴ Jean Allain, ‘The *jus-cogens* nature of *non-refoulement*’ (2001) 13(4) International Journal of Refugee Law, 533 <<https://doi.org/10.1093/ijrl/13.4.533>> accessed 3 October 2022.

³³⁵ Note a peremptory norm of international law is “a rule or principle in international law that is so fundamental that it binds all states and does not allow any exceptions”; see Elizabeth Martin, *Oxford Dictionary of Law* (Oxford University Press 2003), 274.

³³⁶ Elihu Lauterpacht and Daniel Bethlehem, *The Scope and Content of the Principle of Non-Refoulement: Opinion* (Cambridge University Press 2003) <<https://www.refworld.org/docid/470a33af0.html>> accessed 3 October 2022. Some basic rights, including the right to be protected against *refoulement*, apply to all asylum seekers solely in light of the fact that they are physically present on the territory of a State signatory to the Refugee Convention. Other rights are instead progressively connected their lawful presence or to their lawful stay. See James C. Hathaway, *The Rights of Refugees Under International Law* (Cambridge University Press 2005).

³³⁷ UNHCR EXCOM ‘Conclusion on Voluntary Repatriation: No. 18 (XXXI)’ (16 October 1980) UN Doc A/35/12/Add.1, clause (a) [hereinafter UNHCR, Voluntary Repatriation No. 18] <<https://www.unhcr.org/excom/exconc/3ae68c6e8/voluntary-repatriation.html>> accessed 3 October 2022; UNHCR Statute (n 327).

³³⁸ *Ibid.*



misinformation and unaffected by an absence of ongoing assistance and/or intentional violations of the Refugee Convention forcing them to return. The state must additionally provide guarantees of safety and non-discrimination.³³⁹ Similarly, the other two durable solutions – integration and resettlement – cannot be enforced against the will of the refugee concerned. These solutions additionally require the consent of the relevant host country or third state in order to be implemented.³⁴⁰

3.2.1. Human Rights Instruments and Refugee Protection

The Refugee Convention is grounded in norms of international human rights law (IHRL), particularly in Article 14 of the 1948 Universal Declaration of Human Rights which recognizes the right of persons to seek and enjoy asylum from persecution in other countries. The rights reinforced by IHRL that set out the minimum standards for the treatment of refugees, as reflected in the Refugee Convention, include, *inter alia*, the right to non-discrimination,³⁴¹ to adequate housing,³⁴² to freedom of movement within the territory of the host state,³⁴³ to primary education,³⁴⁴ to freedom of religion,³⁴⁵ to access the courts,³⁴⁶ and to work.³⁴⁷ Crucially, while the voluntary return of refugees is one of the durable solutions to the plight of refugees, return is also a human right applicable to all persons,³⁴⁸ and is a necessary prerequisite to the realization of self-determination.³⁴⁹

³³⁹ UNHCR, *Handbook on Voluntary Repatriation: International Protection* (UNHCR 1996), section 2.3 [hereinafter UNHCR, *Handbook on Voluntary Repatriation*] <<https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html>> accessed 3 October 2022.

³⁴⁰ Susan Akram and Terry Rempel, 'Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees' (2004) 22(1) *Boston University International Law Journal*, 6 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2461241> accessed 3 October 2022.

³⁴¹ Charter of the United Nations (24 October 1945) 1 UNTS XVI (UNC), art 1 <<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>>; Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III), art 1 [hereinafter UDHR] <<http://www.un.org/en/universal-declaration-human-rights/>> accessed 3 October 2022; International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 26 [hereinafter ICCPR] <<http://www.un-documents.net/iccpr.htm>>; International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, art 3 [hereinafter ICESCR] <<https://www.refworld.org/docid/3ae6b36c0.html>>; Refugee Convention (n 330), art 3.

³⁴² UDHR (n 341), art 25; ICESCR (n 341), art 11(1); Refugee Convention (n 330), art 21.

³⁴³ UDHR (n 341), art 13; ICCPR (n 341), art 12; Refugee Convention (n 330), art 26.

³⁴⁴ UDHR (n 341), art 26; ICCPR (n 341), art 18; ICESCR (n 341), art 13; Convention on the Elimination of all forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) UNTS 1249, art 10; Refugee Convention (n 330), art 22.

³⁴⁵ UDHR (n 341), art 18; ICCPR (n 341), art 18(1); Refugee Convention (n 330), art 4.

³⁴⁶ ICCPR (n 341), art 14; Refugee Convention (n 330), art 15.

³⁴⁷ UDHR (n 341), art 23; ICESCR (n 341), art 6; Refugee Convention (n 330), art 19.

³⁴⁸ UDHR (n 341), art 13(2); Refugee Convention (n 330), art 12(4).

³⁴⁹ BADIL, *Self-Determination* (n 89), 10-11.





3.3. SEPARATE PROTECTION FRAMEWORK FOR PALESTINIAN REFUGEES: CONTENT AND STRUCTURE

A main aspect of the separate protection regime for Palestinian refugees is that they are excluded from the UN's 'universal' scheme for international protection that was elaborated upon above. This is largely due to the position advocated for by Arab states during the drafting of the Refugee Convention to keep Palestinian refugees under the responsibility of special UN agencies (UNCCP and UNRWA). Consequently, the UNHCR Statute was amended with Article 7(c) stipulating that:

“The competence of the High Commissioner [...] shall not extend to a person [...] who continues to receive from other organs or agencies of the UN protection or assistance”.³⁵⁰

In addition to this, the *travaux préparatoires* of the Refugee Convention show that the Arab delegations insisted on the insertion of a clause (Article 1D) that was intended to complement the provision contained in the UNHCR Statute. As a result, Article 1D establishes that:

“This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention”.³⁵¹

In light of the drafting history, and given the purpose that this provision was intended to fulfill, the meaning of the word “or” is that those refugees who are not receiving *either protection or assistance* are to be covered by the alternative protection scheme of the Refugee Convention. The end of effective protection is the crucial event that triggers the applicability of the inclusion clause. For Palestinian refugees and IDPs, that effective protection ended with the cessation of the UNCCP's protection activities, as explained in section 3.4.1 below. Given that UNRWA's mandate was to ensure assistance, and the UNCCP's mandate was to ensure protection, it follows that the function of Article 1D was to ensure that if for some reason *either* of these agencies failed to exercise its role before a final resolution of the refugee situation, that agency's function was to be transferred to the UNHCR, and the Refugee Convention would fully and immediately apply without preconditions to the Palestinian refugees.³⁵²

³⁵⁰ UNHCR Statute (n 327), art 7.

³⁵¹ Refugee Convention (n 330), art 1D.

³⁵² BADIL, Closing Protection Gaps (n 3), 73; Susan Akram, 'Reinterpreting Palestinian Refugee Rights Under International Law, and a Framework for Durable Solutions' (2000) 1 BADIL Brief, 4 <https://badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/Brief-No.1.pdf> accessed 3 October 2022>.



3.3.1. UNCCP

Established under General Assembly Resolution 194 (III) of 11 December 1948,³⁵³ the UNCCP held a dual mandate: to seek conciliation between the parties of the ‘Arab-Israeli conflict’, and to provide protection to Palestinian refugees worldwide. This duality has profoundly informed the UNCCP’s inaction in the years since its establishment. The inherent contradiction between the two objectives of its mandate eventually led the agency to move away from refugee protection in favor of issues that were less contentious between the parties.

Regarding protection, paragraph 11 of UNGA Resolution 194 entrusted the UNCCP to protect the refugees’ most compelling concerns on the basis of the principle of voluntariness—that is, repatriation (or return), property restitution, and payment of compensation for all losses suffered.³⁵⁴ In the early years of operation, many of its activities were similar to the protection functions carried out by UNHCR in other refugee situations. Initially, the UNCCP attempted to persuade Israel to recognize the validity of the right of refugee repatriation. Israel offered a limited repatriation of around 100,000 refugees – an offer that came only in response to American pressure and in the context of Israel’s pending membership to the United Nations. The offer was officially retracted in 1951.³⁵⁵

The UNCCP additionally called for the repeal of the 1950 Absentees’ Property Law, a discriminatory law that continues to this day to confer legitimacy to Israel’s illegal expropriation of Palestinian refugee and IDP property.³⁵⁶ It also aimed to work towards the suspension of all measures by which Palestinian houses have been illegally acquired and occupied, the unfreezing of *waqf* property (property endowed for religious purposes under Islamic law),³⁵⁷ and the facilitation of refugee access to blocked saving accounts and assets in banks that had come under the jurisdiction of Israel.³⁵⁸ Despite these efforts, the Israeli government and the Israeli Custodian of Absentees’ Property retained a significant portion of the monetary value of accounts and assets through the imposition of taxes and administration fees on Palestinian refugees’ properties.

³⁵³ UNGA Res 194 (III) (n 317).

³⁵⁴ Paragraph 11 reads that the UNGA “resolves that the refugees wishing to return to their homes and live at peace with their neighbours 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; and Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation [...]”. See UNGA Res 194 (III) (n 317), para 11.

³⁵⁵ David P. Forsythe, *United Nations Peacemaking: The Conciliation Commission for Palestine* (Johns Hopkins University Press 1972), 70.

³⁵⁶ Absentees’ Property Law (1950) 5710 <<https://www.un.org/unispal/document/auto-insert-209845/>> accessed 3 October 2022.

³⁵⁷ UN Conciliation Commission for Palestine (UNCCP), ‘Work of UNCCP on refugee problem – Conciliation Commission report’ (18 April 1950) UN Doc. A/AC.25/CCPRWA/2, para 43 <<https://www.un.org/unispal/document/auto-insert-211877/>> accessed 3 October 2022.

³⁵⁸ Laura Reanda, ‘The Work of the United Nations Conciliation Commission for Palestine’ in ‘International Conference on Palestine Refugees (Paris, 26-27 April 2000)’ (2000) <<https://www.un.org/unispal/document/auto-insert-209960/>> accessed 3 October 2022.





The objective of the agency therefore gradually shifted from the realization of repatriation for Palestinian refugees to gathering information on refugee property in what is now called Israel, and investigating the possibility of compensation.³⁵⁹ To this end, a UNCCP sub-office designed to investigate compensation alternatives was created by the General Assembly with the passage of Resolution 394 (V) in 1950.³⁶⁰ While records collected by the UNCCP continue to provide the most comprehensive database of Palestinian property to date, the creation of the sub-office marked a significant change in policy, and signaled “the beginning of the demise of [the UNCCP] as anything but a symbol”.³⁶¹ In 1951, the agency officially reached the conclusion that it was unable to fulfill its mandate.³⁶² The rights affirmed in UNGA Resolution 194 (III) were repeatedly deferred in light of what the Commission came to view as the practicalities on the ground, i.e. Israel’s opposition to the return of the refugees.³⁶³

As a result of several factors, namely Israel’s refusal to cooperate, several internal disputes among its members, and the international community’s unwillingness to support it in the fulfillment of its excessively wide and contradictory mandate, the UNCCP effectively ceased its functions by the mid-1950s. Although it was never officially abolished, the UNCCP ceased making any meaningful efforts to uphold its protection mandate. To this day, the only report produced by the UNCCP is a one-page document, published annually, which states that, “it has nothing new to report”.³⁶⁴ No alternate entity has been established or mandated to replace the UNCCP in order to provide protection and facilitate durable solutions to Palestinian refugees. Palestinian refugees have thus been left, uniquely, without any agency mandated to ensure legal protection of their basic rights as refugees.

3.3.2. UNRWA

UNRWA was established in 1949 with UN General Assembly Resolution 302 (IV) to complement the work of the UNCCP by providing assistance in the form of “direct relief

³⁵⁹ See, for example, Susan Akram, ‘Palestinian Refugees and their Legal Status: Rights, Politics and Implications for a Just Solution’ (2002) 31(3) *Journal of Palestine Studies*, 36-51 <<https://doi.org/10.1525/jps.2002.31.3.36>>; Lena El-Malak, ‘Palestinian Refugees in International Law: Status, Challenges, and Solutions’ (2006) 20(3) *Immigration, Asylum and Nationality Law*, 187.

³⁶⁰ UNGA, ‘Palestine: Progress report of the United Nations Conciliation Commission for Palestine; Repatriation or resettlement of Palestine refugees and payment of compensation due to them’ (14 December 1950) UNGA Res 394 (V) <<https://digitallibrary.un.org/record/209554>> accessed 3 October 2022

³⁶¹ Forsythe (n 355), 56.

³⁶² “The present unwillingness of the parties fully to implement the UNGA Resolution under which the Commission is operating, as well as the changes which have occurred in Palestine during the past three years, have made it impossible for the Commission to carry out its mandate”. See UNGA, ‘Progress Report and Supplementary Report of the UN Conciliation Commission for Palestine, covering the period from 23 January to 19 November 1951’ (1951) UN GAOR 6th Session Supp no 18 A/1985, para 79 <<https://digitallibrary.un.org/record/704493?ln=en>> accessed 3 October 2022.

³⁶³ Terry Rempel, ‘The United Nations Conciliation Commission for Palestine, Protection, and a Durable Solution for Palestinian Refugees’ (2000) 5 BADIL Brief, 5 <https://www.badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.5.pdf> accessed 3 October 2022.

³⁶⁴ UNCCP, ‘Seventy-First Report’ (15 August 2017) UN Doc A/72/332 <<https://undocs.org/A/72/332>> accessed 3 October 2022.



and works programs” to Palestinian refugees.³⁶⁵ The Agency has never been underpinned by a specific statute; its mandate derives instead from relevant UNGA and UNSC resolutions and requests addressed to it. Consequently, its mandate is characterized by several ambiguities.

UNRWA provides assistance only to registered “Palestine refugees” (and their descendants) that fall under the Agency’s definition, that is:

“persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict”.³⁶⁶

In order to be eligible to receive UNRWA’s services, refugees need to be present in one of its five geographical areas of operation, namely Jordan, Lebanon, Syria, the Gaza Strip, and the West Bank (including East Jerusalem) and must be in need of assistance. To date, UNRWA provides services to registered Palestinian refugees through five main programs: education, health, relief and social services, microfinance, and emergency assistance. It also provides refugee camps with infrastructure and basic improvements and carries out specific emergency response programs where necessary (as in the case of Palestinian refugees displaced by the Syrian conflict, or those in the Gaza Strip). All projects are funded almost entirely by voluntary contributions from UN Member States. UNRWA maintains the only existing database of 1948 Palestinian refugees and issues them registration cards. UNRWA’s database is unsystematic and statistically incomplete, in that it excludes Palestinian refugees that fall outside the Agency’s definition, it nevertheless includes invaluable information about 5.7 million refugees and their families.

It is important to note that UNRWA’s mandate was originally intended to be short-term.³⁶⁷ However, it has been repeatedly renewed every three years and has been expanded slightly over the years to include legal protections, although these are very limited and specific. During the first six years of its operation, UNRWA initiated programs aimed at reintegrating refugees into the economic life of the region through resettlement, following the recommendations of the UNCCP’s Economic Survey Mission, and on account of the political influence of UNRWA’s main donors, who favored such an approach³⁶⁸ However, due to strained financial resources and strong opposition of Arab states and refugees to resettlement, the project was soon abandoned. In 1959, the UN Secretary-General

³⁶⁵ UNGA Res 302 (IV) (n 318).

³⁶⁶ UNRWA, Palestine Refugees (n 205). Additionally, there are unregistered groups entitled to receive UNRWA’s humanitarian assistance such as persons displaced as a result of 1967 hostilities. See UNGA Res 2252 (ES-V) (n 205).

³⁶⁷ UNGA Res 302 (IV) (n 318), art 6.

³⁶⁸ UNRWA, ‘Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East’ (30 June 1951) UN Doc A/1905; see also Jaber Suleiman, ‘The Ongoing UNRWA Crisis: Context, Dimensions, Prospects and Responses’ (2018) 6 Policy Dialogue Series – Lebanese Palestinian Relations, 8-9 [hereinafter Suleiman, The Ongoing UNRWA Crisis] <<http://www.badil.org/phocadownloadpap/badil-new/resources/docs/individuals/unrwa-crisis-lebanon-en.pdf>> accessed 3 October 2022.





recognized that “no reintegration would be satisfactory, or even possible, were it to be brought about by forcing people into new positions against their will”.³⁶⁹

UNRWA’s role was expanded once again following the Sabra and Shatila massacre that occurred in Lebanon in 1982. In the aftermath of the massacre, the General Assembly issued a resolution conferring UNRWA with an advisory status regarding refugee protection.³⁷⁰ In 1983, 1988 and 1993, similar resolutions reiterated the need for UNRWA to continue its efforts to preserve the security and human rights of the Palestinian refugees in the territory under Israeli occupation since 1967.³⁷¹

Today, UNRWA has come to explicitly recognize its protective role, however it defines protection in general and self-referential terms as “what the Agency does to safeguard and advance the rights of Palestine refugees”³⁷² through service delivery programs and engagement with relevant duty bearers.³⁷³ What was said about UNRWA’s limited capacity to protect Palestinian refugees during humanitarian crises in



Shatila camp, Lebanon. September 2022 (©BADIL)

the early 1980s still largely applies today: “The only means [of protection] at the disposal of [UNRWA] is [...] to report, to warn and to make representations to the authorities responsible”.³⁷⁴ Despite the development of its protective functions, UNRWA continues to lack an explicit mandate to provide the just and durable solution to which Palestinian refugees are entitled, nor adequately equipped to do so. In this way the “protection gap” has remained wide open.

³⁶⁹ UNGA, ‘Report of the Director of the United Nations Relief and Work Agency for Palestine Refugees in the Near East’ (6 November 1952) UN Doc A/RES/614 (VII) <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/079/57/PDF/NR007957.pdf?OpenElement>> accessed 3 October 2022.

³⁷⁰ The Situation in the Middle East (16 December 1982) UNGA Res 37/123 (A-F) <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/426/01/IMG/NR042601.pdf?OpenElement>> accessed 3 October 2022.

³⁷¹ Protection of Palestine Refugees (15 December 1983) UNGA Res 38/83 (I) <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/444/75/IMG/NR044475.pdf?OpenElement>>; UNGA Res 48/40(H) (10 December 1993) UN Doc A/RES/48/40(H) <<https://digitallibrary.un.org/record/179704?ln=en>> accessed 3 October 2022.

³⁷² Nicholas Morris, ‘What Protection Means for UNRWA in Concept and Practice’ (31 March 2008) Consultant’s Report to UNRWA <<https://www.unrwa.org/userfiles/20100118155412.pdf>> accessed 3 October 2022.

³⁷³ UNRWA, ‘What We Do – Protection’ (UNRWA, 26 March 2018) <<https://www.unrwa.org/what-we-do/protection>> accessed 3 October 2022.

³⁷⁴ UNRWA, ‘Report of the Commission General of the UNRWA’ (30 June 1983) UN Doc A/38/13, 7 <<https://digitallibrary.un.org/record/61551?ln=en>> accessed 3 October 2022.



Political Influence of States on UNRWA

UNRWA's status as an agency that is not provided funding within the UN's main budget, and is instead reliant on voluntary funding, puts it in a particularly vulnerable position regarding the political influence of states. While Israel has no proper authority to alter UNRWA's operations, Israel has consistently tried to attack, defame, and delegitimize the Agency. In the service of this aim, it has exerted political pressure on UNRWA donors to induce the defunding of the Agency. The United Kingdom, for example, recently halved its donations to the Agency, and the Gulf states have significantly cut their funding – or, at least, have threatened to do so.³⁷⁵ Similarly, the US, the largest contributor to UNRWA's budget, ceased all of its donations in 2018, with other states like the Netherlands and Switzerland following suit.³⁷⁶ Although these states have since reinstated their donations, the message has been made clear: funding to UNRWA and, more generally, the support of Palestinian refugees, is conditional and vulnerable to political influences in donor states.

A blatant example of this can be found in the “2021-2022 Framework for Cooperation Between [UNRWA] and the USA,” which conditions US funding to UNRWA based on the Agency's compliance with the Framework Agreement's so-called counter-terrorism regulations. These regulations impose a biased vetting and screening process on UNRWA staff and personnel, and Palestinian refugees and beneficiaries. They incorporate section 301(c) of the Foreign Assistance Act of 1961, stating that:

“[n]o contributions by the United States shall be made to UNRWA except on the condition that UNRWA take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestinian Liberation army, or any other guerilla-type organized or who has engaged in any act of terrorism”.

This amounts to labeling Palestinian political and resistance factions as terrorist groups and organizations, contradicting the Palestinian people's right to struggle for self-determination. The Framework Agreement additionally impedes the freedom of expression of UNRWA staff and personnel by imposing restrictions on their political activity in the public sphere. It even intervenes in UNRWA's educational curriculum, imposing obligations to excise any and all Palestinian national and historical content from it. This violates right of Palestinian children to human rights education and imposes improper limits on their ability to later engage in political participation in the pursuit of the realization of their people's right to self-determination.³⁷⁷

Ultimately, Israel – aided by its allies – seeks to eliminate the Palestinian refugee question and to obviate international crimes committed to establish, maintain, and legitimize its colonial-apartheid regime over the Palestinian people and their land. Delegitimizing UNRWA, as well as cutting and conditionalizing its funding, is central to this effort. The Agency has been forced into a financial crisis and induced staffing cuts, and it has been left with a significantly reduced budget for assisting Palestinian refugees.

³⁷⁵ AP News, ‘UAE drastically cut funding for Palestinian refugees in 2020’ (*AP News*, 6 February 2021) <<https://apnews.com/article/middle-east-israel-united-arab-emirates-f25e0734de67b23129da9a8bd656ce47>> accessed 3 October 2022.

³⁷⁶ Euro-Med Monitor, ‘Switzerland and the Netherlands suspend UNRWA funding, undermining Palestinian refugees’ rights,’ (*Euro-Med Human Rights Monitor*, 1 August 2019) <<https://euromedmonitor.org/en/article/3041/Switzerland-and-the-Netherlands-suspend-UNRWA-funding,-undermining-Palestinian-refugees%27-rights>> accessed 3 October 2022.

³⁷⁷ BADIL, Self-Determination (n 89), 10-11.





3.3.3. The Resultant Protection Gap for Palestinian Refugees

Due to the demission of the UNCCP and the limited mandate of assistance afforded to UNRWA, the separate framework that remains is characterized by a serious protection gap for Palestinian refugees. With no UN agency specifically mandated to provide legal protection and seek a durable solution (especially return and property restitution), Palestinian refugees are left in a seemingly permanent state of protracted displacement with no end in sight. This gap is exacerbated by two additional elements.

Firstly, the definition adopted by UNRWA of “Palestine refugee” is a purely administrative one. In contrast to the “global” definition provided by Article 1A(2) of the Refugee Convention and other regional instruments, it fails to effectively include all Palestinians who are in need of refugee protection. UNRWA’s definition simply outlines the criteria necessary for receiving assistance and fails to acknowledge the element of forcible displacement. Moreover, it does not fully encompass the whole range of displaced Palestinians today, instead including only those who were displaced during the 1948 War and who were registered or eligible for registration at that time. In other words, it does not include anyone displaced for the first time in 1967 as a result of the Six Day War. Nor does it include those who were displaced during 1948 but did not qualify for need-based assistance, or those forcibly displaced since 1967 as a result of Israel’s ongoing annexation and colonization of the oPt. Its mandate has been extended by the UNGA to provide humanitarian assistance on an emergency basis only.

Inclusive Definition for Displaced Palestinians

A proper and inclusive definition of Palestinian forcibly displaced persons would include all Palestinian refugees and IDPs without temporal or geographical restrictions, in accordance with international definitions. A just and historically accurate definition would include all Palestinians who were, and continue to be, externally displaced (1948 refugees, presently residing outside the area that became Israel, and also 1967 displaced persons, outside what became the oPt) in the context of the ongoing *Nakba*, as well as their descendants. Temporal and geographical restrictions on who is deemed to be a Palestinian refugee can only serve to deprive parts of the refugee population of their rights and protections, leaving them vulnerable to political exploitation and undermining their legitimacy as an oppressed people deserving of protection and recourse.

Secondly, the narrow and exclusionary interpretation of Article 1D of the Refugee Convention used by the UNHCR and signatory states has worsened the protection gap.³⁷⁸ Crucially, the Convention contains an inclusion clause stating that, when either UNRWA or the UNCCP cease or are unable to fulfill their mandate regarding a given Palestinian refugee, that refugee becomes entitled to status and benefits under the Refugee Convention, without having to fulfil the individualized criteria set out in Article 1A (2). According to the UNHCR, however, the event that triggers the inclusion clause would be the cessation of UNRWA assistance to that individual refugee, as effected by the termination of UNRWA as an agency, the

³⁷⁸ Although UNHCR’s guidelines are not legally binding on national authorities involved in refugee status determination, they may serve as guidance for decision-makers in asylum proceedings.



discontinuation of UNRWA's activities, or any other objective reason outside the control of the person concerned such that the person is (un)able to (re)avail themselves of the protection or assistance of UNRWA.³⁷⁹ It follows that the prevalent interpretation amongst host states dictates that Palestinian refugees must not be receiving any benefits from a UN organ or agency in order to be eligible for Refugee Convention coverage.

The CJEU's Interpretations of Article 1D³⁸⁰

The Court of Justice of the European Union (CJEU) has considered the application of Article 1D to Palestinian refugees in several cases. However, the CJEU's jurisprudence has never recognized the cessation of the UNCCP and its inability to fulfil its protection mandate as grounds to trigger Article 1D's inclusion clause, and instead has largely adopted the false assumption that UNRWA is, in theory, capable of providing protection to Palestinian refugees.

The first CJEU case to consider Article 1D was *Bolbol v Hungary* in 2010, in which the Court found that those who are registered with, or otherwise avail themselves of assistance provided by UNRWA, come within Article 1D and are therefore excluded from refugee status under the Refugee Convention.³⁸¹ As argued by BADIL, however, the application of Article 1D to Palestinian refugees should be determined on the basis of Palestinian origin and experience of displacement, regardless of their use or non-use of services provided by UNRWA. In 2012, the CJEU upheld *Bolbol* in the *El Kott v Hungary* case, adding a restriction at variance with a good-faith interpretation of the plain language of the Refugee Convention. In *El Kott*, the Court specified that the phrase "for any reason" in Article 1D means a reason "beyond the control" and "independent of the volition" of the applicant,³⁸² an interpretation which leaves a high evidentiary burden on the applicant to prove the existence of extreme and exceptional circumstances, and disregards the fact that "the key consideration should be whether a Palestinian refugee is able to access effective protection".³⁸³

The CJEU in *Serin Albeto v Bulgaria* in 2018 found that Palestinians cannot benefit from the inclusion clause in Article 1D if they could be admitted to any area in which UNRWA operates.³⁸⁴ Similarly, the Court found in *Germany v XT* in 2021 that when determining

³⁷⁹ UNHCR, 'Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees' (December 2017) HCR/GIP/17/13 <<https://www.refworld.org/pdfid/5a1836804.pdf>> accessed 3 October 2022; UNHCR, 'Note on UNHCR's Interpretation of Article 1D of the 1951 Convention relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the context of Palestinian refugees seeking international protection' (2013) <<https://www.refworld.org/docid/518cb8c84.html>> accessed 3 October 2022.

³⁸⁰ For more information, see Orchard, Search for Protection (n 171).

³⁸¹ Court of Justice of the European Union (CJEU) Case C-31/09 *Nawras Bolbol v Bevándorlási és Állampolgársági Hivatal* [2010] ECR I-05539.

³⁸² CJEU Case C-364/11 *Mostafa Abed El Karem El Kott and Others v Bevándorlási és Állampolgársági Hivatal* [2012].

³⁸³ Orchard, Search for Protection (n 171), 38.

³⁸⁴ CJEU Case C-585/16 *Serin Albeto v Zamestnik-predsdatel na Darzhavna agentsia za bezhantsite* [2018].





whether a person is no longer receiving protection or assistance from UNRWA or not, national authorities should consider “all the fields of UNRWA’s area of operations which a stateless person of Palestinian origin who has left that area has a concrete possibility of accessing and safely remaining therein”.³⁸⁵ The CJEU’s approach in both of these cases is flawed in its interpretation of Article 1D, and is based on the inaccurate assumption that Palestinian refugees are able to easily enter and gain permission to reside in any given UNRWA service area. The weight of the evidentiary burden should not have to be borne by Palestinian refugees, and they should not have to prove their inability to enter UNRWA service areas in order to be considered a Convention refugee.³⁸⁶

The most recent interpretation of 1D by the CJEU can be found in *NB and AB v UK*. In this case, the Court concluded that, when determining whether UNRWA’s operations have ceased beyond the control of the applicant, the deciding authority of the country of asylum must consider both the situation at the date that the applicant departed from UNRWA’s area of operation as well as the situation at the date of the decision, with the burden of proof falling on the applicant in the case of the former, and the burden of proof falling on the national authority in the case of the latter. Although the emphasis on the government’s responsibility to share the burden of proof is helpful, the process by which evidence is submitted remains difficult or inaccessible to many applicants. The outcome of a decision will also hinge on UNRWA’s ability to fulfill its protection and assistance mandate effectively, disregarding the fact that UNRWA was not designed to provide Palestinian refugees worldwide with comprehensive *protection*.

While the intention of creating a separate legal framework was to ensure an effective protection regime that would beneficially and uniquely address the situation of Palestinian refugees, it instead established a legal distinction which has come to be exploited for the purposes of excluding Palestinian refugees. Israel, with the assistance of the US, has capitalized on this



Israeli policemen detain a Palestinian girl in the Palestinian Bedouin village of Khan al-Ahmar near Jerusalem, 2018 (Source: al-ayyam.ps)

distinction in order to minimize and deny their protection obligations to Palestinian refugees, with the ultimate aim being the liquidation of the Palestinian refugee question as a whole.

³⁸⁵ CJEU Case C-507/19 *Federal Republic of Germany v XT* [2021].

³⁸⁶ CJEU C-349/20 *NB and AB v Secretary of State for the Home Department* [2022].



Table 3.1: Summary of Refugee Protection, 2021

International Standards of Protection for Refugees	General Refugee Protection	The protection gap for Palestinian Refugees
Physical safety and security (protection against physical harm) including <i>non-refoulement</i> .	<ul style="list-style-type: none"> • UNHCR is mandated to provide basic security to refugees. • Signatory states to the Refugee Convention are required to provide asylum and protection and abide by the principle of <i>non-refoulement</i>. 	<ul style="list-style-type: none"> • All states are bound by the principle of <i>non-refoulement</i>, a peremptory norm of international law, but are not necessarily fulfilling it. • Signatory states to the Refugee Convention often apply a misguided and overly broad interpretation of Article 1D to deny basic asylum rights to Palestinian refugees.
Legal protection (ensuring and respecting fundamental human rights and freedoms, including access to justice, legal status, protection of property, and finding a durable solution).	<ul style="list-style-type: none"> • UNHCR is mandated to seek permanent solutions for the problem of refugees, including voluntary repatriation and assimilation. • Signatory states to the Refugee Convention are required to facilitate resettlement and respect the principle of voluntariness of return. 	<ul style="list-style-type: none"> • UNCCP was mandated to legal protection of Palestinian refugees but has abdicated its mandate. • UNRWA has no official mandate to seek durable solutions and does not practically engage in this area. • UNHCR, on the basis of a narrow and misguided interpretation of Article 1D of the Refugee Convention, repudiates any responsibility in this regard. • The international community has proven impotent in the face of Israeli refusal, backed by the United States, to acknowledge Palestinian refugees.
Material security (ensuring the well-being of the persons involved, that is, to guarantee their human dignity and equal access to basic goods and services).	<ul style="list-style-type: none"> • UNHCR is mandated to provide material security to refugees. • Signatory states to the Refugee Convention are required to provide a minimum standard of security based on the principle of non-discrimination. 	<ul style="list-style-type: none"> • UNRWA is mandated to provide services and relief to Palestine refugees only within its five areas of operation (Gaza, West Bank, Lebanon, Syria, and Jordan). • Deficiencies in its mandate, chronic underfunding and consequent budget cuts are increasingly restricting the services it can provide.

The New York Declaration and GCR

In the context of the 2015-2016 influx of refugees into Europe, new, non-binding legal instruments were drafted in order to broadly reappraise the issue of refugees in the international sphere. Among these new instruments were the New York Declaration (NYD) of 2016 and its Comprehensive Refugee Response Framework (CRRF), as well as the Global Compact on Refugees (GCR) of 2018. The NYD and GCR both aim to “promote durable solutions, particularly in protracted refugee situations, with a focus on sustainable and timely return in safety and dignity”. They differ from existing instruments of refugee law by in that they emphasize the importance of addressing the root causes of a given refugee problem, easing pressures on host countries, enhancing refugee self-reliance and resilience, expanding access to third country solutions, in addition to supporting conditions in countries of origin to facilitate a safe and dignified process of return.

However, any effort to utilize the NYD and GCR to pursue durable solutions for Palestinian refugees and IDPs must be coupled with the Palestinian people’s demand for the right to self-determination and their demand that Israel be held accountable for its international crimes. The failure to resolve the Palestinian refugee issue is however not due to a dearth of





legal instruments, but rather due to a lack of political will. Efforts to reappraise international approaches to refugee crises which focus on the drafting of additional legal frameworks should seek to galvanize states and international organizations to politically recommit themselves to the development and safeguarding of effective refugee protection regimes.

A new focus on pursuing the economic self-reliance of Palestinian refugees and expanding the role of host countries in service provision will have damaging consequences. Not only will these changes perpetuate the economic exploitation of Palestinian refugee communities, but they are also likely to bring about a trend of forcible integration and resettlement. This will be tantamount to exempting Israel from its obligations and responsibilities towards the displaced population. The search for durable solutions must be undertaken with reference to Israel if Israel is to be held accountable for its violations of international law.

3.4. GENERAL FRAMEWORK OF INTERNATIONAL PROTECTION FOR IDPs

When safety is sought within the borders of the same country, the situation is deemed to be one of internal displacement. Similar to refugees, the situation of IDPs is often characterized by a failure on the part of the state of origin (or the state that exercises jurisdiction over them) to adequately protect them. IDPs do not have a binding international instrument or body that is exclusively devoted to their protection, nor does identification as an IDP confer specific international legal status.³⁸⁷ This is largely due to deference to the primacy of state sovereignty in public international law. Consequently, while the protection accorded to refugees is framed as *surrogate* protection, the protection of IDPs is one of *complementary* protection existing in parallel with national protection, unless national protection is not available.³⁸⁸

The protection regime of IDPs is grounded in international human rights law, international humanitarian law (in situations of armed conflict), and by norms of refugee law (when applicable). The Guiding Principles on Internal Displacement provide a purely descriptive definition on IDPs:

“Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result or in order to avoid the effects of armed conflict, situation of generalized violence, violations of human rights or natural human-made disasters, and who have not crossed an internationally recognized border”.³⁸⁹

³⁸⁷ The single existing binding instrument aimed at protecting IDPs, the Kampala Convention, has only regional coverage. It has been signed by 39 African states and ratified by 22. See African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (adopted 23 October 2009, entered into force 6 December 2012) <<https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>> accessed 3 October 2022.

³⁸⁸ Catherine Phuong, *The International Protection of Internally Displaced Persons* (Cambridge University Press 2004), 25.

³⁸⁹ OCHA, Guiding Principles (n 325).



While not legally binding *per se*, the Guiding Principles on Internal Displacement “reflect and are consistent with international human rights and humanitarian law and analogous refugee law,”³⁹⁰ and address the protection needed by IDPs, during and after the displacement, including phases of return, resettlement, and reintegration.

3.4.1. UNHCR and the Protection of IDPs

Although the UNHCR Statute confers upon the High Commissioner the authority to protect refugees as defined in terms similar (but not identical) to the Refugee Convention and its Protocol, the competence of the UNHCR has been expanded through General Assembly resolutions and, to some extent, by the UN Economic and Social Council (ECOSOC),³⁹¹ to protect other groups not covered by the Refugee Convention. As a result, the mandate of the UNHCR now covers Refugee Convention refugees, refugees as defined in the Organisation of African Unity Convention and the Cartagena Declaration, returnees, and stateless persons.

Nevertheless, the UNHCR is still not explicitly mandated to provide protection to IDPs. Its mandate has instead been expanded on an *ad hoc* basis under Article 9 of the UNHCR Statute, which authorizes the High Commissioner to “engage in such activities [...] as the General Assembly may determine, within the limits of the resources placed at its disposal”.³⁹² Since the early 1970s, the UNHCR has periodically assisted IDPs.³⁹³ For example, it engages in protection activities when such involvement might contribute to the search for a solution to a refugee problem, when a direct link is present between refugees and IDPs,³⁹⁴ or upon the request of the UN General Assembly or Security Council.³⁹⁵ However, in order to address the concerns of some states regarding fears of interference with national sovereignty, the engagement of the UNHCR first requires a

³⁹⁰ *Ibid.*, v-vi, 1.

³⁹¹ The General Assembly has the power to further develop the functions and activities of the High Commissioner as per para 9 of the UNCHR Statute. In addition, para 3 of the Statute stipulates that the High Commissioner is required to “follow policy directives given him by the General Assembly or the ECOSOC”. See UNHCR, ‘Note on the Mandate of the High Commissioner for Refugees and his Office’ (2013) <<https://www.refworld.org/docid/5268c9474.html>> accessed 3 October 2022. Note also that the functions of the UNHCR may also be expanded upon through “good offices” arrangements and “at the invitation of the Secretary-General”. See UNGA, ‘Report of the United Nations High Commissioner for Refugees’ (1972) GAOR 27th Session Supp No 30 UN Doc A/RES/2956 (XXVII), para 2 <<http://www.unhcr.org/3ae69ee420.html>> accessed 3 October 2022.

³⁹² UNHCR Statute (n 327), art 9.

³⁹³ UNGA, Assistance to Sudanese refugees returning from abroad (12 December 1972) UNGA Res 2958 (XXVII) <<http://www.unhcr.org/afr/excom/bgares/3ae69ef28/assistance-sudanese-refugees-returning-abroad.html>> accessed 3 October 2022, wherein the General Assembly commended UNHCR for its efficient role in the coordination of relief and resettlement operations of refugees “and other displaced persons”.

³⁹⁴ Phuong (n 388), 85.

³⁹⁵ UNHCR EXCOM, ‘Internally Displaced Persons: The Role of the UNHCR’ (20 July 2000) UN Doc EC/50/SC/INF.2 <<https://www.unhcr.org/excom/EXCOM/3ae68d150.pdf>> accessed 3 October 2022. For a description of these operations, see UNHCR, *UNHCR’s Operational Experience with Internally Displaced Persons* (UNHCR 1994), 3-15 <<https://www.unhcr.org/en-us/publications/legal/3d4f95964/unhcrs-operational-experience-internally-displaced-persons.html>>; UNHCR, ‘Protecting Refugees and the Role of UNHCR 2007 -2008’ (2008), 20 <<https://digitallibrary.un.org/record/633514?ln=en>> accessed 3 October 2022.





request from the Secretary-General (or the competent organs of the UN), followed by the consent of the state concerned, and with due consideration for the mandates and expertise of other relevant organizations.³⁹⁶

Since 2005, UN agencies and international organizations have established an inter-agency collaborative approach (the “cluster approach”) in order to coordinate and improve responses to the humanitarian needs of non-refugee situations, marking a considerable step forward for the international protection of IDPs.³⁹⁷

The Role of IHL in Protecting Refugees and IDPs

Article 44 of the Fourth Geneva Convention prohibits detaining powers from treating refugees who do not enjoy the protection of any government as enemy aliens,³⁹⁸ and the First Additional Protocol to the Fourth Geneva Convention establishes refugees as protected persons under all circumstances.³⁹⁹ While refugees are thus granted special protections under international humanitarian law (IHL), the same is not true for IDPs. IHL has not established a binding legal instrument that enforces entitlement specifically for IDPs, though it does provide general protections from a wide range of risks that IDPs often face by prohibiting, *inter alia*, the forcible transfer or deportation of protected persons from an occupied territory,⁴⁰⁰ direct or indiscriminate attacks on civilians and civilian objects;⁴⁰¹ collective punishment;⁴⁰² starvation of civilians as a tactic of warfare;⁴⁰³ and willful killing or torture and inhumane treatment.⁴⁰⁴



Israeli soldiers use Palestinian children as human-shield, West Bank, 2017 (Source: maannews.net)

³⁹⁶ Office of the United Nations High Commissioner for Refugees: resolution adopted by the General Assembly (12 February 1999) UNGA Res 53/125 <<http://www.refworld.org/docid/3b00f52c0.html>> accessed 3 October 2022.

³⁹⁷ UNHCR, ‘Cluster Approach (IASC)’ in UNHCR, *Emergency Handbook* (UNHCR 2019) <<https://emergency.unhcr.org/entry/61190/cluster-approach-iasc>> accessed 3 October 2022. For more on UNHCR’s role regarding IDPs, see UNHCR, ‘Informal Consultative Meeting: The Protection of Internally Displaced Persons and the Role of UNHCR’ (2007) <<http://www.refworld.org/docid/45ddc5c04.html>> accessed 3 October 2022.

³⁹⁸ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, art 44 [hereinafter Fourth Geneva Convention] <https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf> accessed 3 October 2022.

³⁹⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 7 [hereinafter Additional Protocol I] <<https://www.refworld.org/docid/3ae6b36b4.html>> accessed 3 October 2022.

⁴⁰⁰ Fourth Geneva Convention (n 398), art 49; Additional Protocol I (n 399), art 85(4)(a); Rome Statute of the International Criminal Court (17 July 1998) 2187 UNTS 90, art 8(2)(b)(viii) [hereinafter Rome Statute] <<https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>> accessed 3 October 2022.

⁴⁰¹ Additional Protocol I (n 399), art 85(3)(a-b).

⁴⁰² Fourth Geneva Convention (n 398), art 33; Additional Protocol I (n 399), art 75(2)(d).

⁴⁰³ Fourth Geneva Convention (n 398), art 55; Additional Protocol I (n 399), art 54(1).

⁴⁰⁴ Fourth Geneva Convention (n 398), art 47; Additional Protocol I (n 399), art 75(2)(a).



3.5. A SEPARATE LEGAL FRAMEWORK FOR PALESTINIAN IDPs

As outlined above, the responsibility for the protection of IDPs lies primarily with states. For internally displaced Palestinians, Israel has legal obligations in two respects – towards Palestinians with an Israeli citizenship living inside 1948 Palestine, and towards the Palestinian population of the oPt, in light of the duties that derive from its status as an occupying power under IHL. Palestinian IDPs are thus split into two main groups: (1) Palestinian IDPs in the area that became ‘Israel’ in 1948, including those displaced during and after the 1948 War and their descendants, and (2) Palestinians displaced in the oPt since 1967 as a result of Israeli policies of colonization and forcible displacement. The latter group may include some 1948 Palestinian refugees initially displaced in 1948, who have later experienced secondary displacement within the oPt.

3.5.1. 1948 IDPs: IDPs Inside 1948 Palestine

Although Palestinians who were internally displaced during and after the 1948 War were granted Israeli citizenship under the 1952 Israeli Citizenship Law, they are considered to be ‘absentees’ under Israeli law. This is the case despite the fact that they remained in their homeland. To this



Israeli police detain a Palestinian bedouin woman in the Naqab, 2022.
(Source: almayadeen.net)

day they are systematically blocked from returning to their homes and recovering their property.

Initially, Palestinian IDPs in 1948 Palestine were receiving humanitarian assistance from UNRWA, but in 1952 an agreement was reached between Israel and UNRWA to shift the administration and responsibility for internally displaced Palestinians to Israel.⁴⁰⁵ While UNRWA's motives were essentially economic due to a funding shortfall, Israel's reasons for

the agreement were political,⁴⁰⁶ as Israel saw the involvement of the international community as a factor pushing internally displaced Palestinians to demand the right of return.⁴⁰⁷

⁴⁰⁵ UNRWA Commissioner-General, ‘Annual report of the Director of UNRWA covering the period 1 July 1951 to 30 June 1952’ (1952) GAOR seventh session UN Doc supp No. 13 A/2171, 2 <<https://digitallibrary.un.org/record/708479?ln=en>> accessed 3 October 2022.

⁴⁰⁶ The three main components of Israeli policy towards Palestinian IDPs at that time were: i) to give IDPs the opportunity to make a dignified living; ii) to cut the bond between the displaced and their land in their villages of origin; iii) to end their legal status as refugees. See Hillel Cohen, ‘How has Israel dealt with the Internally Displaced?’ (2006) 30-31 *Al Majdal*, 25-29 <https://www.badil.org/cached_uploads/view/2021/05/06/al-majdal-30-31-1620308708.pdf> accessed 3 October 2022; Hillel Cohen, *Present Absentees: Palestinian Refugees in Israel Since 1948* (Institute for Israeli-Arab Studies 2001).

⁴⁰⁷ Nihad Boqa'i, ‘Palestinian Internally Displaced Persons inside Israel: Challenging the Solid Structures’ (2003) 15-16(3) *Palestine-Israel Journal* <<https://pij.org/articles/1218/palestinian-internally-displaced-persons-inside-israel-challenging-the-solid-structures>> accessed 3 October 2022.



The IDP Protection Gap in 1948 Palestine: Al-Naqab

Since its creation, Israel has been enforcing policies to “Judaize” Al-Naqab. This is instrumentalized through the passing of discriminatory laws and the promotion of government-backed organizations, like the Jewish National Fund, to expropriate the land and ethnically cleanse its indigenous Palestinian population. Land is often confiscated under the pretext that it will undergo ‘afforestation’ and be planted with trees, and by declaring areas as ‘nature reserves’ or closed military zones. Israel has continuously subjected Palestinian Bedouin communities in Al-Naqab to forcible displacement, demolishing civilian infrastructure and thousands of homes and confiscating livestock and farming equipment, all while violently suppressing any resistance to these illegal policies. Palestinian villages in Al-Naqab are generally unrecognized by Israel; consequently, their residents are denied basic services, as well as their right to political participation. They also lack access to education and healthcare. The Knesset’s recent “Praver Plan” authorizes the demolition of 35 villages and the forcible displacement of over 70,000 Palestinians, and aims to impel affected Palestinian communities to live in urban ghettos. This would sever them from their pastoral lifestyle and isolate them from the rest of the Palestinian population.

Israel’s policies and practices in Al-Naqab are explicitly aimed at erasing Palestinians from their land and engineering a Jewish demographic majority. In the village of Ras Jrabah, for example, 500 Palestinian Bedouin villagers are under imminent threat of forcible displacement after Israeli authorities filed 10 eviction lawsuits against 127 households. The goal of the authorities is to force the villagers into “segregated, impoverished Bedouin-only towns in order to expand the primarily Jewish city of Dimona”.⁴⁰⁸ Similarly, Israel intends to build two major Jewish-only towns in Al-Naqab that will house up to 125,000 colonizers; these towns will encircle the Palestinian village of Kasifa and town of Tel-Arad,⁴⁰⁹ as part of a planning scheme designed to prevent the expansion of Palestinian built-up areas. This will cause overcrowding and ultimately more Palestinians will be forced to leave.

Many of the Palestinian IDPs who are affected by these criminal policies have been forcibly displaced multiple times by Israel. The international legal framework on the protection of IDPs is deficient in the case of Palestinian IDPs, especially those who live in 1948 Palestine, as the recognition and realization is dictated by Israeli will, or lack thereof, to do so.

3.5.2. 1967 IDPs: IDPs in the oPt

Unlike IDPs inside 1948 Palestine, who were displaced during an armed conflict, the vast majority of Palestinian IDPs inside the West Bank and the Gaza Strip were displaced after the 1948 war. Internal displacement in the oPt arises as a result of specific policies⁴¹⁰ aimed at the

⁴⁰⁸ UN News, ‘Rights experts urge Israel to cease eviction and demolition of Bedouin village’ (*UN News*, 3 June 2022) <<https://news.un.org/en/story/2022/06/1119692>> accessed 3 October 2022

⁴⁰⁹ Middle East Eye, ‘Israel plans to build ten new Jewish towns in Naqab region’ (*Middle East Eye*, 24 March 2022) <<https://www.middleeasteye.net/news/israel-naqab-plans-ten-jewish-towns>> accessed 3 October 2022.

⁴¹⁰ For more information on Israel’s policies of forcible transfer throughout all of Mandatory Palestine, see BADIL, Working Papers No. 15-22 on Forcible Transfer <<http://www.badil.org/en/publication/research/working-papers.html>> accessed 3 October 2022.

alteration of the demographic composition of the territory. These policies create a coercive environment that eventually results in forcible population transfer.⁴¹¹

Internally displaced Palestinians in the West Bank and the Gaza Strip currently lack protection due to the absence of a state which is willing and able to provide such protection. On the one hand, Israel is refusing to abide by IHL which obligates it to provide protection to the civilian population.⁴¹² On the other hand, the PA is currently not able to provide protection for the Palestinian population as a result of the effective control exercised by Israel on the territory, particularly over Area C, where, in accordance with the Oslo Accords, Israel continues to exercise full civil and security control over Palestinians.⁴¹³

The IDP Protection Gap in the oPt

The Protection Gap in Gaza Strip

The majority of the Palestinian population in Gaza are refugees registered with UNRWA, and most of them are people who have been internally displaced multiple times since the 1948 *Nakba*. Despite it falsely claiming that it no longer occupies Gaza, Israel still maintains full effective control within the meaning of Article 42 of The Hague Regulations and Article 6 of the Fourth Geneva Convention over the Palestinian population in the territory, as well as over airspace, territorial waters, and borders. Throughout the past three decades, Israel has unleashed multiple direct and indiscriminate attacks against the Palestinian civilian population in Gaza, killing thousands, devastating civilian infrastructure, and displacing the majority of the population multiple times. Israel combines the ‘hot’ violence of its bombings, military operations, and violent suppression of protests in Gaza with the ‘cold’ violence of its unending, suffocating blockade. During Israel’s attack on Gaza in May 2021 alone, more than 120,000 Palestinians were internally displaced.⁴¹⁴ Similarly, Israel’s most recent onslaught on Gaza in August 2022 – which murdered 49 Palestinians, including 17 children – internally displaced more than 450 people.⁴¹⁵ Thus, Palestinian IDPs in Gaza are in a unique position in which they are being physically prevented from returning to their homes in other areas of Mandatory Palestine, but are also under the imminent threat of continuous displacement within the borders of Gaza at the hands of Israel.

⁴¹¹ Reynolds and BADIL, Coercive Environments (n 230).

⁴¹² Fourth Geneva Convention (n 398), art 47.

⁴¹³ Despite the fact that Israel formally retired its troops from the Gaza Strip in 2005, it still should be considered as exercising effective control over the territory. See BADIL, ‘No Safe Place: Crimes Against Humanity and War Crimes Perpetrated by High-Level Israeli Officials in the Course of “Operation Protective Edge”’ (2016) Submission to the International Criminal Court <<https://reliefweb.int/report/occupied-palestinian-territory/no-safe-place-crimes-against-humanity-and-war-crimes>> accessed 3 October 2022. In the 2004 Wall Advisory Opinion, the International Court of Justice (ICJ) recognized the applicability in the oPt of Human Rights instruments such the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and cultural Rights and the United Nations Conventions on the Rights of the Child. See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (ICJ Advisory Opinion) 2004, paras 107-113 [hereinafter Wall Advisory Opinion] <<https://www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>> accessed 3 October 2022.

⁴¹⁴ Euro-Med Monitor, ‘Israel’s violations in its latest attack on Gaza’ (*Euro-Med Monitor*, 27 May 2021) <<https://bit.ly/3SYi39J>> accessed 3 October 2022.

⁴¹⁵ Anera, ‘Palestine Situation Report’ (*Anera*, 9 August 2022) <<https://www.anera.org/blog/aneras-situation-report-from-gaza/>> accessed 3 October 2022.





The Protection Gap in Masafer Yatta

Palestinians living in Masafer Yatta, a collection of 19 small villages and homesteads in the South Al-Khalil Hills, have been under the threat of forcible transfer since the Israeli military declared the area to be ‘Firing Zone 918’, a closed military zone, in the 1980s. Today, around 1,150 Palestinians live in Masafer Yatta, comprising 215 households. The Israeli High Court of Justice (HCJ) recognized in a 1999 injunction that Palestinians had been living on the land before it was declared to be a firing zone, and therefore could not lawfully be evicted. However, in May 2022, after the Israeli military sought to expel all Palestinian residents under the pretext that the area be used for military training exercises, the HCJ rescinded the injunction and stated that there were no legal barriers to the evictions going ahead. Dozens of homes, particularly in the villages of Khirbet al-Fakhiet and Mirkez, have since been demolished. Israeli colonizers living in the nearby colonies such as Mitzpe Yair and Maon frequently terrorize Palestinian residents under the visible protection of Israeli soldiers. Efforts of local activists and humanitarian organisations to protect and develop basic infrastructure in the area are hampered by Israeli authorities, who have imposed blanket ‘stop work’ orders on all Palestinian construction, and simultaneously refuse to issue building permits. All four schools in the area, as well as all four medical clinics, have been issued with demolition orders. In June 2022, Israeli live-fire military exercises started in Masafer Yatta, putting the lives and property of Palestinian residents living in the area in serious danger. It is clear that in Masafer Yatta, the Israeli colonial courts, the military, and the colonial settler movement are acting in unison to create a coercive environment with the aim of precipitating the forcible transfer of Palestinians from their ancestral lands.⁴¹⁶

The Protection Gap in Sheikh Jarrah

For decades, Israel has been attempting to displace Palestinians living in Sheikh Jarrah, a neighborhood in Jerusalem, after Israeli courts declared that a Jewish organization in fact owned the land on which the neighborhood was built. This attack is carried out as part of Israel’s broader campaign to ethnically cleanse Jerusalem of Palestinians and “secure the future of Jerusalem as a Jewish capital for the Jewish people”.⁴¹⁷ Over 550 Palestinians in Sheikh Jarrah are at risk of a second displacement, given that they are also 1948 refugees who relocated to the neighborhood after the *Nakba*. Israel is seeking to replace these Palestinian residents with colonizers, and to use their lands and properties for the benefit of various settler-colonial organizations such as Elad and Ateret Cohanim. These organizations specialize in using Israel’s colonial laws to file ‘eviction lawsuits’ against Palestinian property owners in order to control Palestinian estates through complex purchases that do not involve the actual Palestinian owners of the property.⁴¹⁸ To justify its blatant violations of international law, Israel has employed its colonial-apartheid courts to effect the forcible displacement of Sheikh Jarrah residents via a long-winded, bureaucratic process. The people of Sheikh Jarrah are thus forced to live in an unending situation of precarity, without legal protection as IDPs and under continuous harassment from Israeli soldiers and colonizer ‘settlers’, with any act of resistance being subject to violent punishment.

⁴¹⁶ OCHA, Masafer Yatta (n 144).

⁴¹⁷ Arie King, quoted in Joel Beinin, ‘Sheikh Jarrah: Epicentre of Israel’s plan for Jewish supremacy in Jerusalem’ (*Middle East Eye*, 20 May 2021) <<https://www.middleeasteye.net/opinion/israel-palestine-sheikh-jarrah-judaize-jerusalem>> accessed 3 October 2022.

⁴¹⁸ OCHA, ‘Palestinian family evicted from its home in East Jerusalem’ (OCHA, 10 December 2020) <<https://www.ochaopt.org/content/palestinian-family-evicted-its-home-east-jerusalem>> accessed 3 October 2022.




3.5.3. The Protection Gap for Palestinian IDPs

International legal approaches to the situation of IDPs worldwide are dominated by state-centric concerns regarding principles of sovereignty and non-interference. Palestinian IDPs, who have been and continue to be displaced throughout all of Mandatory Palestine, are particularly vulnerable in the light of these dominant preoccupations. To date, no single international or national agency has been tasked to have an explicit protection mandate for internally displaced Palestinians, who are severely marginalized as a result. Palestinian IDPs inside 1948 Palestine face social and institutional discrimination as non-Jews in a Jewish state. Palestinian IDPs in the West Bank and the Gaza Strip suffer at the hands of Israel’s belligerent occupation, under which practices of colonization, Apartheid, and forcible transfer are enacted.

Palestinian IDPs are thus in a uniquely concerning position as Israel is not only violating their rights and refusing to protect them but is also actively increasing the number of Palestinians who become IDPs through its coercive policies that are deliberately designed to cause forcible displacement. The international legal framework at present therefore has major deficiencies, given that IDPs presently would have to rely on the largesse of Israel, the very same state which has displaced them, to seek protection.

Table 3.2: Summary of IDP Protection, 2021

Protection to which Palestinian IDPs are entitled		
Palestinians in 1948 Palestine	Palestinians in the oPt	Palestinians in exile, including those experiencing secondary displacement
General protection accorded to IDPs under international human rights law (IHRL)	<ul style="list-style-type: none">• If refugees: special protection framework for Palestinian refugees + IHL• If IDPs: general protection accorded to IDPs (IHRL and IHL)	If refugees: special protection framework for Palestinian refugees
<div></div> <div><p>Palestinian refugees continue to risk their lives onboard Europe-bound vessels or via mountainous borderlands trying to safely get to a European destination, fleeing war, persecution, and economic hardship. (Source: prc.org.uk)</p></div>		



PALESTINIAN REFUGEES IN HOST STATES AND THE INTERNATIONAL RESPONSIBILITY

For the last 74 years, Palestinian refugees and IDPs have been living in an increasingly precarious and unsustainable limbo as they continue to be neglected, targeted, and subject to the politically-motivated whims of the host states in which they reside. In many cases, host states are actively violating the basic rights of Palestinian refugees and IDPs. Palestinian refugees are overwhelmingly dealt with under discriminatory national legislation that deprives them of their basic entitlements. They are additionally subject to violations of customary international law (including the violation of the principle of non-refoulement) and often find themselves neglected and attacked by states that are not only allied with Israel but are also complicit in supporting the same Israeli policies that have caused their ongoing displacement and dispossession. In the same vein, Palestinian refugees and IDPs are confronted with an international community that lacks the political will to alleviate their suffering, guarantee their basic rights, and facilitate durable solutions to their plight. To elaborate on this, the following Chapter will first discuss Israel's obligations towards Palestinian refugees and IDPs. It will then provide an overview of the status and situation of Palestinian refugees in UNRWA's areas of operations, Arab host states, and Western host states. The Chapter will conclude with an analysis of the international community's obligations towards Palestinian refugees, the complicity of powerful Western states, the failure of the international community as a whole, and the role that the international community is able to play in facilitating a just solution to the Palestinian refugee and IDP issue.

4.1. ISRAEL: OBLIGATIONS AND RESPONSIBILITIES TOWARDS PALESTINIAN REFUGEES AND IDPs

Albeit not a host country per se, there are 439,171 Palestinian IDPs in 1948 Palestine and 2,407,662 UNRWA registered refugees as well as 372,793 IDPs under its jurisdiction in the oPt. Israel has specific obligations towards those Palestinian refugees and IDPs who remain within the borders of Mandatory Palestine. As the sole perpetrator of the Palestinian refugee crisis, Israel also has general obligations towards all 9.17 million Palestinian refugees and IDPs – both those in Mandatory Palestine and those elsewhere.

In regards to its specific obligations towards displaced Palestinians who remain within Mandatory

Palestine, Israel is bound by the general obligation of protection in the entire territory over which it exercises its jurisdiction, comprising 1948 Palestine and the oPt. This is derived from international law whereby individual states have the primary responsibility to safeguard the rights of their citizens and those subject to their authority and jurisdiction. Nevertheless, a preliminary distinction is necessary in order to fully understand the range and sources of its duties.

■ Israeli Obligation and Non-Compliance with its Duty to Protect Palestinians with Israeli Citizenship

Israel has a duty to respect obligations stemming from IHRL, which include, *inter alia*, the prohibition of the arbitrary displacement of persons subject to its jurisdiction, including Palestinians with Israeli citizenship. This acts as the corollary of the fundamental human right to freedom of movement, encompassing the right to choose a place of residence within a person's country, and to leave and enter that country.⁴¹⁹ Arbitrary forced displacement that is based on discrimination,⁴²⁰ Apartheid,⁴²¹ or ethnic cleansing is unlawful under IHRL.

Within its borders, Israel acts as a state and therefore its obligation to protect its citizens is the same that is applied to all other states. However, not only has Israel failed to abide by this obligation, it has continually and intentionally displaced Palestinians within and outside that territory. As discussed in Chapter 2, the expulsion of approximately 85 percent of the Palestinian population from the territory between 1947-1949 was only the beginning of Israel's forced displacement. The ongoing displacement of Palestinians with an Israeli citizenship has not stopped since, as Israel continues to implement policies of denial of residency and return, land confiscation, discriminatory zoning and planning, denial of services, and institutional discrimination to perpetuate and further displace Palestinians and advance the 'Judaization' of the territory.

■ Israeli Obligation and Non-Compliance with its Duty to Protect Palestinians in the oPt

IHRL remains an applicable legal framework in situations of occupation. In addition to it, Israel is also bound by obligations affirmed by IHL, which require an occupying state to protect the civilian population of the occupied territory.⁴²² The prohibition of forced displacement is even stricter under IHL than IHRL: individual or mass forcible transfer not only amounts to a grave breach, but also a war crime under the Rome Statute of the International Criminal Court.⁴²³ This prohibition is subject only to the narrow caveat of

⁴¹⁹ ICCPR (n 341), General Comment No. 27.

⁴²⁰ International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195, Art. 5(d) [hereinafter CERD] <<https://www.ohchr.org/sites/default/files/cerd.pdf>> accessed 3 October 2022.

⁴²¹ International Convention on the Suppression and Punishment of the Crime of Apartheid (adopted 30 November 1973, entered into force 18 July 1976) A/RES/3068(XXVIII) [hereinafter Apartheid Convention] <https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf> accessed 3 October 2022.

⁴²² See Wall Advisory Opinion (n 413), 106.

⁴²³ Rome Statute (n 400), art 8(2)(b)(viii).





imperative military reasons or security of the population, and even then, there are strict criteria under which transfer may happen – and if it does, it must be temporary and for the safety of the population.

As the Occupying Power, Israel is therefore prohibited from forcibly displacing any Palestinian in the oPt unless for those reasons. Notwithstanding this prohibition, Israel has established a system of oppression and forcible transfer aimed at transferring Palestinians from their homes in order to empty the land for further colonial expansion. These various policies of forcible transfer have resulted in large numbers of Palestinians becoming internally displaced inside the oPt, as demonstrated by the amount of 372,793 IDPs in the West Bank and Gaza Strip.

As for Israel's general obligation towards all displaced Palestinians, it emanates from its commission of an internationally wrongful act, that is, forcibly displacing Palestinians. Under the Law of State Responsibility as set out in the International Law Commission's (ILC) Draft Articles on the Responsibility of States for Internationally Wrongful Acts ("Draft Articles"), states are under an obligation not to commit an internationally wrongful act.⁴²⁴ Upon the commission of such an act, the state concerned is under obligation to:

- Cease the act if it is continuing;
- Offer assurances of non-repetition;
- Make full reparation for injury caused, including the realization of the right of return.

Reparations may take the form of restitution, compensation or satisfaction.⁴²⁵ Furthermore, in its commentary to the Draft Articles, the ILC clarifies that for a state to make 'full reparation,' it must endeavor to "wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed."⁴²⁶ Based on this legal framework, Israel is obligated to end all arbitrary forced displacement of the Palestinian population who hold Israeli citizenship as well as the one in the oPt. Moreover, it has the obligation to provide reparations. In the Palestinian case, reparations include repatriation to their homes, compensation, and property restitution⁴²⁷ outlined in the UNGA 194 (III) as the primary durable solution.⁴²⁸

Legal Status

Although Israel has the primary responsibility to safeguard the rights of Palestinians in the territory, both those with Israeli citizenship, and those subject to its jurisdiction (including refugees and IDPs), it actually operates a regime that denies their most basic rights. Via a system akin to that of apartheid South Africa's Pass Laws, Israel has classified and categorized

⁴²⁴ International Law Commission, 'Draft articles on Responsibility of States for Internationally Wrongful Acts' (2001) Supplement No. 10 (A/56/10), ch IV.E.1, art 31 [hereinafter ILC Draft Articles] <https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf> accessed 3 October 2022.

⁴²⁵ *Ibid.*, 28-39; Forms of reparations as per the Draft Articles include restitution, compensation and satisfaction.

⁴²⁶ *Ibid.*, art 31.

⁴²⁷ BADIL, Denial of Reparations (n 45), 28-32.

⁴²⁸ UNGA Res 194 (III) (n 317).



the Palestinian population with the explicit intent of segregating, fragmenting, and isolating the Palestinian people in order to disrupt the integrity and continuity of their collective identity.⁴²⁹ Through Israeli control over the Palestinian population registry, the Palestinian people have been divided into five main population categories and several subcategories, namely: Palestinians with Israeli citizenship, Palestinian with ‘permanent’ Jerusalemite residency, Palestinians with a West Bank ID card, Palestinians with a Gaza ID card, and Palestinian refugees living in forced exile without any ‘official’ legal affiliation to Mandate Palestine.⁴³⁰ Israel has thus intentionally created a hierarchical system of Apartheid in which Jewish Israelis have full access to their rights and Palestinians are deprived of their rights to varying degrees, depending on which ‘category’ they belong to.

Recognition of Basic Rights

- **Right of Return:** The 1950 Law of Return states that all Jews, and only Jews, wherever they may be, have a right to obtain Israeli citizenship and live in 1948 Palestine. In contrast, the Nationality Law of 1952 expressly repealed the 1925 Citizenship Order recognizing a Palestinian nationality in Mandatory Palestine and refused to provide citizenship for the over 750,000 Palestinian nationals that had usually resided in the territory. Furthermore, throughout the years, Israel has responded with disproportionate violence against any Palestinian who has attempted to return to their indigenous homeland, as observed by Israel’s anti-returnee, or “infiltrator”, laws and by the Israeli army’s intentional killing and maiming of peaceful protesters during the Great March of Return of 2018.
- **Right to Freedom of Movement:** According to OCHA, there are 593 movement obstacles in the West Bank (including 71 checkpoints and 108 partial checkpoints) that have been erected by Israel to control the movement of Palestinians. In addition to those, Israel annually sets up more than 1500 ‘flying’ checkpoints.⁴³¹ Palestinian freedom of movement is further restricted due to Israel’s complex and highly discriminatory permit regime which requires Palestinians to apply for permission to travel between one area of Palestine to another – permission that is precariously granted depending on what documents they hold, which area they reside in, and any other arbitrary decisions made by soldiers manning the checkpoints. Palestinian refugees and IDPs living in refugee camps are especially impacted by these restrictions; for example, Palestinians living in Gaza, the majority of whom are refugees and IDPs, are prohibited from exiting Gaza except for extreme cases, depriving them of not only their right of return, but also access to education, work, family visits, and healthcare.

⁴²⁹ See BADIL, *Forced Population Transfer: The Case of Palestine – Segregation, Fragmentation and Isolation* (Working Paper No. 23, BADIL 2020) [hereinafter BADIL, Segregation, Fragmentation, and Isolation] <<https://www.badil.org/cached/uploads/view/2021/04/19/wp23-sfi-1618823935.pdf>> accessed 3 October 2022.

⁴³⁰ See BADIL, *Forced Population Transfer: The Case of Palestine – Instalment of a Permit Regime* (Working Paper No. 18, BADIL 2015), 10 [hereinafter BADIL, Instalment of a Permit Regime] <<https://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp18-FPT-Israeli-permit-system.pdf>> accessed 3 October 2022.

⁴³¹ OCHA, ‘West Bank Access Restrictions’ (OCHA, 9 July 2020) <<https://www.ochaopt.org/content/west-bank-access-restrictions-june-2020>> accessed 3 October 2022.





- **Right to Work:** In the oPt, Israel works on undermining traditional Palestinian industries by controlling the physical space and obstructing industry operations. The regime virtually determines which industries survive and the type of works that Palestinians are able to pursue. This has a two-fold impact whereby the Palestinian working class is coerced into insecure and unstable employment, often in the Israeli labor market, while Israel simultaneously gives ‘special treatment’ to businesses that benefit the Israeli market, ultimately driving up income inequality. Palestinians working in the Israeli labor market are paid 39-44 percent of the pay received by an Israeli-Jewish worker performing a similar job,⁴³² without adequate health and safety provisions.⁴³³ Palestinian IDPs living in east Jerusalem are especially restricted in exercising their right to work as they must prove that Jerusalem is their “center of life” to maintain their “permanent residency status.” Proving that Jerusalem is their “center of life” is incredibly difficult, costly, and can be arbitrarily disproven at any point by the Israel for simple actions such as finding employment or pursuing education abroad or even within 1948 Palestine. This leaves Palestinian IDPs with Jerusalem residency especially deprived of sustainable and adequate work opportunities.
- **Right to Education:** The Israeli colonial strategy in the realm of education revolves around the expunction of the Palestinian cultural identity from curricula and teaching programs, primarily through suppressing “significant information on Palestinian history, heritage, flag and cities from school textbooks [...]” in Palestinian schools in 1948 Palestine,⁴³⁴ and coercing the international donor community to pressure the Palestinian Authority and UNRWA to de-nationalize the Palestinian curriculum used in the occupied territory and in UNRWA schools.
- **Right to Property Ownership:** The Absentee Property Law of 1950 defined ‘absentee’ broadly enough so that it applied to every Palestinian who had left their usual place of residence in Palestine after November 1947. Once the properties were acquired by the Custodianship Council for Absentee’s Property, which was, in theory, not allowed to sell the property, Israel utilized and privatized the land (and the buildings that were on it)⁴³⁵ through a roll-out of additional laws in partnership with government and non-government agencies.⁴³⁶ While these laws continue to deny Palestinian refugees and IDPs access to their properties, Israel additionally applies highly discriminatory building permit systems, consistently denying Palestinians the right to build property and significantly modifying applicable planning laws. Israel also routinely carries out demolitions of homes, schools, animal shelters, and more,

⁴³² UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory’ United Nations Conference on Trade and Development (11-22 September 2017) UN Doc TD/B/64/4 <https://unctad.org/en/PublicationsLibrary/tdb64d4_embargoed_en.pdf> accessed 3 October 2022.

⁴³³ BADIL, Denial of Reparations (n 45), 28-32; Macro Centre for Political Economics, ‘The Working Conditions of Palestinian Wage Earners in Israel’ (February 2017), 6 <<http://www.macro.org.il/images/upload/items/27348794024004.pdf>> accessed 3 October 2022.

⁴³⁴ Committee on the Rights of the Child, ‘Concluding Observations on the Second to Fourth Periodic Reports of Israel’ (adopted 4 July 2013) CRC/C/ISR/CO/2-4, para 65 <<https://bit.ly/2KvwwHs>> accessed 3 October 2022.

⁴³⁵ Michael Fischbach, *Records of Dispossession, Palestinian Refugee Property and the Arab-Israeli* (Columbia University Press 2003), 48.

⁴³⁶ For a more comprehensive list of these laws, see BADIL, Denial of Reparations (n 45).



on the basis that these structures or villages are ‘unrecognized’⁴³⁷ or have not had their building permits approved.⁴³⁸ For example, in Area C of the West Bank alone, Israeli authorities allow Palestinians to build on only 0.5 percent of the land, with 98.6 percent of Palestinian permit applications being rejected from 2016 to 2018.⁴³⁹ Similarly, Palestinians with Israeli citizenships are prohibited from purchasing or leasing property on around 80 percent of the land in 1948 Palestine, a practice that confines them to only 3-3.5 percent of the land.⁴⁴⁰

Current Situation

On 10 March 2022, Israel reinstated a law from 2003, the “Citizenship and Entry into Israel Law,” that bans Palestinians with Israeli citizenship from passing on residency or citizenship to their children if they marry someone from the Gaza Strip or the West Bank – a law that especially targets Palestinian refugees and IDPs with inadequate papers. Spouses who are from the West Bank or Gaza are prohibited from the same access to health care, social security benefits, easier travel and access to public transportation, employment and education.⁴⁴¹

4.2. HOST STATE RESPONSIBILITIES: ARAB STATES AND TURKEY

The overwhelming majority of Palestinian refugees remain located in Arab countries. These states have long perceived that the Palestinian refugees in their countries have the potential to affect the local political (in)stability. This, along with the absence of a well-established legal system, have played the main role in determining the legal status granted to Palestinian refugees and their overall well-being in the Arab host states. Most countries in this region have not ratified or acceded to the 1951 Refugee Convention or 1967 Protocol, with the exception of Turkey,⁴⁴² Egypt, Yemen, Algeria, Tunisia, Morocco, and Sudan. As a result, the protection framework that applies to Palestinian refugees in these countries is substantially different from that which applies in other countries.

⁴³⁷ Ahmad Amara, ‘The Village of al-Araqib: Rebuilding Home for the Hundredth Time and Beyond’ (*The Interactive Encyclopedia of the Palestine Question*, January 2015) <<https://www.palquest.org/en/highlight/14372/village-al-araqib>> accessed 3 October 2022.

⁴³⁸ PRC, ‘2 Palestinian Homes Demolished by Israel in Arab City of Qalansuwa’ (PRC, 19 February 2021) <<https://prc.org.uk/en/news/3624/2-palestinian-homes-demolished-by-israel-in-arab-city-of-qalansuwa>> accessed 3 October 2022.

⁴³⁹ Middle East Eye, ‘Israeli press review: Nearly 99 percent of Palestinian building applications rejected’ (*Middle East Eye*, 23 January 2020) <<https://www.middleeasteye.net/news/israeli-press-review-israel-reject-986-percent-palestinian-building-applications>> accessed 3 October 2022.

⁴⁴⁰ Adalah, ‘The Inequality Report: The Palestinian Arab Minority in Israel’ (Report) (*Adalah*, March 2011), 31-39 <https://www.adalah.org/uploads/oldfiles/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf> accessed 3 October 2022.

⁴⁴¹ Knesset News, ‘Knesset Plenum passes Citizenship and Entry into Israel Bill into law’ (*The Knesset*, 10 March 2022) <<https://m.knesset.gov.il/en/news/pressreleases/pages/press10322w.aspx>> accessed 3 October 2022.

⁴⁴² While Turkey is a signatory to the 1951 Refugee Convention, it maintains a geographic restriction that excludes refugees not originating from Europe: see UNHCR, ‘UNHCR Global Appeal 2008-2009 – Turkey’ (UNHCR, 2009) <<https://www.unhcr.org/474ac8e60.pdf>> accessed 3 October 2022.





Hundreds of Palestinian families were displaced from Damascus to refugee camps in northern Syria, 2022. (Source: prc.org.uk)

Arab states, via the League of Arab States (LAS), agreed to the framework set out under the 1965 Protocol on the Treatment of Palestinian Refugees (the Casablanca Protocol).⁴⁴³ Under the Protocol, all Arab host states were called upon to recognize Palestinian nationality and to ensure access and entitlement to work, residency, and freedom of movement (internal and external), including the provision of travel documents. In other words, the Casablanca Protocol was theoretically intended to ensure that Palestinian refugees residing in member states of the LAS are entitled to legal status equivalent to that of a state national, while preserving their national identity.

Initially, the position of Arab countries towards the Protocol was divided into three groups: those that did not ratify the Casablanca Protocol, those that did ratify, and those that ratified the protocol with reservations concerning certain articles.⁴⁴⁴ The situation deteriorated on 12 September 1991, with the LAS' adoption of a proposal put forth by Saudi Arabia and Kuwait.⁴⁴⁵ This resolution (No. 5093) added the words "in accordance with the laws and regulations of each State," after the phrase, "Protocol for the Treatment of Palestinians," and fundamentally changed the nature of the protection provided to Palestinian refugees in Arab host states.⁴⁴⁶ Now, Arab states were allowed to prioritize their own legislative processes over the Protocol,⁴⁴⁷ making Palestinian refugees more susceptible to internal political issues and interests, and diminishing their rights, often to the point of being ignored or exploited.

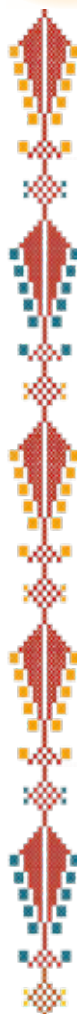
⁴⁴³ League of Arab States, Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol") (11 September 1965) [hereinafter Casablanca Protocol] <<https://www.refworld.org/docid/460a2b252.html>> accessed 3 October 2022.

⁴⁴⁴ *Ibid.*

⁴⁴⁵ Ali Howaidi, 'On the decision to amend the nationality of Palestinian refugees in Kuwait' (*Al Khaleej Online*, 17 October 2016) <<https://goo.gl/vUebka>> accessed 3 October 2022.

⁴⁴⁶ Arab League Resolutions, 'Implementing the Protocol for the Treatment of Palestinians according to the laws and regulations in force in each country' (9 December 1991) Res 5093/D96 <<http://muqtafi.birzeit.edu/InterDocs/images/246.pdf>> accessed 3 October 2022.

⁴⁴⁷ Howaidi (n 445).



The Arab states in which Palestinian refugees reside can be divided into two groups: those that are part of UNRWA's areas of operations and those that are not. The five areas that fall under UNRWA's mandate are the West Bank (including East Jerusalem), Gaza, Jordan, Lebanon, and Syria. States that are within UNRWA's areas of operations are distinguished from other Arab host states in that Palestinian refugees are largely directly dependent on UNRWA for assistance, rather than on the governments of the host states. However, primary responsibility for the protection of Palestinian refugees in UNRWA's areas of operations still lies with the host governments.

The following is a profile of Arab states, including ratification status and the measures that have (or have not) been taken to uphold these regulations, and includes, where possible, information regarding current or developing issues concerning Palestinian refugees. Although not an Arab state, Turkey is included in this section because the legal protection situation for Palestinian refugees is more akin to these states than to that of Western countries due to the geopolitical reservation to the 1951 Refugee Convention that excludes all refugees not originating from European countries.

4.2.1. Areas of UNRWA Operations

WEST BANK AND GAZA STRIP (oPt)

Legal Status

The PA is endowed with protection responsibilities towards the Palestinian population, including refugees and IDPs, under its nebulous effective control in pockets of the oPt. The Palestinian National Council has made the decision to consider the PA as a host state for Palestinian refugees. The PA's 2009 Governmental Program under Salam Fayyad emphasized that "it will do all within its power and authority to bolster on the legal rights and living conditions of refugees in the occupied territory, particularly in refugee camps, including the provision of all the resources it can afford to support and alleviate the suffering of refugees in all aspects of their lives."⁴⁴⁸ Importantly, this is all to be done "within limits of its jurisdiction, without derogation of PLO's responsibilities, and in a manner that does not exempt [UNRWA] from its responsibilities."⁴⁴⁹ Within this context, the PA's responsibilities as a host authority apply to any de facto government in both the West Bank and Gaza.

The PA's government also identifies that "the refugee issue will remain under the jurisdiction of the PLO, through its Department of Refugees' Affairs."⁴⁵⁰ In other words, the PLO as the

⁴⁴⁸ Wafa News Agency, 'PM Fayyad Announces Document Palestine: Ending the Occupation, Establishing the State' (*Wafa News Agency*, 31 December 2015) <<https://english.wafa.ps/Pages/Details/107867>> accessed 3 October 2022.

⁴⁴⁹ *Ibid.*

⁴⁵⁰ *Ibid.*





Palestinian refugee boys play between their families' homes in the Jabalia refugee camp. (Source: Aljazeera.net)

legitimate representative of the Palestinian people, is responsible for defending and advocating for the rights of Palestinian refugees, and to pressure duty bearers - in particular, states and UN bodies and agencies - to comply with the international protection responsibilities towards these refugees.

Notably, in 2014, the PA acceded to seven core human rights treaties, including the ICCPR, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC) with no reservations to any of them, and is thus bound by them. Its concrete ability to carry out its protection responsibilities, however, is constrained by the Israeli occupying power, which exercises effective control over both the West Bank and the Gaza Strip. The ability of the PA to provide public services and assist Palestinian refugees and IDPs in the oPt has been restricted by the limited powers granted to them under the terms of the Oslo peace process and the shortage of independent resources. It is further undermined in the Gaza Strip due to Israel's full military blockade.

Therefore, providing an overview of the basic rights afforded to Palestinian refugees and IDPs in the West Bank and Gaza Strip (as expounded upon in the sections for other host states) would not be precise as it would place the brunt of the responsibility on the PA, although it practically lies with Israel.



JORDAN

The Hashemite Kingdom of Jordan (Jordan) has hosted the largest number of Palestinian refugees since the *Nakba*.⁴⁵¹ By 1952, the number of Palestinian refugees in Jordan had reached approximately 470,000 due to the *Nakba* and successive waves of displacement that followed it.⁴⁵² In the wake of the Six Day War in 1967, a further 200,000 Palestinians were displaced from Palestine.⁴⁵³ Today, 70 percent of Jordan's population are estimated to be Palestinian,⁴⁵⁴ of whom 2,337,780 are refugees registered with UNRWA, including about 430,994 people registered in the 10 official refugee camps,⁴⁵⁵ and 175,000 Palestinian refugees from Gaza.⁴⁵⁶

Legal Status

Jordan has ratified the Casablanca Protocol without reservations.⁴⁵⁷ Consistent with this, most Palestinian refugees hold Jordanian citizenship. That includes Palestinians who fled to Jordan proper during the 1948 War and remained (1948 refugees) and Palestinians who fled from the West Bank to Jordan in 1967 and remained (collectively known as “Jordanian Palestinians”).⁴⁵⁸ There are a few key exceptions to this, arising as a result of the 1954 Nationality Law. It confers that all Palestinian refugees who arrived in Jordan after 1954, which at that time included the West Bank,⁴⁵⁹ were excluded from Jordanian citizenship and were instead granted temporary residency documents. This included all those who fled from the Gaza Strip in 1967,⁴⁶⁰ (generally known as ‘Former-Gazan Palestinians’ or ‘Ex-Gazans’). These temporary resident documents are granted on a two-year or five-year basis and refer to what are known as “temporary passports.” Residents with temporary passports have a national status that is lower than that of Jordanian Palestinians.⁴⁶¹ They thus face conditional access to necessary

⁴⁵¹ Mohammad Khaled Al-Aza'r, 'Arab Protection for Palestinian Refugees, Analysis and Prospects for Development' (2004) (Working Paper No. 8) BADIL, 17 <http://www.badil.org/phocadownloadpap/Badil_docs/Working_Papers/wp-8-%20khalid%20al-azare.pdf> accessed 3 October 2022.

⁴⁵² UNRWA, Annual report of the Director of the United Nations Relief Works Agency for Palestine Refugees in the Near East covering the period 1 July 1951 to 30 June 1952 (30 June 1952) A/2171 <<https://digitallibrary.un.org/record/708479?ln=en>> accessed 3 October 2022.

⁴⁵³ UN Secretary General, 'Protection of civilians/Internally displaced persons – Gussing mission report, SecGen report under A/RES/2252 (ES-V) and S/RES/237 (1967)' (15 June 1967) A/6797 <<https://www.un.org/unispal/document/auto-insert-179249/>> accessed 3 October 2022.

⁴⁵⁴ Mohammad Al-Najjar, 'Controversy over the number of Palestinians in Jordan' (*Al Jazeera*, 20 July 2009) <<https://www.aljazeera.net/news/reportsandinterviews/2009/7/20/جدل-حول-أعداد-الفلستينيين-بالأردن>> accessed 3 October 2022.

⁴⁵⁵ UNRWA, UNRWA in Figures (n 233).

⁴⁵⁶ UNRWA 2022 Emergency Appeal (n 295), 17.

⁴⁵⁷ Ibrahim Al Ali, 'Casablanca Protocol and the treatment of the Palestinians in the Arab Countries' (2013) [hereinafter Al Ali, Casablanca Protocol] <<https://goo.gl/zeuYag>> accessed 3 October 2022.

⁴⁵⁸ *Ibid.*

⁴⁵⁹ BADIL, 'On the situation of the Palestinian refugees in Jordan' (2013) 55 Haq Al Awda <<http://www.badil.org/ar/publications-ar/periodicals-ar/haqelawda-ar/item/1957-art4.html>> accessed 3 October 2022.

⁴⁶⁰ UNRWA, 'Protection in Jordan' (UNRWA, 31 March 2018) <<https://www.unrwa.org/activity/protection-jordan>> accessed 3 October 2022.

⁴⁶¹ Takkenberg, The Status of Palestinian Refugees (n 58), 17.





Jarash Refugee Camps, Jordan. 2021 (Source: qudspress.com)

facilities, such as education and health services, and are required to regularly renew their residence.⁴⁶²

In 1983, Jordan created a color-coded card system to distinguish between Palestinians with Jordanian citizenship who are residing in Jordan and those living in the West Bank, including east Jerusalem. This system presented Palestinian Jordanians, or those who hold Jordanian citizenship and five-year permanent passports, with a yellow card. As for Palestinians who hold temporary passports, they were given green cards. Since that time, and particularly after the Oslo peace process, Jordan proceeded to revoke thousands of yellow cards, including passports that conferred Jordanian citizenship, from Palestinians mostly living in the West Bank, and from Palestinians residing in the east bank of the Jordan River. In other cases, those yellow cards were replaced with green cards, giving Palestinians temporary passports.⁴⁶³

Recognition of Basic Rights

Palestinian refugees residing in Jordan during the period of 20 December 1949 and 16 February 1954 have been recognized as Jordanian nationals, as per Article 3 of the 1954 Jordanian

⁴⁶² BADIL, *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention* (BADIL 2005), 16 [hereinafter BADIL, *Closing Protection Gaps* - 2005] <http://badil.org/phocadownload/Badil_docs/publications/Handbook.pdf> accessed 3 October 2022.

⁴⁶³ Human Rights Watch, *Stateless Again: Palestinian- Origin Jordanians Deprived of their Nationality* (HRW 2010) <<https://www.hrw.org/report/2010/02/01/stateless-again/palestinian-origin-jordanians-deprived-their-nationality>> accessed 3 October 2022; The Hashemite Kingdom of Jordan, 'King Hussein's Address to the Nation' (Office of King Hussein I, 31 July 1988) <http://www.kinghussein.gov.jo/88_july31.html> accessed 3 October 2022.



Citizenship Law.⁴⁶⁴ This status carries the same rights as would a Jordanian national, which includes the right to political participation, health care, education and work. Based on this law, many have become prominent business owners, army generals and even a prime minister.⁴⁶⁵ However, as a result of the conflict that occurred between Jordan and the PLO, specifically in September of 1970, which became known as Black September,⁴⁶⁶ there was a policy shift which resulted in many Palestinians facing discrimination and difficulties accessing public sector employment. Palestinians residing in the 10 official camps in Jordan continue to depend on UNRWA to provide education for school age children as well as primary health care.

The situation is markedly different for Palestinian refugees who were displaced after the 1967 War, primarily ‘ex-Gazans’, and were not granted Jordanian citizenship, namely:

- **Right to Work:** Palestinians are indirectly excluded from public sector work,⁴⁶⁷ prohibited from practicing in 19 professions, including engineering, accounting, medicine, nursing, law, and journalism,⁴⁶⁸ and are required to obtain a work permit for private sector employment, which also requires a security clearance.⁴⁶⁹
- **Right to Education:** Palestinians have access to Jordan’s public schools and UNRWA schools. However, tertiary education is often prohibitive due to the requirement to pay tuition in a foreign currency⁴⁷⁰ and the competition for a limited number of admissions.⁴⁷¹
- **Right to Health Care:** Palestinian children under six years of age can access public health care, while anyone older is required to pay the same rate as uninsured Jordanians, though this cost is less than what would be paid by a foreigner.⁴⁷² As a result, approximately 56 percent of registered Palestine refugees remain dependent on UNRWA health services.⁴⁷³
- **Right to Property Ownership:** As of 3 December 2018, ‘ex-Gazan’ refugees were permitted to own an apartment, house or a plot of land of no more than 1 *dunum*.⁴⁷⁴

⁴⁶⁴ Pietro Stefanini and Tarek Hamoud (eds), *Decades of resilience: stateless Gazan refugees in Jordan* (PRC 2018), 9 [hereinafter PRC, *Decades of Resilience*] <<https://prc.org.uk/upload/library/files/DecadesOfResilience2018.pdf>> accessed 3 October 2022.

⁴⁶⁵ Takkenberg, *The Status of Palestinian Refugees* (n 58), 156.

⁴⁶⁶ Canada: Immigration and Refugee Board of Canada, ‘Jordan: Rights and obligations of Palestinians living in Jordan without Jordanian citizenship, not including Palestinian refugees fleeing Syria since 2011, including employment, mobility and access to social services (2013-May 2014)’ (9 May 2014) JOR104860.E <<https://www.refworld.org/docid/53ecc8004.html>> accessed 3 October 2022.

⁴⁶⁷ *Ibid.*

⁴⁶⁸ Ministry of Labour, ‘Closed Professions in Jordan for Migrant Workers’ (UNHCR *Operational Data Portal*, 1 March 2017) <<https://data.unhcr.org/en/documents/details/59816>> accessed 3 October 2022.

⁴⁶⁹ Tiltne and Zhang (n 293).

⁴⁷⁰ Oroub El-Abed, *Forced Migration Online (FMO) Research Guide: Palestinian Refugees in Jordan* (Refugee Studies Centre 2004) <https://www.academia.edu/206913/Palestinian_refugees_in_Jordan> accessed 3 October 2022.

⁴⁷¹ BADIL, *Closing Protection Gaps – 2005* (n 562), 16.

⁴⁷² Australian Department of Foreign Affairs and Trade (DFAT), ‘DFAT Thematic Report Palestinians in Jordan and Lebanon’ (2015), 9 [hereinafter DFAT, *Palestinians in Jordan and Lebanon*] <<https://www.dfat.gov.au/sites/default/files/country-information-report-lebanon-jordan-thematic.pdf>> accessed 3 October 2022.

⁴⁷³ UNRWA, ‘Health in Jordan’ (UNRWA, 19 September 2013) <<https://www.unrwa.org/activity/health-jordan>> accessed 3 October 2022.

⁴⁷⁴ Anwar Al Zyadat, ‘Jordan allows Gazans to own houses and land to build houses’ (*The New Arab*, 3 December 2018) <<https://bit.ly/2FvJ3ZJ>> accessed 3 October 2022.





- **Right to Political Participation:** Temporary passport holders have no political rights to participate in electoral life and in the formation of parties.⁴⁷⁵ They are additionally not allowed to join professional associations and unions.⁴⁷⁶

The Current Situation

Since the outbreak of war in Syria in 2011, Jordan has received more than 675,000 Syrian refugees,⁴⁷⁷ including an estimated 18,490 Palestinian refugees.⁴⁷⁸ In April 2012, Jordan began refusing entry to Palestinian refugees from Syria, and deporting those who had entered Jordan using forged Syrian identity documents.⁴⁷⁹ This action left the vast majority of Palestinian refugees from Syria without residency papers, exposing them to exploitation, abuse, and at constant risk of arrest and *refoulement*.⁴⁸⁰ They continue to face difficulties in civil processes, such as registration of births, and accessing government services as well as the workforce.⁴⁸¹ Those that were not deported are heavily dependent on UNRWA for services and economic support.⁴⁸²

More recently, the prolonged COVID-19 lockdown measures over the years 2020 and 2021 have devastated the economy, increasing pressures and inequalities faced by Palestinian refugees in Jordan due to the “drastic reduction in household incomes and livelihood opportunities.”⁴⁸³ As a result, the 18,490 Palestinian refugees from Syria are experiencing augmented levels of poverty, food insecurity, and protection risks. In a survey conducted by UNRWA, it was found that 62 percent of Palestinian refugee families from Syria were concerned about “not having enough food to eat,” and “90 percent did not have enough cash to sustain their families for two weeks.”⁴⁸⁴ UNRWA has further indicated that only 11 percent of Palestinian refugees from Syria confirmed that the quarterly UNRWA multi-purpose cash assistance was sufficient when combined with other sources of income to cover their basic necessities. Meanwhile, about 29 percent stated that they did not have any other source of income.⁴⁸⁵

⁴⁷⁵ PRC, Decades of Resilience (n 464).

⁴⁷⁶ Cevdet Acu, ‘The Impact of COVID-19 on ex-Gazan Palestinian Refugees in Jerash Camp, Jordan’ (2021) 10(1) Oxford Monitor of Forced Migration <https://www.researchgate.net/publication/356208846_The_Impact_of_COVID-19_on_ex-Gazan_Palestinian_Refugees_in_Jerash_Camp_Jordan> accessed 3 October 2022.

⁴⁷⁷ UNHCR, ‘Total Registered Syrian Refugees’ (UNHCR Operational Data Portal, 31 August 2022) <<https://data.unhcr.org/en/situations/syria/location/36>> accessed 3 October 2022.

⁴⁷⁸ UNRWA 2022 Emergency Appeal (n 295).

⁴⁷⁹ A number of reasons were proffered for this position, among them, that Jordan should not be used as the solution to Israel’s problems, fear of the impact on the demographic balance in Jordan, as well as the fact that Palestinians were entitled to remain in Jordan after resolution of the Syrian conflict while Syrians were not. See Human Rights Watch, *Not Welcome: Jordan’s treatment of Palestinians Escaping Syria* (HRW 2014) <<https://www.hrw.org/report/2014/08/07/not-welcome/jordans-treatment-palestinians-escaping-syria>> accessed 3 October 2022.

⁴⁸⁰ Neil Sammonds, “A dog has more freedom” – Palestinians at Cyber City camp for refugees from Syria” (*Amnesty International*, 29 July 2013) <<https://www.amnesty.org/en/latest/campaigns/2013/07/a-dog-has-more-freedom-palestinians-at-cyber-city-camp-for-refugees-from-syria/>> accessed 3 October 2022.

⁴⁸¹ UNRWA, ‘PRS in Jordan’ (UNRWA, 2014) <<https://www.unrwa.org/prs-jordan>> accessed 3 October 2022.

⁴⁸² UNRWA 2022 Emergency Appeal (n 295).

⁴⁸³ *Ibid.*, 10.

⁴⁸⁴ UNRWA 2022 Emergency Appeal (n 295), 17.

⁴⁸⁵ *Ibid.*, 10.



LEBANON

About 110,000-130,000 Palestinians were forced to flee to the Lebanese Republic (Lebanon) between 1946-1949,⁴⁸⁶ which at that time amounted to about ten percent of Lebanon's total population.⁴⁸⁷ As a result of the Six Day War in 1967, an additional 20,000-25,000 Palestinians were forcibly displaced to Lebanon.⁴⁸⁸ It is estimated that approximately 29,000 Palestinians displaced from Syria are now residing in Lebanon.⁴⁸⁹ By the end of 2021, there were 485,854 registered Palestinian refugees in Lebanon, with about 51 percent of them registered in one of the official refugee camps (see Chapter 2: Section 2.2: Distribution). However, the number of Palestinian refugees who actually reside in Lebanon is estimated to be much lower, probably due to the Lebanese Civil War, Israeli invasions of Lebanon, and mass migration overseas as a result of the restrictive Lebanese policies.

Population estimates for Palestinians in Lebanon

According to the Lebanese-Palestinian Dialogue Committee (LPDC) census carried out in July 2017, just 174,422 Palestinian refugees in Lebanon (PRL) were found to reside in the 12 official Palestinian refugee camps and in 156 gatherings across Lebanon.⁴⁹⁰ Using a different methodology, the "Survey on the Socioeconomic Status of Palestine Refugees in Lebanon, 2015" by the American University of Beirut, estimated that between 260,000 and 280,000 PRL currently reside in the country, and close to 30,000 Palestinian refugees from Syria (PRS) are also currently recorded with UNRWA in Lebanon.⁴⁹¹ These population estimates are considerably less than the 485,854 PRL registered with UNRWA, and the 592,711 registered with Directorate of Political Affairs and Refugees (DPAR) at the Lebanese Ministry of Interior and Municipalities.⁴⁹² In this context, the number of PRL has always constituted a controversial issue among Lebanese political parties. Palestinian refugee numbers, human rights, and their right to return and/or fear from their integration/settlement, have been exploited by Lebanese political parties in order to stabilize the sectarian division and maintain political balances in Lebanon. This has been clearly demonstrated in significant fluctuations in the reported numbers of Palestinian refugees. Despite the potential political implications of the 2017 census, the number

⁴⁸⁶ Minority Rights Group International, 'World Directory of Minorities and Indigenous Peoples - Lebanon : Palestinians' (2008) <<https://www.refworld.org/docid/49749cf0c.html>>; Jaber Suleiman, *Undocumented Palestinians in Lebanon (Non-Id Refugees)* (Center for Refugee Rights (Aidoun) 2014) [hereinafter Suleiman, *Undocumented Palestinians*] <https://www.academia.edu/37289603/Undocumented_Palestinians_in_Lebanon_Non_Id_Refugees> accessed 3 October 2022.

⁴⁸⁷ Al Ali, Casablanca Protocol (n 457).

⁴⁸⁸ Issam Halabi, '1967 Palestinians in Lebanon: Great Suffering and Unknown Fate' (*Dunia Al Watan*, 14 November 2004) <<https://pulpit.alwatanvoice.com/content/print/12733.html>> accessed 3 October 2022.

⁴⁸⁹ UNRWA 2022 Emergency Appeal (n 295), 8.

⁴⁹⁰ This population estimate is considerably less than other estimates, particularly the 533,885 registered with UNRWA. This discrepancy is explained in part because many refugees registered with UNRWA have migrated due the dismal socio-economic conditions, and UNRWA's records do not consistently update with those who have passed away, migrate out of Lebanon or move out of the camps, as people do not notify UNRWA of these details.

⁴⁹¹ UNRWA 2022 Emergency Appeal (n 295).

⁴⁹² LPDC and PCBS, Key Findings Report 2017 (n 235).





174,422, reported by LPDC does not include all those Palestinian refugees residing in Lebanon. It excludes the following categories of Palestinian refugees:

1. Those living outside the targeted camps and gatherings (for example it does not include those in gatherings of less than 15 households or in areas such as *Al-Hamra*);
2. Family members (absentees) who were not in Lebanon within the last six months before the survey;
3. Those who acquired Lebanese nationality/citizenship, but remain refugees despite acquiring second citizenship and are still entitled to the right to reparations;
4. Those displaced from Lebanon, especially during the 1980s, who remain registered with UNRWA and DPAR.

On the other hand, the UNRWA numbers do not account for the fact that many registered refugees have migrated due to the dismal socio-economic conditions, or due to recording shortcomings. The records of UNRWA are not consistently updated with those who have passed away, migrated out of Lebanon or moved out of the camps, as people do not notify UNRWA of these details. What should be emphasized here is that UNRWA and DPAR statistics are still essential for the purpose of ensuring refugees' right to reparations, while the LPDC census is crucial for the development of Lebanese policy towards ensuring Palestinian refugees civil and socio-economic rights.



Burj el-Barajneh, Lebanon. 2022 (©BADIL)

Concerning the LPDC census, it was reported that 3.3 percent of refugees refused to participate.⁴⁹³ Moreover, although refugees that are not registered with either UNRWA or DPAR are probably included in the LPDC census, the status of those Palestinian refugees classified as “Non-ID” Palestinians, who are not registered with either UNRWA nor with DPAR, is still unclear.⁴⁹⁴

Legal Status

Lebanon ratified the Casablanca Protocol with significant reservations to Articles 1 and 3,⁴⁹⁵ allowing the government the broad discretion to deny Palestinians the rights enshrined therein.⁴⁹⁶ The conundrum that Palestinian refugees in Lebanon find themselves in is the result

⁴⁹³ *Ibid.*

⁴⁹⁴ On the issue of Non-ID Palestinians, see UNHCR, ‘The Situation of Palestinian Refugees in Lebanon’ (2016), 10 [hereinafter UNHCR, Palestinian Refugees in Lebanon] <<https://www.refworld.org/docid/56cc95484.html>> accessed 3 October 2022.

⁴⁹⁵ Casablanca Protocol (n 443).

⁴⁹⁶ *Ibid.*



of two factors. First, Palestinians are still categorized and treated as foreigners, not refugees. According to Decree No. 319 of 1962, which regulates their status, Palestinian refugees are considered to be, “foreigners who do not carry documentation from their countries of origin, and reside in Lebanon on the basis of [residency] cards issued by the Directorate of Public Security, or identity cards issued by the Directorate of Political Affairs and Refugees.”⁴⁹⁷ The foreigner classification, the lack of enforcement of existing regulations, and the discretionary power of ministers who are politically motivated and/or dependent on the delicate sectarian balance in Lebanon,⁴⁹⁸ have allowed successive Lebanese governments to circumvent their obligations and responsibilities enshrined in a number of international and regional treaties and protocols – including their own legislation. Second, the Lebanese government gives no consideration of the consequences of the protracted status of Palestinian refugees. These unjustifiable policies have been reproducing the deteriorating livelihoods and conditions of the growing population of refugees in the country for many years.⁴⁹⁹

Today, there are essentially four categories of Palestinian refugees in Lebanon.

1. **Lebanese citizens:** Approximately 30,000 1948 refugees were Christian and were granted Lebanese citizenship as part of a political decision regarding Lebanon’s delicate sectoral balance.⁵⁰⁰
2. **Registered refugees (1948 refugees):** Palestinian refugees who took direct refuge in Lebanon in 1948 and registered with UNRWA. These refugees were granted legal residency and travel documents, which are renewable every five years.
3. **Non-registered refugees (1967 refugees):** Palestinians who fled to Lebanon during and after 1967, as well as all others who arrived in Lebanon from a third country and are registered with the Lebanese Government, but not with UNRWA. They hold residency identity documents, but are only issued a one-year travel document, which is renewable three times.⁵⁰¹
4. **Non-ID (undocumented) refugees:** those refugees who are neither registered with UNRWA nor with the Lebanese Government. They generally arrived after 1970 from Gaza via Egypt, Jordan following Black September, or from Syria, and may have been registered with UNRWA elsewhere, but were not permitted to transfer their registration to Lebanon.⁵⁰² They account for 3,000-5,000 refugees, and although given identity cards, they are considered illegal residents of Lebanon.⁵⁰³

⁴⁹⁷ Jaber Suleiman, ‘Marginalised Community: The Case of Palestinian Refugees in Lebanon’ (2006) Development Research Centre on Migration, Globalisation and Poverty, 12 <<https://assets.publishing.service.gov.uk/media/57a08c4be5274a31e0001112/JaberEdited.pdf>> accessed 3 October 2022.

⁴⁹⁸ Jennifer Ibrahim, ‘The Discrimination against Palestinian Refugees Living in Lebanon’ (2008) 15(2) Palestine-Israel Journal of Politics, Economics and Culture <<https://www.pij.org/articles/1168>> accessed 3 October 2022.

⁴⁹⁹ BADIL, ‘BADIL’s Position Paper: Stop the Ongoing Discrimination against Palestinians Refugees in Lebanon’ (2019) <https://www.badil.org/cached_uploads/view/2021/04/20/lebanon-pal-ref-rights-1618905391.pdf> accessed 3 October 2022.

⁵⁰⁰ There are an exceptional few who were granted citizenship in the 1950s, but the restriction on citizenship was due to the fear of upavenu the Muslim-Christian population balance. See Takkenberg, The Status of Palestinian Refugees (n 58), 162.

⁵⁰¹ UNHCR, Palestinian Refugees in Lebanon (n 494), 10.

⁵⁰² Suleiman, Undocumented Palestinians (n 486), 5.

⁵⁰³ *Ibid.*





Shatila Refugee Camp, Lebanon. 2018 (©BADILI)



Recognition of Basic Rights

- **Right to Work:** Historically, Palestinians have been largely excluded from the labor market due to prohibitions to numerous professions⁵⁰⁴ and the difficulty to fulfill requirements for work permits, leading to widespread endemic poverty. Today, Palestinians remain excluded from several professions as non-nationals. Since 2010, however, they are no longer required to pay a fee and meet the “reciprocity of treatment” requirement to acquire a work permit.⁵⁰⁵ Recently, in December 2021, the Lebanese government made a decision to allow Palestinian refugees to work in the managerial, business, tourism, industrial, information, health, education, and service sectors, though they are still not given their full rights and freedoms and Lebanese workers are still significantly given priority. Despite these changes, in practice, widespread discrimination remains the norm for all Palestinian workers in Lebanon and those without IDs (Category No. 4) have no right to work at all.⁵⁰⁶ Similarly, shortly after announcing the decision, the Lebanese Minister of Labor stated that the decision would have no impact on existing labor laws, indicating that it will not actually have a circumstantial impact on Lebanese State policy.⁵⁰⁷

⁵⁰⁴ Mahmoud Al Ali, ‘Palestinian Refugees in Lebanon and the Absent of the Right to Work’ (*The New Arab*, 8 May 2017) <<https://goo.gl/fkjvr8>> accessed 3 October 2022.

⁵⁰⁵ International Labour Organization (ILO) and others, ‘Palestinian Employment in Lebanon: Facts and Challenges’ (2012), 22 <https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_236502.pdf> accessed 3 October 2022.

⁵⁰⁶ See Mai Abu Moghli, ‘The Mobilizing Power of Palestinians in Lebanon’ (*Al-Shabaka*, 7 March 2022) <<https://al-shabaka.org/commentaries/the-mobilizing-power-of-palestinians-in-lebanon>>; Al Jadeed, ‘A decision by the Minister of Labor regarding professions that should be restricted to Lebanese only’ (*Al Jadeed*, 8 December 2021) <<https://www.aljadeed.tv/arabic/news/local/0812202140>> accessed 3 October 2022.

⁵⁰⁷ BBC, ‘The Lebanese Minister of Labor says that the decision to ease restrictions on the work of Palestinians does not change anything in the laws’ (*BBC News*, 9 December 2021) <<https://www.bbc.com/arabic/middleeast-59574370>> accessed 3 October 2022.



- **Right to Education:** Palestinian refugees in Lebanon are generally able to access public and private schools in Lebanon, as well as tertiary education.⁵⁰⁸ However, due to the high expense and poverty, most Palestinians depend on UNRWA schools.⁵⁰⁹ Without scholarship funding, Lebanese universities are also prohibitively expensive for many Palestinians.⁵¹⁰
- **Right to Health Care:** Palestinian refugees are not able to access the public health system in Lebanon, and are dependent primarily on services provided by UNRWA, in coordination with the Lebanese Ministry of Health,⁵¹¹ as well as the Palestine Red Crescent Society.⁵¹²
- **Right to Property Ownership:** A change to the law in 2001 stripped Palestinians of their previously limited right to own property due to a new requirement for a foreigner to hold nationality of a recognized state in order to own property.⁵¹³ Although the Lebanese Government recognized the PA in 2005, Palestine has not attained statehood and therefore Palestinians require Presidential approval to acquire ownership of immovable property.⁵¹⁴
- **Right to Movement:** Palestinian refugees in Lebanon suffer from restrictions on movement inside and outside the country. Many Palestinian camps exist in a state of semi-siege imposed by the Lebanese security forces.⁵¹⁵ Refugees with one-year travel documents must have visas to return to Lebanon if travelling outside, and those without IDs (undocumented refugees) only hold government cards that allow local, but not international, travel.⁵¹⁶
- **Right to Political Participation:** Palestinian refugees in Lebanon are prohibited from voting and from holding public office, thereby depriving them of access to influence the policies that impede on their rights. Furthermore, the financial inaccessibility to most schools in Lebanon and the subsequent dependence on UNRWA schools limits the ability of Palestinian youth to be informed of their rights and participate politically.

The Current Situation

Lebanon's current severe and unprecedented economic and financial crisis has had a detrimental impact on Palestinian refugees. Palestinian families and individuals are facing rapidly increasing levels of food insecurity, unemployment, poor housing conditions, poverty, as well as a lack

⁵⁰⁸ LPDC, 'Palestinian Refugee – Education' (LPDC, 2 February 2022) [hereinafter LPDC, Palestinian Refugee Education] <<https://lpdc.gov.lb/rights/education/>> accessed 3 October 2022.

⁵⁰⁹ Radwan Abdullah, 'Education for Palestinians in Lebanon between reality and desired,' (*Al-Thol*, 27 July 2011) <http://al-thol.blogspot.com/2011/07/blog-post_3111.html> accessed 3 October 2022.

⁵¹⁰ LPDC, Palestinian Refugee Education (n 508).

⁵¹¹ UNRWA, 'Health in Lebanon' (UNRWA, 19 September 2013) <<https://www.unrwa.org/activity/health-lebanon>>; Lebanese Parliament, 'E-20- Rights of Palestinian Refugees in Lebanon' (Lebanese Parliament, 30 October 2011) [hereinafter Lebanese Parliament, Rights of Palestinian Refugees] <<https://goo.gl/d6ita6>> accessed 3 October 2022.

⁵¹² Palestine Red Crescent Society (PRCS), 'Lebanon Branch' (PRCS, 2022) <<https://www.palestinercs.org/index.php?langid=1&page=post&pid=11158&catid=2&parentid=11155>> accessed 3 October 2022.

⁵¹³ Palestinian Association for Human Rights (Witness), 'Legal reading of the legal status of Palestinians in Lebanon with proposals to amend the situation in line with the Human Rights Charter' (*Witness*, 6 November 2015) <<https://goo.gl/RMNAqN>> accessed 3 October 2022.

⁵¹⁴ *Ibid.*

⁵¹⁵ *Ibid.*

⁵¹⁶ Lebanese Parliament, Rights of Palestinian Refugees (n 511).





of access to health services, gas, electricity, and heating.⁵¹⁷ In addition, COVID-19 lockdown measures restricted Palestinian access to employment and education, and their health needs were largely neglected.⁵¹⁸ UNRWA has identified that 86 percent of Palestinian refugee families are living below the poverty line and unable to cover their basic needs,⁵¹⁹ and 58 percent have had to reduce their meal size and frequency.⁵²⁰

Palestinian refugees in Lebanon are also still dealing with the consequences of the Ministry of Labor's decision of 9 July 2019, which has engendered a massive crackdown to target illegal foreign labor.⁵²¹ Part of this crackdown included announcing a one-month deadline on companies to obtain the required work permits, or face the prospect of being shut down.⁵²² Foreign workers, including Palestinian refugees, are required to obtain these permits, despite the unfeasibility of actually being eligible for one.

Moreover, since 2014, Lebanese authorities have been refusing entry to Palestinians fleeing Syria, and refusing to register those who have entered in order to avoid responsibility.⁵²³ Nevertheless, 29,000 Palestinian refugees displaced from Syria are now reportedly residing in Lebanon.⁵²⁴ These refugees are among the most vulnerable refugee groups in the region, and live in significantly worse conditions than Syrian refugees in Lebanon. According to UNRWA statistics, 87.3 percent of Palestinian refugees from Syria in Lebanon are living below the absolute poverty line, with 11.3 percent existing in a state of abject poverty.⁵²⁵ Almost all are heavily dependent on UNRWA, as their lack of registration papers denies them access to both the formal and informal services as well as the workforce.⁵²⁶

While UNRWA and multiple NGOs have tried to sustain Palestinian refugees in Lebanon through relief, development, and income-generation programs,⁵²⁷ the UNRWA funding crisis has forced the paring back of a number of supportive projects.⁵²⁸

⁵¹⁷ UNGA, Visit to Lebanon (n 169).

⁵¹⁸ UNRWA, 'Palestine Refugees in Lebanon: Struggling to Survive' (2020) <https://www.unrwa.org/sites/default/files/content/resources/unrwa_lfo_advocacy_paper_eng_final.pdf>.

⁵¹⁹ UNRWA, 'Lebanon: UNRWA - Protection Monitoring Report - Q1 2022' (2022) <<https://reliefweb.int/report/lebanon/lebanon-unrwa-protection-monitoring-report-q1-2022>> accessed 3 October 2022.

⁵²⁰ UNRWA 2022 Emergency Appeal (n 295), 9.

⁵²¹ Ministry of Labor, 'Letter by Minister of Labor Camille Abousleiman' (*Ministry of Labor*, 1 August 2019) <<https://www.labor.gov.lb/LatestNewsDetails.aspx?lang=ar&newsid=15216>> accessed 3 October 2022.

⁵²² Ali Younes, 'Palestinians in Lebanon Protest Crackdown on Unlicensed Workers' (*Al Jazeera*, 17 July 2019) <<https://www.aljazeera.com/news/2019/07/palestinians-lebanon-protest-crackdown-unlicensed-workers-190716183746729.html>> accessed 3 October 2022.

⁵²³ BADIL, 'On the situation of the Palestinian refugees in Lebanon' (2013) 55 Haq Al Awda <<https://www.badil.org/ar/publications/haq-al-awda/issues/items/3019.html>> accessed 3 October 2022.

⁵²⁴ UNRWA 2022 Emergency Appeal (n 295).

⁵²⁵ *Ibid.*, 9.

⁵²⁶ UNHCR and Lebanese Government, 'Lebanon Crisis: Response Plan 2017-2020' (2020), 11, 13&37 <<https://lebanon.un.org/en/102825-lebanon-crisis-response-plan-2017-2020#:~:text=The%20Lebanon%20Crisis%20Response%20Plan,holistic%2C%20comprehensive%20and%20integrated%20manner>> accessed 3 October 2022.

⁵²⁷ Lebanese Parliament, Rights of Palestinian Refugees (n 511).

⁵²⁸ Suleiman, 'The Ongoing UNRWA Crisis' n.9-8, (368



SYRIA

According to UNRWA statistics, 576,357 Palestinian refugees are registered with UNRWA in the Syrian Arab Republic (Syria),⁵²⁹ arriving through multiple displacements in 1948,⁵³⁰ 1967,⁵³¹ 1970⁵³² and 1982.⁵³³ Of those, an estimated 120,000 have been displaced outside of Syria, mostly to Lebanon and Jordan, with smaller numbers fleeing to other countries such as Egypt, Libya, Turkey and Malaysia.⁵³⁴ As of April 2022, UNRWA statistics indicate that approximately 438,000 Palestinian refugees remain in Syria.⁵³⁵

Legal Status

Syria has ratified the Casablanca Protocol without reservations.⁵³⁶ Under Syrian law, Palestinian refugees who arrived prior to 1956 (approximately 85 percent of the Palestinian population in Syria) were given equal treatment to Syrians in terms of social and economic rights, although they were not provided with citizenship.⁵³⁷ They were also issued an identity card and a travel



Pro-government forces walk down the destroyed Yarmouk Palestinian refugee camp on the southern outskirts of the capital Damascus on May 24, 2018 (Source: prc.org.uk)

document similar to the Syrian passport that is renewed every six years.⁵³⁸ Palestinian refugees were also permitted to participate in national service, but do not hold political rights.⁵³⁹ As for those refugees who arrived after 1956, they were given slightly diminished rights although

⁵²⁹ UNRWA, UNRWA in Figures (n 233).

⁵³⁰ Sherifa Shafie, *Forced Migration Online (FMO) Research Guide: Palestinian Refugees in Syria* (Refugee Studies Centre (RSC) 2004) [hereinafter Shafie, *Palestinian Refugees in Syria*] <https://www.academia.edu/1106200/Palestinian_refugees_in_Lebanon> accessed 3 October 2022.

⁵³¹ Takkenberg, *The Status of Palestinian Refugees* (n 58), 17.

⁵³² A conflict that broke out between the PLO and the Jordanian Armed Forces, which led to the exploitation of thousands of Palestine refugees from Jordan and the move of the PLO leadership from Jordan to Lebanon. See: UNRWA, 'Black September' (UNRWA, 18 September 2013) <<https://www.unrwa.org/content/black-september>> accessed 3 October 2022.

⁵³³ Shafie, *Palestinian Refugees in Syria* (n 530).

⁵³⁴ UNRWA, 'Syria: 10 Years of Multiple Hardships for Palestine Refugees' (UNRWA, 15 March 2021) [hereinafter UNRWA, *10 Years of Hardships*] <<https://www.unrwa.org/newsroom/press-releases/syria-10-years-multiple-hardships-palestine-refugees>> accessed 3 October 2022.

⁵³⁵ UNRWA, *Syria Humanitarian Snapshot* (n 297).

⁵³⁶ Al Ali, *Casablanca Protocol* (n 457).

⁵³⁷ Particularly Law No 450 (1949) and Law No. 260 (1957) which establish this system of equality but separate nationality, see *ibid*.

⁵³⁸ BADIL, *Closing Protection Gaps – 2005* (n 562), 17.

⁵³⁹ Al Ali, *Casablanca Protocol* (n 457).



most have since had their status regularized in line with the majority of Palestinian refugees, as a result of being listed with the General Authority for Palestine Arab Refugees.⁵⁴⁰

Recognition of Basic Rights

- **Right to Work:** Palestinians do not need work permits and can be employed in the public service sector. They also have the right to own businesses and form or join trade unions.⁵⁴¹ Palestinian refugees who arrived in Syria on or after 10 July 1956, are not allowed to occupy civil posts in the government, except on a temporary basis.⁵⁴²
- **Right to Education:** Palestinians have full access to the Syrian education system, although most Palestinians receive primary education in UNRWA schools before completing secondary education in Syrian public schools. Additionally, admission to universities and colleges is available to Palestinians on par with their Syrian peers.⁵⁴³
- **Right to Health Care:** Until the outbreak of the war, Palestinian refugees received free health care that was the same as Syrian citizens. However, UNRWA now holds sole responsibility for the health care of Palestinian refugees following a recent decision by the Ministry of Health to stop referring Palestinian refugees to Syrian health centers.⁵⁴⁴
- **Right to Property Ownership:** Palestinians in Syria generally have the right to own a personal residence, but are prohibited from any other property ownership, which has a detrimental impact on their livelihoods and business entrepreneurship.⁵⁴⁵
- **Right to Political Participation:** Palestinian refugees in Syria are not allowed to vote or stand as candidates in the Syrian Legislative Council or presidency.⁵⁴⁶

The Current Situation

UNRWA estimates that around 60 percent of the Palestinian refugee population in Syria have

⁵⁴⁰ Immigration and Refugee Board of Canada, 'Syria: The legal rights and obligations of a Palestinian who has been issued a Syrian travel document, including whether they must report for military service; whether the rights and obligations apply to Palestinians that have resided outside of the country for the majority of their life and only visited it briefly (2009-November 2013)', (22 November 2013) SYR104658.E [hereinafter IRB Canada, Syria] <<https://www.refworld.org/docid/532024234.html> accessed 3 October 2022> accessed 3 October 2022.

⁵⁴¹ Shafie, Palestinian Refugees in Syria (n 530); UNRWA, 10 Years of Hardships (n 534).

⁵⁴² Paul McCann, 'The Role of UNRWA and the Palestinian Refugee' (2008) 15-16(3) Palestine- Israel Journal <<https://www.pij.org/app.php/articles/1225>>; IRB Canada, Syria (n 540).

⁵⁴³ Laurie Brand, 'Palestinians in Syria: The Politics of Integration' (1998) 42(4) Middle East Journal 42 <<https://www.jstor.org/stable/4327836>> accessed 3 October 2022.

⁵⁴⁴ Ibrahim Al Ali, *The health situation of the Palestinian refugee camps in light of the Syrian crisis* (Action Group for Palestinians of Syria 2018), 8 [hereinafter Al Ali, Health Situation] <http://www.actionpal.org.uk/ar/pdf/health_status_palestinian_ar.pdf> accessed 3 October 2022.

⁵⁴⁵ As a result of Law No. 11 (2008), see Abbas Shiblak, 'Residency Status and Civil Rights of Palestinian Refugees in Arab Countries' (1996) 25(3) Journal of Palestine Studies, 40-41 [hereinafter Shiblak, Residency Status] <http://group194.net/english/user_files/book_download/shiblak.pdf> accessed 3 October 2022.

⁵⁴⁶ Maher Charif, 'Palestinian Refugees in Syria: Fully Integrated, for Better and for Worse' (*The Interactive Encyclopedia of the Palestine Question*, 25 January 2018) <<https://www.palquest.org/en/highlight/6591/palestinian-refugees-syria>> accessed 3 October 2022.



experienced prolonged and multiple internal displacement as a result of the crisis.⁵⁴⁷ Meanwhile, the Yarmouk, Dera'a, and Ein el Tal camps, where more than 30 percent of Palestinian refugees used to reside, have been nearly completely destroyed. Though Palestinians have slowly began to return to these three camps, the basic infrastructure of the camps, including that which is necessary for the provision of safe water and electricity, has not been adequately restored.⁵⁴⁸ In August 2021, around 3,000 Palestinian refugees from the Dera'a refugee camp were displaced due to danger arising from armed conflict in the area.⁵⁴⁹

Of those Palestinian refugees who remain in Syria today, 97.6 percent are in need of in-kind food assistance and cash due to extreme poverty (rising from just seven percent before the war)⁵⁵⁰ and 91 percent are living in absolute poverty.⁵⁵¹ Camp infrastructure and services have been severely affected by the war, with some located in the worst hit parts of the country.⁵⁵² UNRWA became the only provider of health services for many Palestinians after the government transferred the responsibility of Palestinian refugees away from the Ministry of Health.⁵⁵³ Between 2020-2022, COVID-19 further added a significant strain to services already burdened by the spread of disease caused by displacement, overcrowding and polluted water.⁵⁵⁴

4.2.2. Areas Outside of UNRWA Operations

ALGERIA

The Palestinian presence in the Republic of Algeria (Algeria) began as part of the process of “Arabization” that followed Algerian independence from the French in 1962. In that time, many Palestinians were recruited to join the education sector. Additional waves followed the 1967 Israeli occupation after many Palestinians were denied entry by Israel,⁵⁵⁵ and in 1982, after the PLO evacuation from Beirut, Lebanon.⁵⁵⁶ By 1991, up to 10,000 Palestinians lived in Algeria, after which many left due to the conflict between the Algerian government and the Islamic Salvation Front.⁵⁵⁷ In 2013, UNHCR registered a stable population of approximately 4,000 Palestinian refugees in Algeria.⁵⁵⁸ According to its statistics of 2021, it is indicated that

⁵⁴⁷ UNRWA, Syria Crisis (n 90).

⁵⁴⁸ UNRWA 2022 Emergency Appeal (n 295), 14-15.

⁵⁴⁹ *Ibid.*

⁵⁵⁰ UNRWA, Syria Humanitarian Snapshot (n 297).

⁵⁵¹ UNRWA, 10 Years of Hardships (n 534).

⁵⁵² Al Ali, Health Situation (n 544).

⁵⁵³ UNRWA, ‘Health in Syria’ (UNRWA, 16 March 2018) <<https://www.unrwa.org/activity/health-syria>> accessed 3 October 2022.

⁵⁵⁴ UNRWA, Department of Health (n 256), 12.

⁵⁵⁵ Al Ali, Casablanca Protocol (n 457).

⁵⁵⁶ Al Ray: Palestinian Opinion Agency for Information, ‘Refugees in the Maghreb: Eyes on Palestine’ (*Al Ray*, 7 May 2013) <<https://bit.ly/2krDiF8>> accessed 3 October 2022.

⁵⁵⁷ Islamic Salvation Front is an Islamic political party founded in February 1989 by Abbasi Madani and Ali Belhadj, and dissolved in March 1992, see Takkenberg, The Status of Palestinian Refugees (n 58), 169.

⁵⁵⁸ UNHCR, ‘2013 Global Report: Algeria’ (2013), 2 <<https://www.unhcr.org/539809f5b.pdf>> accessed 3 October 2022.





there are only 185 Palestinian refugees under UNHCR's mandate.⁵⁵⁹ The Palestinian Ministry of Foreign Affairs, nonetheless, estimates that the overall population of the Palestinian community in Algeria amounts to 10,000 in 2022.⁵⁶⁰

Legal Status

Algeria has ratified both the 1951 Refugee Convention and the Casablanca Protocol without reservations, and has one of the better records of implementation.⁵⁶¹ Palestinians are given two-year residency permits, regularly renewable, and can enter and exit easily, provided it is in coordination with the Algerian government and the PLO.⁵⁶²

Recognition of Basic Rights

- **Right to Work:** Most Palestinians who hold residency permits have contracts with the government, those who do not hold government contracts are generally subject to harassment from the authorities.⁵⁶³
- **Right to Education:** Access to public education is permitted for Palestinians who hold residency permits.
- **Right to Health Care:** Treatment and health services are provided to Palestinians residing in Algeria in various government hospitals, and they are treated as Algerian citizens.⁵⁶⁴

Current situation

Algeria detains, imprisons, and deportes all illegal immigrants, but in the case of Palestinians, it reportedly gives them slightly preferential treatment by allowing them the opportunity to voluntarily leave.⁵⁶⁵ In October 2018, 53 Palestinian refugees from Gaza, including several children, were detained by the Algerian government and subsequently deported to Niger.⁵⁶⁶

⁵⁵⁹ UNHCR, 'Refugee Data Finder: Palestinians in Algeria' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=2B6jKl>> accessed 3 October 2022.

⁵⁶⁰ Web Archive for the Palestinian Ministry of Foreign Affairs, 'Embassy of the State of Palestine - People's Democratic Republic of Algeria' (*State of Palestine Ministry of Foreign Affairs*, 22 February 2016) <<https://web.archive.org/web/20180816105431/http://www.mofa.pna.ps/ar/archives/3287>> accessed 3 October 2022.

⁵⁶¹ Al Ali, Casablanca Protocol (n 457).

⁵⁶² *Ibid.*

⁵⁶³ Al Ali, Casablanca Protocol (n 457).

⁵⁶⁴ Palestinian Ministry of Foreign Affairs (n 560).

⁵⁶⁵ Middle East Monitor, 'Official: Illegal Palestinian migrants have special status in Algeria' (*Middle East Monitor*, 7 February 2019) <<https://www.middleeastmonitor.com/20190207-official-illegal-palestinian-migrants-have-special-status-in-algeria/>> accessed 3 October 2022.

⁵⁶⁶ Middle East Monitor, 'Euro-Med HRM: "Dozens of Palestinian refugees detained by Algerian authorities"' (*Middle East Monitor*, 7 December 2018) <<https://www.middleeastmonitor.com/20181207-euro-med-hrm-dozens-of-palestinian-refugees-detained-by-algerian-authorities/>> accessed 3 October 2022; and Middle East Monitor, 'Algeria deportes Syrian, Palestinian refugees to Niger' (*Middle East Monitor*, 2 January 2019) <<https://www.middleeastmonitor.com/20190102-algeria-deports-50-syrian-palestinian-refugees-to-niger/>> accessed 3 October 2022.



EGYPT

There were two main waves of displaced Palestinians arriving in the Arab Republic of Egypt (Egypt). The first wave included approximately 11,600 Palestinians who fled to Egypt during the *Nakba* and its immediate aftermath. On arrival, most resided in two camps, one in Cairo and the other in Sinai, though these were quickly disbanded and many refugees were thus sent back to Gaza or Jerusalem by the Egyptian authorities.⁵⁶⁷ The second wave came during and after the 1967 War, when many Palestinians were deported from Gaza by Israel.⁵⁶⁸ By 1969, 33,000 Palestinians were residing in Egypt.⁵⁶⁹ According to the UNHCR, there were 70,021 Palestinian Persons of Concern in Egypt as of 2021.⁵⁷⁰

Between 2011 and 2013, the Palestinian embassy in Cairo recorded that between 5,000 and 6,000 Palestinian refugees from Syria arrived in Egypt.⁵⁷¹ By 2018, sources estimate that there are less than 3,000 PRS in Egypt as many of them were coerced into returning to Syria or seeking refuge elsewhere. This is due to government-imposed restrictions that subject them to harsh living conditions.⁵⁷² The government refuses to legally recognize PRS as refugees and does not allow them to register with the UNHCR. This prevents them from obtaining residency permits and from accessing basic services and benefits, such as education and employment. PRS who enter Egypt ‘illegally’ are also vulnerable to detention, prosecution, and refoulement.⁵⁷³

Legal Status

Egypt is a signatory to the Casablanca Protocol, but Palestinians have generally not enjoyed the protections enshrined therein. Moreover, as Egypt did not request UN assistance in 1948, it fell outside the UNRWA mandate area. The consequential absence of UNRWA’s presence and services, as well as Egyptian policies, left the Palestinian refugee population more interspersed than in other Arab countries. Today, most 1948 refugees hold temporary residency status, which must be renewed every 1-3 years, and are entitled to a five-year travel document.⁵⁷⁴ 1967

⁵⁶⁷ Laurie Brand, *Palestinians in the Arab World: Institution Building and the Search for State* (Columbia University Press 1988), 43 [hereinafter Brand, *Palestinians in the Arab World*].

⁵⁶⁸ Oroub El-Abed, *Unprotected: Palestinians in Egypt since 1948* (Institute for Palestine Studies and the International Development Research Centre 2009), 59 [hereinafter El-Abed, *Palestinians in Egypt*] <<https://prd-idrc.azureedge.net/sites/default/files/openbooks/443-7/index.html>> accessed 3 October 2022.

⁵⁶⁹ Brand, *Palestinians in the Arab World* (n 567), 46.

⁵⁷⁰ UNHCR, ‘Refugee Data Finder: Palestinians in Egypt’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=B1Dok6>> accessed 3 October 2022.

⁵⁷¹ Based on statistics collected by the Palestinian Embassy in Cairo, see: Susan Akram and others, *Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing* (Boston University Press 2015), 84 [hereinafter Akram and others, *Protecting Syrian Refugees*] <<https://www.bu.edu/law/files/2015/08/syrianrefugees.pdf>> accessed 3 October 2022.

⁵⁷² Tiba Fatli, ‘Twice Displaced, Palestinian-Syrians in Egypt Need Help’ (*Al-Fanar Media*, 7 October 2018) <<https://www.al-fanarmedia.org/2018/10/twice-displaced-palestinian-syrians-in-egypt-need-help/>> accessed 3 October 2022.

⁵⁷³ Diana Naoum, *Palestinians in Egypt: Assessing the Impact of Egyptian State Policies and Regulations on Palestinian refugees* (PRC 2016) <https://prc.org.uk/upload/library/files/Palestinians_in_Egypt_full.pdf> accessed 3 October 2022.

⁵⁷⁴ BADIL, ‘On the situation of Palestinian refugees in Egypt’ (2013) 55 *Haq Al Amda* [hereinafter BADIL, *Palestinian Refugees in Egypt*] <<http://www.badil.org/ar/publications-ar/periodicals-ar/haqelawda-ar/item/1968-art12.html>> accessed 3 October 2022.





refugees also hold temporary residency that must be renewed, and are entitled to three-year travel documents.⁵⁷⁵ However, Palestinians from Syria are not considered refugees by the Egyptian authorities and are not allowed to register with UNHCR. As a result, they cannot obtain residency permits and are deemed visitors who face the risk of arrest and deportation due to a lack of residency documentation.⁵⁷⁶ Notably, following a change to the law in 2011, approximately 40,000 Palestinians had been granted Egyptian citizenship by 2014 as a result of having an Egyptian parent.⁵⁷⁷

Recognition of Basic Rights

Under President Gamal Abdel Nasser, Palestinians enjoyed almost equal rights to Egyptian citizens. However, the death of President Nasser and the rising political tensions between Egypt and the PLO in the 1970s impacted the legal situation and thus Palestinians in Egypt were slowly stripped of their rights, unless they held citizenship.

- **Right to Work:** Since 1978, Palestinians with travel documents have been subject to a condition of reciprocity in order to acquire work permits, which served to exclude Palestinians from the workforce due to the absence of a state able to provide reciprocity to Egyptian nationals.⁵⁷⁸ Generally, Palestinian refugees who hold refugee documents have been officially exempted from the rule of preference which states that employment priority will be given to candidates whose country of origin in Egypt. Otherwise, most other laws and decrees regulating foreign workers in Egypt are applied to Palestinians.⁵⁷⁹
- **Right to Education:** Until 1978, Palestinians were treated similarly to Egyptian nationals who received free public education. After signing the peace treaty with Israel in 1978, the government gradually began to prohibit Palestinian access to public education, forcing them to be dependent on private schools that require hard currency tuition fees.⁵⁸⁰ Additionally, Palestinians have been restricted access and admission to certain universities by means of government regulations that “ban Palestinian students from joining colleges of medicine, pharmacy, economics, political science, and journalism.”⁵⁸¹ There have been exemptions at

⁵⁷⁵ El-Abed, *Palestinians in Egypt* (n 568), 79.

⁵⁷⁶ Marjan Claes, ‘Palestinian Refugees from Syria in Egypt: an overview’ (2015) 57 *Al Majdal*, no. 57 <<https://www.badil.org/en/publication/periodicals/al-majdal/item/2075-article-4.html>>; and Akram and others, *Protecting Syrian Refugees* (n 571), 84-85.

⁵⁷⁷ Sama News, ‘Al-Louh reveals: 40,000 Palestinians obtained Egyptian citizenship until 2014’ (*Sama News*, 22 July 2018) <<https://goo.gl/q7H2FX>>; Laila Taha, ‘Palestinians from Egypt and the Naturalization issues’ (PRC, 13 August 2018) [hereinafter Taha, *Palestinians from Egypt*] <<https://prc.org.uk/en/post/3912/palestinians-from-egypt-and-the-naturalization-issues>> accessed 3 October 2022.

⁵⁷⁸ El-Abed, *Palestinians in Egypt* (n 568), 79.

⁵⁷⁹ Palestinian Department of Refugee Affairs, ‘Palestinian Refugees’ <<http://info.wafa.ps/userfiles/server/pdf/ref1.pdf>> accessed 3 October 2022.

⁵⁸⁰ Naoum (n 573).

⁵⁸¹ Human Rights Watch, ‘Human Rights Watch Policy on the Right of Return: Treatment and Rights in Arab Host States’ (HRW, 11 July 2015) <<https://www.hrw.org/legacy/campaigns/israel/return/arab-rtr.htm>> accessed 3 October 2022.



various points in time for children of those working for the PLO or Egyptian authorities,⁵⁸² as well as sources of financial aid that have been available to facilitate education in certain cases.⁵⁸³

- **Right to Health Care:** Generally, Palestinian refugees are treated as foreigners in regards to health care, meaning that while they have access to basic primary health care, they do not have the same access as Egyptian citizens.⁵⁸⁴ However, Palestinians who work in the Egyptian government are able to access free health care, though their families are not covered. Treatment is often provided in public hospitals for modest fees for people without health insurance, including both Palestinians and Egyptians.⁵⁸⁵
- **Right to Movement:** Palestinians who hold Egyptian travel documents are subjected to strict travel restrictions, which require them to obtain a valid return visa before re-entry, or to travel back to Egypt every six months to retain their right of entry.⁵⁸⁶
- **Right to Property Ownership:** Palestinians, as other foreigners, are permitted to own one residential or business property of a certain size only, following a change to the law in 1978.⁵⁸⁷ However, in 1985, Palestinians lost the right to own agricultural or fertile land, and all land owned by Palestinians at the time reverted to state ownership.⁵⁸⁸

The Current Situation

With the absence of UNRWA and the non-adherence to the regulations of the Casablanca Protocol, Palestinian refugees in Egypt without citizenship face significant hardships due to the denial of fundamental rights and essential services. Further, and particularly since the administration of President Abdel Fattah Al-Sisi, no reliable resources for Palestinian refugees in Egypt exist.⁵⁸⁹

IRAQ

The first wave of Palestinian refugees arrived in the Republic of Iraq (Iraq) in 1948, having either chosen to join the Iraqi army or having fled there.⁵⁹⁰ This wave was followed by a second wave in 1967. A third wave further took place in 1991 as a result of the Gulf War⁵⁹¹ - an influx that mainly came from Kuwait after they were expelled due to the PLO

⁵⁸² Asem Khalil, 'Socioeconomic Rights of Palestinian Refugees in Arab Countries,' (2011) 23(4) International Journal of Refugee Law, 701 [hereinafter Khalil, Socioeconomic Rights] <<https://academic.oup.com/ijrl/article-abstract/23/4/680/1585204?redirectedFrom=fulltext>> accessed 3 October 2022.

⁵⁸³ BADIL, Palestinian Refugees in Egypt (n 574).

⁵⁸⁴ Khalil, Socioeconomic Rights (n 582), 702.

⁵⁸⁵ El-Abed, Palestinians in Egypt (n 568), 115.

⁵⁸⁶ BADIL, Palestinian Refugees in Egypt (n 574); Taha, Palestinians from Egypt (n 577).

⁵⁸⁷ El-Abed, Palestinians in Egypt (n 568), 117.

⁵⁸⁸ BADIL, Palestinian Refugees in Egypt (n 574); El-Abed, Palestinians in Egypt (n 568), 117.

⁵⁸⁹ Naima Abu Mustafa, 'The cry of a Palestinian refugee in Egypt' (*Raialyoum*, 14 March 2017) <<https://bit.ly/3LKVsdx>> accessed 3 October 2022.

⁵⁹⁰ Mohammed Wesam Amer, 'Palestinian refugees in Iraq: Unsteady Situation' (*The Palestine Return Centre*, 13 August 2018) <<https://prc.org.uk/en/post/3911/palestinian-refugees-in-iraq-unsteady-situations>> accessed 3 October 2022.

⁵⁹¹ UNHCR, 'Aide-Mémoire: Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country' (December 2006) <<https://www.refworld.org/docid/45b0fc2e2.html>> accessed 3 October 2022.





position supporting the Iraqi government.⁵⁹² Since the fall of Saddam Hussein's rule in 2003, the number of Palestinians living in Iraq has fallen from 35,000 to less than 11,000 due to increased persecution.⁵⁹³ According to UNHCR, as of the end of 2021, Palestinian Persons of Concern in Iraq is 8,033, which includes 7,885 UNHCR refugees and 142 asylum seekers.⁵⁹⁴

Legal Status

Palestinian refugees in Iraq were excluded from UNRWA's mandate following an agreement that Iraq would support these refugees in return for not having to financially support UNRWA.⁵⁹⁵ Regardless, in accordance with Iraq's ratification of the Casablanca Protocol, Palestinians have largely enjoyed the same socio-economic circumstances as Iraqi citizens, and in some cases better. In December 2017, however, the Iraqi parliament passed Law No. 76 of 2017, which categorized Palestinians as foreigners and stripped them of the rights and privileges conferred by former president Saddam Hussein. The precise implications of this remain unclear due to subsequent Iraqi government assurances that this law did not in fact apply to Palestinians and they are instead subject to Law 51 of 1971 as refugees.⁵⁹⁶ In practice, Palestinian refugees have reported experiencing evictions, threats to their businesses, arbitrary arrests and refusals to renew their identity papers since the passing of Law No. 76.⁵⁹⁷

Recognition of Basic Rights

In 2020, the Iraqi Council of Representatives agreed to amend the Foreigners Law and to provide treatment for Palestinian residents equal to that for Iraqi national for ten years. The law states that, "A Palestinian who has been residing for ten years in Iraq is treated as an Iraqi in terms of rights and duties, except for obtaining Iraqi citizenship and participating in elections by nomination and voting, in order to preserve his right to return to his homeland."⁵⁹⁸ As such, Palestinians are afforded the following:

- **Right to Residency:** Palestinians are granted residency permits and government-

⁵⁹² Lifos Centre for Country of Origin Information and Analysis, 'Palestinians in Iraq' (2014), 6 <https://www.landinfo.no/asset/2817/1/2817_1.pdf> accessed 3 October 2022.

⁵⁹³ Amnesty International, 'Iraq: Human Rights Abuses against Palestinian refugees' (2007) MDE 14/030/2007 <<https://www.amnesty.org/download/Documents/68000/mde140302007en.pdf>> accessed 3 October 2022.

⁵⁹⁴ UNHCR, 'Refugee Data Finder: Palestinians in Iraq' (UNHCR, 2021) [hereinafter UNHCR, Palestinians in Iraq] <<https://www.unhcr.org/refugee-statistics/download/?url=Au4QuT>> accessed 3 October 2022.

⁵⁹⁵ Mahmoud Al Alim, 'Palestinian refugees in Iraq: incitement and targeted rights' (*The New Arab*, 4 January 2018) <<https://goo.gl/y89gph>> accessed 3 October 2022.

⁵⁹⁶ *Ibid.*; Al Jazeera, 'Abadi: The rights of the Palestinian refugees are reserved' (*Al Jazeera*, 27 December 2017) <<https://goo.gl/XigtSn>> accessed 3 October 2022.

⁵⁹⁷ European Union Agency for Asylum (EUAA), *Country Guidance: Iraq – Common Analysis and Guidance Note* (EUAA 2022), 131-133 <<https://euaa.europa.eu/publications/country-guidance-iraq-june-2022>> accessed 3 October 2022.

⁵⁹⁸ Palestinian Refugees Portal, 'The Iraqi parliament passes a law that equals the Palestinian with the Iraq' (*Palestinian Refugee Portal*, 11 December 2020) [hereinafter Palestinian Refugees Portal, Iraqi Parliament] <<https://refugeesps.net/p/16165>> accessed 3 October 2022.



owned or fixed-rent housing supported by the private sector.⁵⁹⁹ In 2020, The United Nations Commission canceled the rent allowance clause for Palestinian refugees, which included more than 250 Palestinian families living at the expense of the Commission. Shortly after the uproar caused by the decision, the Commission decided to keep only 50 families.⁶⁰⁰

- **Right to Work:** Palestinians possess full work rights on par with Iraqi citizens.⁶⁰¹ However, Palestinians are often rejected for employment in Iraqi-owned businesses and institutions owned which has led to a high unemployment rate among them.⁶⁰²
- **Right to Education:** Palestinians enjoy the right to free education and were completely exempt from paying tuition fees.⁶⁰³
- **Right to Health Care:** Palestinians enjoy the right to health care on par with Iraqi citizens.⁶⁰⁴
- **Right to Movement:** The Iraqi government imposes on Palestinian refugees in Iraq who have left the country for more than three months the condition of obtaining an entry visa from its consulates abroad to return to their homes in Iraq.⁶⁰⁵

The Current Situation

According to UNHCR, Amnesty International and HRW reports, Palestinians have suffered significant persecution since the fall of Saddam Hussein in 2003, despite government assurances that Law No. 76 does not apply to them. Perceived to be loyal to Saddam Hussein due to the special treatment he afforded them, Palestinians were targeted and subject to torture, violence, arbitrary arrests, false accusations of collaboration with the former regime, abductions and extrajudicial killings.⁶⁰⁶ Additionally, almost 1,000 Palestinians were displaced to camps in Turkey and Jordan as a result of the rise of the Islamic State of Iraq and Syria (ISIS) militia, where many still remain, unable to meet their basic needs.⁶⁰⁷

Among the most prominent privileges that Palestinian refugees were recently denied in Iraq includes: ceasing pension right for retired Palestinians and depriving their heirs of these benefits upon their passing. This was as a result of Iraqi institutional amendments in 2018 to withhold the monthly ration card, withhold pension benefits for deceased Palestinians,

⁵⁹⁹ UNHCR, Palestinians in Iraq (n 594).

⁶⁰⁰ PRC, 'After years of deprivation, what is the fate of the Palestinian refugees in Iraq?' (PRC, 5 January 2021) <<http://bit.ly/2KVxIsd>> accessed 3 October 2022.

⁶⁰¹ UNHCR, Palestinians in Iraq (n 594).

⁶⁰² PRC, 'The Palestinians of Iraq.. Other chapters of the Nakba!' (PRC, 2 October 2020) <<http://bit.ly/33nJzWh>> accessed 3 October 2022.

⁶⁰³ UNHCR, 'Update of UNHCR Aide-Memoire of 2006: Protection Considerations for Palestinian Refugees in Iraq' (July 2012), 9 <<http://www.refworld.org/pdfid/500ebcea2.pdf>> accessed 3 October 2022.

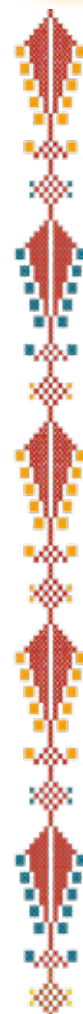
⁶⁰⁴ *Ibid.*

⁶⁰⁵ Palestinian Refugees Portal, Iraqi Parliament (n 598).

⁶⁰⁶ UNHCR, Palestinians in Iraq (n 594); UNHCR, 'Relevant COI on the Situation of Palestinian Refugees in Baghdad' (30 March 2017) <<https://www.refworld.org/pdfid/58de48104.pdf>> accessed 3 October 2022.

⁶⁰⁷ Palestinian Refugees Portal, 'Report: Palestinians of Iraq between violations and displacement' (*Palestinian Refugee Portal*, 19 August 2016) <<https://goo.gl/zG9pVB>> accessed 3 October 2022.





deprive heirs of respective privileges, and impose large financial fees on health and education services.⁶⁰⁸

In 2020, the Iraqi Council of Representatives agreed to amend the Foreigners Law and to provide treatment for Palestinian residents equal to that for Iraqi nationals. The law states that, “[a] Palestinian who has been residing for ten years in Iraq is treated as an Iraqi in terms of rights and duties, except for obtaining Iraqi citizenship and participating in elections by nomination and voting, in order to preserve his right to return to his homeland.”⁶⁰⁹

KUWAIT

In 1965, Palestinians accounted for 17 percent of the population of the State of Kuwait (Kuwait)- approximately 78,000 Palestinians out of a total of 468,000 Kuwaitis.⁶¹⁰ By the early 1990s, with 450,000 people, Palestinians made up almost 45 percent of the Kuwaiti population.⁶¹¹ The large Palestinian population in Kuwait was the result of a Kuwaiti decision in 1958 to cancel visa requirements for all those holding Jordanian citizenship; as such, many relocated to Kuwait and remained there.⁶¹² However, after Iraq’s invasion of Kuwait in 1991, only about 180,000 Palestinians remained, many of them forcibly displaced as a result of the post-war deportation policies.⁶¹³ According to the European Network on Statelessness, the number of Palestinians in Kuwait has declined to just 80,000 as of 2019.⁶¹⁴

Legal Status

Kuwait ratified the Casablanca Protocol, but made a reservation to Article 1, exempting Palestinians from having the same private enterprise rights as Kuwaitis due to the special regulations.⁶¹⁵ Kuwait also adopted the LAS Resolution No. 5093 which exempted it from giving priority to the Protocol in practice.⁶¹⁶ Palestinians in Kuwait, however, have never enjoyed citizenship nor equal status to Kuwaiti citizens. Rather, they have always been considered migrant workers and never obtained any rights on account of long-term residency.

⁶⁰⁸ Palestinian Refugees Portal, ‘A statement by the Iraqi Interior Minister’s advisor frustrates Palestinians’ (*Palestinian Refugee Portal*, 9 October 2021) <<https://refugeesps.net/p/18973>> accessed 3 October 2022.

⁶⁰⁹ Palestinian Refugees Portal, Iraqi Parliament (n 598).

⁶¹⁰ Ann M. Lesch, ‘Palestinians in Kuwait’ (1991) 20(4) *Journal of Palestine Studies* <<https://doi.org/10.2307/2537434>> accessed 3 October 2022.

⁶¹¹ Hassan A. El-Najjar, ‘Palestinians in Kuwait: Terror and Ethnic Cleansing’ in Hassan A. El-Najjar, *The Gulf War: Overreaction & Excessiveness*, (Amazon Press 2001) [hereinafter El-Najjar, *The Gulf War*] <<http://www.aljazeeraah.info/Gulf%20War%20Complete/Chapter%2010,%20Palestinians%20in%20Kuwait,%20Terror%20and%20Ethnic%20Cleansing,%20By%20Hassan%20A%20El-Najjar.htm>> accessed 3 October 2022.

⁶¹² Takkenberg, *The Status of Palestinian Refugees* (n 58), 158.

⁶¹³ El-Najjar, *The Gulf War* (n 611).

⁶¹⁴ European Network on Statelessness and Institute on Statelessness and Inclusion, ‘Stateless Journeys: Statelessness in Kuwait’ (2019), 10 <<https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Kuwait-FINAL.pdf>> accessed 3 October 2022.

⁶¹⁵ Casablanca Protocol (n 443).

⁶¹⁶ Howeidi (n 445).



Following the 1991 Iraq invasion, Palestinians were required to renew any work permits or face deportation. For 10 percent of the Palestinian community who had come to Kuwait from Gaza prior to the 1967, this left them in legal limbo unable to return to Gaza and unable to use their old Egyptian travel documents to enter Egypt. As such, many have remained in Kuwait illegally.⁶¹⁷ Today, the relationship between Palestinians and Kuwaitis has improved, but discrimination against Palestinians remains prevalent due to the official Palestinian political position of the invasion of Kuwait by Saddam Hussein in 1991.⁶¹⁸

Recognition of Basic Rights

- **Right to Residency:** In 2016, Kuwait officially recognized the Palestinian passport and reached an agreement with the PA on a process by which Palestinians residing in Kuwait can obtain Palestinian passports from the embassy. It was also agreed that a Palestinian residing in Kuwait can bring his wife from Palestine if she holds a Palestinian passport.⁶¹⁹ This was done in order to regularize the residency status in Kuwait of approximately 8,000 Palestinians who were no longer able to update their travel documents that had been issued by Syria, Egypt, Iraq or Lebanon.⁶²⁰ In 2021, Kuwait exempted Palestinians from residency renewal fees for those over 60 years old.⁶²¹
- **Right to Work:** Palestinians are able to reside in Kuwait on work visas, under which their employer is responsible for all legal and material matters.⁶²² Palestinians are still not allowed to work in governmental jobs.
- **Right to Education:** Palestinians can attend private schools and universities only.⁶²³
- **Right to Health Care:** Palestinians with work permits are provided health services only in private hospitals and are not entitled to government health care.⁶²⁴

The Current Situation

In 2017, some 25 years after the Gulf War, the Kuwaiti government decided to re-employ Palestinian teachers in Kuwait's government schools, as part of the education development in the country.⁶²⁵

⁶¹⁷ Shiblak, Residency Status (n 545).

⁶¹⁸ Megan O'Toole, 'Palestine-Kuwait relations: "Ice has started to melt"' (*Al Jazeera*, 6 August 2015) [hereinafter O'Toole, Palestine-Kuwait] <<https://www.aljazeera.com/news/2015/08/palestine-kuwait-relations-ice-started-melt-150805072107680.html>> accessed 3 October 2022.

⁶¹⁹ 'Kuwait endorses the Palestinian passport in its official departments' (*Al Ray Journal*, 21 April 2013) <<https://alray.ps/ar/post/106944>> accessed 3 October 2022.

⁶²⁰ 'Kuwait Officially Adopts Palestinian Passport' (*Al Ghad TV*, 6 November 2016) <<https://bit.ly/2kmU9ZR>> accessed 3 October 2022.

⁶²¹ 'Kuwait exempts Palestinians from the "60" fees' (*Al Jadeed Press*, 6 November 2021) <<https://bit.ly/36TwMPQ>> accessed 3 October 2022.

⁶²² Takkenberg, The Status of Palestinian Refugees (n 58), 158.

⁶²³ O'Toole, Palestine-Kuwait (n 618).

⁶²⁴ *Ibid.*

⁶²⁵ Khalid Al Khaldi, 'Palestinian Teachers to Kuwait' (*The New Arab*, 3 January 2017) <<https://bit.ly/2RsNTfp>> accessed 3 October 2022.



LIBYA

Libyan Arab Republic (Libya) has historically hosted thousands of Palestinian migrant workers, including many refugees in other Arab countries seeking better opportunities. After Libyan independence in 1951, Libya treated Arab foreigners more favorably than other foreigners, Palestinians in particular, seeking to attract those with skill and expertise to build the country.⁶²⁶ By 1970, this attracted approximately 5,000 Palestinians to Libya and had increased to 29,000 by the end of 1992. Since then, the number of Palestinians in Libya has fluctuated dramatically. After the signing of the Oslo Accords, Libyan President Muammar Gaddafi expelled up to 17,000 Palestinians in protest of the Accords,⁶²⁷ including around 5,000 Palestinian refugees who were left stranded on the Egyptian border in 1995, having been deported from Libya, but unable to enter Egypt.⁶²⁸

However, by the start of the Arab “uprisings” of 2011, some estimates put the population as high as 75,000 Palestinians.⁶²⁹ With the outbreak of conflict in Libya, this dwindled to 22,000 by the end of 2014.⁶³⁰ There was an estimated influx of about 5,000 Palestinian refugees from Syria, many from Egypt, using Libya as a transit point to Europe after Egyptian authorities placed heavy restrictions on Palestinians from Syria.⁶³¹ As of 2021, UNHCR noted 2,047 Palestinians as Persons of Concern, including 560 registered refugees and 1,487 asylum seekers, in Libya.⁶³² Those registered with UNHCR are considered a minority of the Palestinian population.⁶³³

Legal Status

Libya ratified the Casablanca Protocol with a reservation regarding Article 1, which required that Palestinians be subject to the same conditions of residency as other Arab citizens.⁶³⁴ Nevertheless, Palestinians were treated as Libyan citizens under Libyan law, except for a period from 1995-97, when President Muammar Gaddafi suspended their residency rights in protest over the PA’s decision to sign the Oslo Accords.

Since the fall of Gaddafi in 2011, no new laws have been passed regarding residency and

⁶²⁶ Lifos, ‘Thematic Report: Palestinians & Syrians in Libya’ (2016), 7 [hereinafter Lifos, *Palestinians in Libya Thematic Report*] <https://www.ecoi.net/en/file/local/1041798/1788_1461175197_lifos.pdf> accessed 3 October 2022.

⁶²⁷ *Ibid.*

⁶²⁸ Shiblak, *Residency Status* (n 545), 40.

⁶²⁹ Dr. Mohsen Mohammed Saleh, *Conditions of Palestinian refugees and their causes in the Arab world* (Al Zaytouna 2015), 14 <<https://bit.ly/2GZpFIV>>; Franklin Lamb, ‘Libya’s Palestinian Refugees And The Current Crisis (Part I of II)’ (*Counter Currents*, 10 September 2011), <<https://countercurrents.org/lamb100911.htm>> accessed 3 October 2022.

⁶³⁰ *Ibid.*

⁶³¹ Lifos, *Palestinians in Libya Thematic Report* (n 626), 8.

⁶³² UNHCR, ‘Refugee Data Finder: Palestinians in Libya’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=50SQdo>> accessed 3 October 2022.

⁶³³ Lifos, *Palestinians in Libya Thematic Report* (n 626), 8.

⁶³⁴ Al Ali, *Casablanca Protocol* (n 457).



legal status for Palestinians. However, the laws are no longer fully implemented in the absence of a fully functioning judiciary. It is known that Palestinians are not receiving the benefit of the visa waiver for Arab nationals,⁶³⁵ and in 2015, the internationally recognized government in the east, banned Palestinians from entering the country without a visa, resulting in many entering Libya illegally.⁶³⁶

Recognition of Basic Rights

Although there is a Libyan law affording all Arab nationals the same rights as Libyan citizens,⁶³⁷ including Palestinian refugees whom were treated with sympathy generally, the situation has deteriorated significantly with many rights not fully realized in practice since the fall of Gaddafi in 2011.

- **Right to Work:** Palestinians in Libya are granted the same treatment as Libyan citizens.⁶³⁸ In general, refugees do not have the right to run businesses, obtain necessary licenses, or own property, but the government allows a small number of Palestinian and Iraqi refugees to run businesses.⁶³⁹
- **Right to Education:** Since the 1970s, Palestinian refugee communities received the provision of scholarships to refugee children to complete their secondary and tertiary studies.⁶⁴⁰
- **Right to Healthcare:** Palestinian refugees can receive free health services and education from the government, while other refugees receive health services through the UNHCR.⁶⁴¹
- **Right to Property Ownership:** In 1986, Gaddafi abolished land ownership altogether; since his fall, many original owners of houses that have since been occupied are reclaiming their land and forcibly evicting Palestinians. This possible expulsion from their home is exacerbating the insecure status and displacement of Palestinian refugees in Libya.⁶⁴²

The Current Situation

Currently, most Palestinians living in Libya are there temporarily and for work purposes. However, due to the conflict, the full extent of the situation, particularly between the different areas of political control, remains unclear. Work opportunities have diminished severely

⁶³⁵ Lifos, Palestinians in Libya Thematic Report (n 626), 12&21.

⁶³⁶ *Ibid.*, 24.

⁶³⁷ For Law 10/1989 Concerning the rights and Duties of Arab Citizens, see Lifos, Palestinians in Libya Thematic Report (n 626), 17.

⁶³⁸ Takkenberg, The Status of Palestinian Refugees (n 58), 166.

⁶³⁹ United States Committee for Refugees and Immigrants (USCRI), 'World Refugee Survey 2009 – Libya' (2009) [hereinafter USCRI, Refugee Survey 2009] <<https://www.refworld.org/docid/4a40d2acc.html>> accessed 3 October 2022.

⁶⁴⁰ Elena Fiddian-Qasmiyeh, 'Invisible Refugees and/or Overlapping Refugeeedom? Protecting Sahrawis and Palestinians Displaced by the 2011 Libyan Uprising' (2012) 24(2) International Journal of Refugee Law, 270 <<https://doi.org/10.1093/ijrl/ees027>> accessed 3 October 2022.

⁶⁴¹ USCRI, Refugee Survey 2009 (n 639).

⁶⁴² Rebecca Murray, 'Palestinians Live on the Edge in New Libya' (*Inter Press Service News Agency*, 23 August 2012) <<http://www.ipsnews.net/2012/08/palestinians-live-on-the-edge-in-new-libya>> accessed 3 October 2022.



and Palestinians have been increasingly subjected to harassment, arrest and torture due to the political factions in the country. As a result, many have left or are trying to leave. However, some stateless Palestinians do not have documents that would enable them to return to their original host country, and with no valid Libyan documents, they often remain stuck at the borders.⁶⁴³

Additionally, the Libyan government has implemented measures to arrest Palestinians who enter the country illegally. In March 2022, the Libyan authorities arrested 32 Palestinians arriving from the Gaza Strip, who were later released and assisted in terms of consular and living conditions to settle their legal residency status in Libya.⁶⁴⁴

SAUDI ARABIA

It is estimated that approximately 400,000-500,000 Palestinians reside in the Kingdom of Saudi Arabia (Saudi Arabia),⁶⁴⁵ having arrived there primarily for economic reasons.

Legal Status

Saudi Arabia has not ratified the Casablanca Protocol, and has actively sought to downgrade its legal applicability to Arab States.⁶⁴⁶ Additionally, while Saudi Arabia's Basic Law of Governance stipulates that, "the State shall grant political asylum if public interest so dictates,"⁶⁴⁷ the Saudi Kingdom has no mechanism to implement this provision, and lacks a procedural and legal framework for determining refugee status.⁶⁴⁸ As a result, Palestinian refugees only have residency status in Saudi Arabia, which additionally requires sponsorship by a Saudi employer in order to obtain the *iqama* (permit).⁶⁴⁹

The Kingdom of Saudi Arabia considers Palestinian refugees as foreigners residing in the country, even if one is born in the country.⁶⁵⁰ Under Saudi law, only those born to a Saudi

⁶⁴³ Ali Badwan, 'The repercussions of the situation in Libya on the Palestinians' (*Palestine Today*, 9 March 2011) <<https://goo.gl/SwPwFq>> accessed 3 October 2022.

⁶⁴⁴ Palestinian Refugees Portal, 'The release of 32 Palestinians detained in Libya due to illegal immigration', (*Palestinian Refugee Portal*, 14 March 2022) <<https://refugeesps.net/p/20430>> accessed 3 October 2022.

⁶⁴⁵ PRC, 'Official: 350 thousand Palestinians who hold the Egyptian document are in Saudi Arabia' (PRC, 20 June 2021) <<https://bit.ly/3g3Owfl>> accessed 3 October 2022.

⁶⁴⁶ Along with Kuwait, Saudi Arabia proposed resolution No. 5093, which sought to exempt Arab States from giving priority to the Protocol in practice, see Howeidi (n 445).

⁶⁴⁷ Embassy of the Kingdom of Saudi Arabia (Washington, DC), 'Basic Law of Governance' (1 March 1992) 1412 H No. A/90, 1 March 1992 <<https://www.saudiembassy.net/basic-law-governance>> accessed 3 October 2022.

⁶⁴⁸ US Department of State Bureau of Democracy, Human Rights and Labor, 'Saudi Arabia 2017 Human Rights Report' (2018), 32 <<https://www.state.gov/wp-content/uploads/2019/01/Saudi-Arabia.pdf>> accessed 3 October 2022.

⁶⁴⁹ Immigration and Refugee Board of Canada, 'Palestine and Saudi Arabia: Residence status of stateless Palestinians, including access to employment, education, health care and other services, and the ability to travel in and out of the country; requirements and procedures to renew residence status, including whether stateless Palestinians whose permits have expired face deportation and detention (2015- November 2017)' (14 November 2017) ZZZ106013.E <<https://www.refworld.org/docid/5afadfd94.html>> accessed 3 October 2022.

⁶⁵⁰ Abdullah Sami Abu Louz, 'The Palestinians of Saudi Arabia: An Anxious Identity and Suspended Destinies' (*Bab Al Wad*, 25 November 2019) [hereinafter Abu Louz, *Palestinians of Saudi Arabia*] <<https://bit.ly/3EYCwEw>> accessed 3 October 2022.

father can obtain citizenship at birth.⁶⁵¹ Palestinians are also ineligible to apply for citizenship on the basis of ten years residency.⁶⁵²

Recognition of Basic Rights

- **Right to Work:** Palestinians are dealt with as other foreign workers, and therefore excluded from working in numerous professions due the requirement of holding Saudi citizenship.⁶⁵³ Palestinians are also affected by a labor law that limits work in twelve economic activities to Saudi nationals as well as a law that imposes a monthly fee on private sector companies for each migrant worker.⁶⁵⁴
- **Right to Education:** Public schools are free for citizens and non-citizens.⁶⁵⁵ Higher education is free only for Saudi citizens. The children of foreign workers are not allowed to access higher education institutions unless they are granted scholarships.⁶⁵⁶
- **Right to Health care:** Saudi Arabia provides free health care for Saudis and foreigners in the public sector. However, foreigners employed in the private sector are dependent on their employer to provide health care.⁶⁵⁷
- **Right to Property Ownership:** Article 2 of the Regulation of Ownership and Investment in Real Estate by Non-Saudis stipulates that: “[n]on-Saudi natural persons enjoying normal legal residency status in Saudi Arabia may own real estate for use as a personal residence, subject to obtaining a permit from the Ministry of Interior.”⁶⁵⁸
- **Right to Movement:** Palestinians, most of whom hold Egyptian, Syrian and Jordanian travel documents, are not allowed to travel outside the city of their employment or to change their work place without the permission of their Kafel (employment sponsor).⁶⁵⁹ Palestinians who leave Saudi Arabia for six months or more are not allowed to return without acquiring a new employer or sponsor, which is almost impossible from abroad.⁶⁶⁰

⁶⁵¹ ‘Saudi Arabian Nationality Regulations Resolution No. (4)’ (23 September 1954) 1374H, art 8 <https://www.ecoi.net/en/file/local/1098597/1504_1217587365_saudi-arabian-nationality-regulations.pdf> accessed 3 October 2022.

⁶⁵² Gabriel G. Tarabani, *Israeli-Palestinian Conflict: from Balfour Promise to Bush Declaration* (AuthorHouse 2008), 91.

⁶⁵³ *Ibid.*; Arab News, ‘41 Jobs Types Designated as Saudi-only’ (*Arab News*, 16 December 2018) <<http://www.arabnews.com/node/1421836/saudi-arabia>> accessed 3 October 2022.

⁶⁵⁴ Abu Louz, *Palestinians of Saudi Arabia* (n 650).

⁶⁵⁵ Majed Alamri, ‘Higher Education in Saudi Arabia’ (2011) 11(4) *Journal of Higher Education Theory and Practice*, 15 <<http://www.na-businesspress.com/JHETP/AlamriWeb11-4.pdf>> accessed 3 October 2022.

⁶⁵⁶ Hujaylan Alhujaylan, ‘The Higher Education of Women in The Kingdom of Saudi Arabia: Relationship of Gender and Academic Performance in High School to the Selection of College Major Among Undergraduate Students’ (Masters of Arts Thesis, University of Akron 2014), 2 <https://etd.ohiolink.edu/apexprod/rws_etd/send_file/send?accession=akron1399523302&disposition=inline> accessed 3 October 2022.

⁶⁵⁷ Mohammed H. Mufti, *Healthcare Development Strategies in the Kingdom of Saudi Arabia* (Kluwer Academic/Plenum 2000), 54.

⁶⁵⁸ ‘Regulation of Ownership and Investment in Real Estate by Non-Saudis Law, Royal Decree No. M/15’ (19 July 2000) <http://www.mu7ami.com/downloads-2/files/Ownership_Real_Estate.pdf> accessed 3 October 2022.

⁶⁵⁹ U.S. Department of State, *Country reports on human rights practices: report submitted to the Committee on Foreign Affairs, U.S. House of Representatives and Committee on Foreign Relations, U.S. Senate by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended* (Department of State 1989), 1489 <<https://archive.org/details/countryreportson1988unit/page/1488>> accessed 3 October 2022.

⁶⁶⁰ USCRI, ‘World Refugee Survey 2008 - Saudi Arabia’ (2008) <<http://www.refworld.org/docid/485f50cec.html>> accessed 3 October 2022.





The Current Situation

Recently, Saudi Arabia has imposed measures against Palestinians who hold travel documents from other Arab host states, particularly all Palestinians with travel documents, who have been prevented from travelling to Mecca for Hajj.⁶⁶¹ These measures prevent the renewal of residency for Palestinian refugees residing in Saudi Arabia, unless the person holds a passport.⁶⁶²

Saudi Arabia has also been targeting Palestinians over charitable work in the country, with 150 persons reported to have been arrested and tortured.⁶⁶³

SUDAN

The Republic of the Sudan is home to a small Palestinian population, many arriving after the expulsion of the PLO from Lebanon in 1982.⁶⁶⁴ In 2008, Sudan accepted 1,800 Palestinian refugees from the Iraq-Syria border.⁶⁶⁵ More recently, more than 1,000 Palestinian refugees from Syria have found themselves in Sudan,⁶⁶⁶ with just 172 registered with UNHCR as Persons of Concern.⁶⁶⁷

Legal Status

Sudan has ratified the Casablanca Protocol without any reservations.⁶⁶⁸ However, Palestinians are generally treated as foreigners. That said, entry to Sudan has been relatively straightforward for Palestinians from Syria. Palestinians from Syria are not however, provided with government support.⁶⁶⁹ Palestinian refugees in Sudan since 1982 do not have identity cards, and are therefore overlooked by the government.⁶⁷⁰

⁶⁶¹ Par Mustafa Abu Sneineh, 'Saudi Arabia bars nearly 3 million Palestinians from Hajj and Umrah' (*Middle East Eye*, 8 November 2018) <<https://www.middleeasteye.net/fr/saudi-arabia-barring-Palestinians-hajj-umrah-passport-ban>> accessed 3 October 2022.

⁶⁶² Al Jazeera, 'Saudi Action Against Palestinians with "travel documents"' (*Al Jazeera*, 19 September 2018) <<https://go.gl/taayXI>> accessed 3 October 2022.

⁶⁶³ Middle East Monitor, 'Saudi Arabia arrests, tortures scores of Palestinians' (*Middle East Monitor*, 12 June 2019) <<https://www.middleeastmonitor.com/20190612-saudi-arabia-arrests-tortures-scores-of-palestinians/>> accessed 3 October 2022.

⁶⁶⁴ Al Ali, Casablanca Protocol (n 457).

⁶⁶⁵ UNHCR, 'UNHCR Sudan Operations: Sudan situation update 86' (2008) <<https://reliefweb.int/report/chad/unhcr-sudan-operations-sudan-situation-update-86-may-2008>> accessed 3 October 2022.

⁶⁶⁶ AGPS, 'Palestinians from Syria in Sudan Grappling with Dire Conditions' (*AGPS*, 6 October 2018) [hereinafter AGPS, Palestinians from Syria in Sudan] <<https://www.actionpal.org.uk/en/post/7785/news-and-reports/palestinians-from-syria-in-sudan-grappling-with-dire-conditions>> accessed 3 October 2022.

⁶⁶⁷ UNHCR, 'Refugee Data Finder: Palestinians in Sudan' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=07CJQm>> accessed 3 October 2022.

⁶⁶⁸ Al Ali, Casablanca Protocol (n 457).

⁶⁶⁹ AGPS, Palestinians from Syria in Sudan (n 666).

⁶⁷⁰ Al Ali, Casablanca Protocol (n 457).



Recognition of Basic Rights

- **Right to Work:** Palestinian refugees are treated as foreigners and are required to meet certain standards to obtain work.⁶⁷¹ As such, they suffer from high levels of unemployment and low wages.
- **Right to Education:** Palestinian refugees are required to pay high fees to access schools and universities, while they are also unable to access the United Nations Children's Fund (UNICEF) or UNHCR-run schools.⁶⁷²

TUNISIA

Only a small number of Palestinians arrived in Tunisia in 1948.⁶⁷³ In 1982, following the Israeli invasion of Lebanon, thousands of Palestinian refugees from Lebanon fled to Tunisia where the PLO established its temporary headquarters.⁶⁷⁴ Their evacuation from Lebanon was carried out in conformity with special arrangements between the US, France, Israel, Lebanon, Tunisia and the PLO. During their ten-year stay, the number of Palestinians increased to 5,000. However, most of them left Tunisia in the early 1990s following the Oslo Agreements and the establishment of the PLO headquarters in the Gaza Strip.⁶⁷⁵ As of 2009, roughly 1,000 Palestinians resided in Tunisia.⁶⁷⁶ According to UNHCR, there are 58 Palestinian Persons of Concern in Tunisia as of the end of 2021.⁶⁷⁷

Legal Status

Tunisia has not ratified the Casablanca Protocol,⁶⁷⁸ but does adhere to its provisions in relation to Palestinians.⁶⁷⁹ It has also ratified the Refugee Convention, with a reservation on recognition of the right to work.⁶⁸⁰ As a result, Palestinians have, in practice, been afforded residency on par with Tunisian citizens, although there is nothing in national law specifying this.⁶⁸¹

⁶⁷¹ *Ibid.*

⁶⁷² AGPS, Palestinians from Syria in Sudan (n 666).

⁶⁷³ 'Palestinian Refugees in "Arab Magreb" Awaiting for Return' (*Al Ray*, 15 May 2013) <<http://alray.ps/en/index.php?act=post&id=584>> accessed 3 October 2022; Takkenberg, The Status of Palestinian Refugees (n 58), 169.

⁶⁷⁴ Takkenberg, The Status of Palestinian Refugees (n 58), 169; Asem Khalil, 'Palestinian Refugees in Arab States: A Rights-Based Approach' (2009) CARIM-RR 2009/08, 28 [hereinafter Khalil, Palestinian Refugees in Arab States] <http://cadmus.eui.eu/bitstream/handle/1814/10792/CARIM_RR_2009_08REV.pdf> accessed 3 October 2022.

⁶⁷⁵ Takkenberg, The Status of Palestinian Refugees (n 58), 169; Khalil, Palestinian Refugees in Arab States (n 674), 28.

⁶⁷⁶ Khalil, Palestinian Refugees in Arab States (n 674), 28.

⁶⁷⁷ UNHCR, 'Refugee Data Finder: Palestinians in Tunisia' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=IKkW5g>> accessed 3 October 2022.

⁶⁷⁸ Casablanca Protocol (n 443).

⁶⁷⁹ Khalil, Palestinian Refugees in Arab States (n 674), 14.

⁶⁸⁰ *Ibid.*

⁶⁸¹ *Ibid.*, 16&28.





Recognition of Basic Rights

- **Right to Work:** Palestinians enjoy the same rights with regard to work as Tunisian citizens.⁶⁸²
- **Right to Education:** Access to higher education is open to anyone who successfully completes secondary education. Education is free at State universities and the government offers grants for students from vulnerable families.⁶⁸³ Education is free in public schools for all children and the government provides assistance at all levels of education without exception.⁶⁸⁴
- **Right to Health Care:** Tunisia provides those with low household income free healthcare through the Free Medical Assistance Program.⁶⁸⁵
- **Right to Property Ownership:** Property ownership by foreigners is subject to the consent of the governor of the locality where the property is located, though this consent was waived in 2005 for the lease or acquisition of buildings and lands in industrial or tourist zones for economic projects. However, Palestinians are prohibited from owning agricultural lands.⁶⁸⁶

The Current Situation

In June 2017, Tunisian forces demolished the “Choucha” camp in the southern Tunisian town of Ben Qardan on the Libyan border. The camp had been home to numerous Arab communities, including Palestinians fleeing violence in Libya. The UNHCR had withdrawn prior to this, in 2013, as a result of an assessment that the camp had become a crime hub for human trafficking and clandestine immigration.⁶⁸⁷ Three Palestinian families were among the 50 refugees who had remained in the camp without services for more than five years.⁶⁸⁸

⁶⁸² *Ibid.*, 16.

⁶⁸³ UNESCO, ‘Tunisia: Inclusion’ (UNESCO, 9 September 2021) <<https://education-profiles.org/northern-africa-and-western-asia/tunisia/~inclusion>> accessed 3 October 2022.

⁶⁸⁴ United Nations, ‘Tunisia: National Report on Millennium Development Goals’ (2004), 11 <http://www.un.org/en/development/desa/policy/mdg_workshops/mdgreports/tunisia/national_report.pdf> accessed 3 October 2022.

⁶⁸⁵ Heba Elgazzar and Chokri Arfa, ‘Tunisia - Consolidation and transparency : transforming Tunisia's health care for the poor (English)’ (*The World Bank*, January 2013), 6 <<http://documents.worldbank.org/curated/en/2013/01/17207923/tunisia-consolidation-transparency-transforming-tunisias-health-care-poor>> accessed 3 October 2022.

⁶⁸⁶ Organisation for Economic Co-operation and Development (OECD), *OECD Investment Policy Reviews: Tunisia 2012* (OECD Publishing 2012), 103 <http://www.keepeek.com/Digital-Asset-Management/oecd/finance-and-investment/oecd-investment-policy-reviews-tunisia-2012_9789264179172-en#page103> accessed 3 October 2022.

⁶⁸⁷ Dalia Al Aichi, ‘UNHCR closes camp in south Tunisia, moves services to urban areas’ (UNHCR, 2 July 2013) <<https://www.unhcr.org/news/latest/2013/7/51d2a40e9/unhcr-closes-camp-south-tunisia-moves-services-urban-areas.html>>; Mat Nashed, ‘Refugees left behind in Tunisia’s desert’ (*Al Jazeera*, 14 November 2014) <<https://www.aljazeera.com/news/2014/11/14/refugees-left-behind-in-tunisias-desert/>> accessed 3 October 2022.

⁶⁸⁸ Al Jazeera, ‘The growing suffering of the Palestinian refugees in Tunisia’ (*Al Jazeera*, 24 May 2013) <<https://goo.gl/dygimi>> accessed 3 October 2022.



YEMEN

There are an estimated 5,000 Palestinians in the Republic of Yemen (Yemen),⁶⁸⁹ including 576 registered with UNHCR.⁶⁹⁰ Initially, many Palestinians in Yemen were recruited as educators along with those from different Arab countries. While many other Arab nationals returned home, most Palestinians could not return to Palestine after the 1948 War and 1967 War.⁶⁹¹

Those Palestinians continued working in the education sector until the decision of the Ministry of Education to eliminate all external Arab staff working in the field of education was resolved. This led to the unemployment of 100 Palestinian teachers.⁶⁹² Their ongoing legal status in Yemen remains unclear. The Republic of Yemen has ratified the Casablanca Protocol without reservations.⁶⁹³

TURKEY⁶⁹⁴

The Republic of Turkey (Turkey) is a signatory to the 1951 Refugee Convention and its 1967 additional Protocol,⁶⁹⁵ with a geographical reservation restricting refugee status to those originating from European countries.⁶⁹⁶ In 2011, in the wake of the mass influx of refugees fleeing the Syrian War, Turkey introduced the so-called ‘temporary protection’ regime in order to grant legal protection to these refugees.⁶⁹⁷ About 22,000 Palestinians live in Turkey, including 8,000-10,000 Palestinians displaced from Syria.⁶⁹⁸

However, it is difficult to acquire an accurate estimate of the number of Palestinians in Turkey considering that refugees often arrive there as a gateway to Europe where they hope to obtain humanitarian asylum.

⁶⁸⁹ Al Ali, Casablanca Protocol (n 457).

⁶⁹⁰ UNHCR, ‘Refugee Data Finder: Palestinians in Yemen’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=EJrqd7>> accessed 3 October 2022.

⁶⁹¹ Al Ali, Casablanca Protocol (n 457).

⁶⁹² *Ibid.*

⁶⁹³ *Ibid.*

⁶⁹⁴ Although not an Arab state, the situation for Palestinian refugees is more akin to that of the other Arab states, in terms of ambiguous status and rights. For this reason, we have included Turkey among these states, rather than among the western countries.

⁶⁹⁵ UNHCR, ‘States parties, including reservations and declarations, to the 1951 Refugee Convention’ (UNHCR) [hereinafter UNHCR, States Parties to the 1951 Convention] <<https://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>> accessed 3 October 2022.

⁶⁹⁶ Violeta Moreno-Lax and Efthymios Papastavridis (eds), *“Boat Refugees” and Migrants at Sea: A Comprehensive Approach Integrating Maritime Security with Human Rights* (Brill 2016), 28-29.

⁶⁹⁷ Meltem Ineli-Ciger, ‘A Temporary Protection Regime in Line with International Law: Utopia or Real Possibility?’ (2016) 18(3-4) International Community Law Review, 285 <https://brill.com/view/journals/iclr/18/3-4/article-p278_5.xml?language=en> accessed 3 October 2022.

⁶⁹⁸ Palestinian Refugees Portal, ‘Turkish promises to grant Palestinians on its lands a two-year residence permit that does not include document holders’ (*Palestinian Refugees Portal*, 17 February 2021) <<https://refugeesps.net/p/16761>> accessed 3 October 2022.





Legal Status

In law, temporary protection is accorded to all refugees arriving directly from Syria, including stateless Palestinians,⁶⁹⁹ guaranteeing them free access to Turkish territory, protection against *refoulement* and entitlement to some basic services.⁷⁰⁰ Thus, in principle, Palestinian refugees from Syria, on par with Syrian nationals, are allowed to enter Turkey without a visa and gain protection. In practice, however, Turkish border guards have invariably refused to accept the Syrian travel documents held by Palestinians and they have been denied entry.⁷⁰¹ As a result, most Palestinians displaced from Syria have crossed into Turkey illegally.⁷⁰² Regardless, all Palestinians are required to register with the Prime Minister's Disaster and Emergency Management Agency (AFAD) to access the benefits of temporary protection.⁷⁰³ In 2014, residency permits were granted to hundreds of Palestinians who had entered illegally, but also NGOs report that local authorities regularly refuse to register Palestinians refugees holding Syrian travel documents.⁷⁰⁴

Recognition of Basic Rights

- **Right to Work:** If Palestinian refugees are registered with AFAD, they are entitled to apply for a work permit, though this can only be achieved through a process which has been made costly and bureaucratically convoluted by Turkey's labor migration laws.⁷⁰⁵ Most Palestinians, however, are excluded from the labor market, and forced to work illegally for low wages.⁷⁰⁶
- **Right to Education:** Registered Palestinian refugees can enroll their children in Turkish

⁶⁹⁹ Presidency of Migration Management, 'Temporary Protection in Turkey' (*Ministry Interior of Turkey*, 9 May 2017) <<https://en.goc.gov.tr/temporary-protection-in-turkey>> accessed 3 October 2022.

⁷⁰⁰ *Ibid.*

⁷⁰¹ Amnesty International, 'Struggling to Survive: Refugees from Syria in Turkey' (2014), 13 [hereinafter Amnesty International, *Struggling to Survive*] <<https://www.amnesty.org/en/documents/eur44/017/2014/en/>> accessed 3 October 2022.

⁷⁰² Anna Clementi, 'No Way Out: The Second Nakba of Palestinian Refugees from Syria Escaping to Turkey' (2015) 57 *Al Majdal* [hereinafter Clementi, *No Way Out*] <<https://www.badil.org/en/publication/periodicals/al-majdal/item/2079-article-9.html>> accessed 3 October 2022.

⁷⁰³ Possession of the so-called "AFAD Card" is mandatory for all refugees who, just like Palestinians originating from Syria, do not have any other valid residency permit in Turkey; only AFAD Card holders are allowed to benefit from some basic services provided by the Turkish Government. See: World Humanitarian Summit 2016 – Turkey Position Paper, 'Humanitarian Aid Efforts of Turkey To The Syrian Refugees' (2016) <https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/loss_damage_excom_turkey.pdf>; AGPS and PRC, *Palestinians of Syria - The Bleeding Wound: A Documentary Bi-Annual Field Report Monitors the Conditions of the Palestinians of Syria during the Second Half of 2014* (AGPS and PRC 2015), 77 [hereinafter AGPS and PRC, *Bleeding Wound*] <http://actionpal.org.uk/en/reports/special/the_bleeding_wound_semi_annual_report_2_2014.pdf> accessed 3 October 2022.

⁷⁰⁴ *Ibid.*

⁷⁰⁵ Platform for International Cooperation on Undocumented Migrants (PICUM) and others, 'Shadow Report on Turkey to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)' (11-12 April 2016) <https://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/TUR/INT_CMW_NGO_TUR_23327_E.pdf> accessed 3 October 2022.

⁷⁰⁶ *Ibid.*; Clementi, *No Way Out* (n 702).



public schools, provided they possess an AFAD Card.⁷⁰⁷ However, as education is in Turkish, the curriculum is largely inaccessible. Instead, a number of Syrian charities run “temporary education centers” in Arabic for children in refugee camps, including Palestinian children.⁷⁰⁸ Some schools are free, while others have fees; all are usually overcrowded and poorly organized.

- **Right to Health Care:** Registered Palestinian refugees have free access to healthcare. Emergency healthcare is also accessible to everyone regardless of their legal status.⁷⁰⁹
- **Right to Property Ownership:** Under new laws, Palestinian refugees with travel documents can now purchase property.⁷¹⁰ Previously, only Palestinians with PA or Jordanian passports could own property in Turkey. However, most Palestinians from Syria are still excluded, as they remain unregistered.⁷¹¹

Current Situation

Of the estimated 10,000 Palestinian refugees who have entered Turkey since the outbreak of the Syrian conflict, roughly only 2,400 reside today in the country.⁷¹² Most Palestinian refugees from Syria have in fact managed, in one way or another, to reach Europe. In order to reach the Greek and Italian coastlines, Palestinians have had no other choice than resorting to the ‘death boats,’ thereby placing their lives in the hands of human traffickers.⁷¹³ In several cases they were stuck in Greek detention centers for months accused of illegal immigration, or intercepted by European Coast Guard and forcibly returned to Turkey.⁷¹⁴



Palestinians fleeing from the civil war in Syria to Turkey 2017 (Source: palinfo.com)

⁷⁰⁷ UNHCR, ‘Frequently Asked Questions for Syrian Refugees in Turkey’ (2017), 20 <<https://data2.unhcr.org/ar/documents/download/59169>> accessed 3 October 2022.

⁷⁰⁸ Clementi, No Way Out (n 703), 80-81.

⁷⁰⁹ *Ibid.*, 35.

⁷¹⁰ The Turkish Government recently adopted the Tabu Directorate Circular of 06/03/2019 expanding the law. For a copy of the circular in Turkish and translated in English, see Imtilak Real Estate Turkey, ‘Translation of Law Authorizing Ownership of Palestinians Those of Document Holders in Turkey’ (*Imtilak Real Estate*, 7 July 2019) <<https://turkey.imtilak.net/en/articles/amendments-permit-palestinians-ownership-turkey>> accessed 3 October 2022.

⁷¹¹ Imtilak Real Estate Turkey, ‘Is the Palestinian Entitled to Own Property in Turkey? Finally a Turkish Decision Allows!’ (*Imtilak Real Estate*, 16 March 2019) <<https://turkey.imtilak.net/en/news/palestinian-ownership-in-turkey>> accessed 3 October 2022.

⁷¹² Amnesty International, Struggling to Survive (n 701), 13.

⁷¹³ Clementi, No Way Out (n 702).

⁷¹⁴ *Ibid.*



Main Findings on Palestinians Refugees in Arab Host States and Turkey

The legal status and socioeconomic rights of Palestinian refugees in Turkey and Arab host states, both inside and outside UNRWA's areas of operation, are rather precarious for several reasons, primarily:

- Most of these states are not signatories to the 1951 Refugee Convention, which would have theoretically obliged said governments to protect the rights of Palestinian refugees that are under their jurisdiction.
- The states' domestic laws and decrees are unclear and not enforced by the residing governments. As such, the status of Palestinian refugees and their respective rights are not safeguarded by adequate legal mechanisms.
- The legal and socioeconomic conditions of Palestinian refugees in Arab host states and Turkey are susceptible to the changing domestic political situations and/or political turmoil.
- Palestinian refugees are affected by the host states' shifting political relations with the PLO and PA.
- Palestinian refugees, whom are already subject to discriminatory policies in those host states, are more vulnerable to economic crises than citizens or foreign workers who can, hypothetically, return to their home state if desired/required.
- The subject of Palestinian refugees is considered 'sensitive' in most Arab host states – whether it be for sectarian or political reasons – which translates not only into a lack of updated data collection on their numbers and situation, but also a susceptibility to human rights violations.

4.3. HOST STATE RESPONSIBILITIES: WESTERN STATES

Subject to five major displacement events (including silent transfer) in relation to the territory of Mandatory Palestine, Palestinians have been arriving in western countries since at least the *Nakba*, either as a direct result of this displacement, or in order to escape persecution and the difficult socio-economic and political conditions of asylum in many Arab host countries. In recent years, Palestinian refugees have been subject to further secondary displacement due to conflicts in Iraq, Syria and Libya (among others) which has compounded the situation for Palestinians in western countries. The Action Group for Palestinians of Syria (AGPS) estimates that, by the end of 2017, around 100,000 Palestinian refugees from Syria had reached Europe since the start of the Syrian War.⁷¹⁵

The prolonged and intergenerational nature of Palestinian displacement, as well as the varying degrees of recognition of the State of Palestine and Palestinian nationality by governments, has led to a number of issues for the Palestinian populations in western countries. First, determining the exact size of most of these populations is very difficult due to incomplete and inaccurate data collection that does not properly account for Palestinian origin and nationality.

⁷¹⁵ AGPS and PRC, *Palestinians of Syria: Life Under Restrictions: Annual Field Report on the Situation of the Palestinians of Syria in 2017* (AGPS and PRC 2018), 72 <<https://prc.org.uk/upload/library/files/PRSLifeUnderRestrictions2017.pdf>> accessed 3 October 2022.



Second, the wide-ranging interpretations of Article 1D in the 1951 Refugee Convention has confused and complicated the protection obligations owed by States to Palestinians. The exclusion clause (first paragraph) excludes Palestinian refugees from the Convention if they are receiving protection from UN agencies other than UNHCR (in particular UNRWA and UNCCP). The inclusion clause (second paragraph) should *ipso facto* (automatically) consider Palestinian refugees eligible for protection if UNRWA's assistance or UNCCP's protection has ceased. Unfortunately, the majority of western states have not been inclined to adapt the more rigorous interpretation of Article 1D, resulting in significant protection deficiencies. Moreover, statelessness protections are not always extended to Palestinians due to lack of awareness, confusion and non-recognition of their unique situation. Nevertheless, this section will give an overview of the Palestinian population in some of the key western nations, their legal status, and current political issues that they face.

AUSTRALIA

The estimated population of Palestinians in the Commonwealth of Australia (Australia) is in the vicinity of 20,000-25,000,⁷¹⁶ with migration peaks resulting from refugees arriving around the time of the *Nakba* in 1948, the Six Day War in 1967, the Lebanese Civil War from 1975-1990, the 1991 Gulf War, and again around the Iraq War post-2003.⁷¹⁷ Additionally, many likely made economic decisions to migrate for work and educational opportunities as a result of the conditions for Palestinian refugees in Arab host countries. These Palestinians nevertheless remain refugees.

Between July 2000 and September 2018, Australia determined 2,843 humanitarian visa applications from persons self-identified as Palestinian; this included 210 offshore humanitarian visas granted to Palestinians born in Iraq, and 8 offshore humanitarian visas granted to Palestinians born in Syria.⁷¹⁸ Additionally, from July 2016 to August 2018, 1,594 visa applications from holders of Palestinian Authority documents were determined.⁷¹⁹ By the end of 2021, UNHCR identified 477 Palestinians as refugees and 185 asylum seekers in Australia.⁷²⁰

⁷¹⁶ According to 2016 census results, 13,200 people living in Australia identified as having Palestinian ancestry. Additionally, some 13,700 people said they had at least one parent who was born in the West Bank or Gaza Strip, including 2,523 people themselves having been born in the West Bank or Gaza Strip. While there is likely significant overlap in these segments of the Palestinian-Australian population, the population-age pyramids of both segments show clear distinctions. Furthermore, the data does not accurately count third and fourth generation Palestinians whose parents were born in Lebanon, Jordan, Syria or Iraq themselves. See Australian Bureau of Statistics (ABS), 'Census 2016, Ancestry by Birthplace of Parents (SA2+)' (ABS, 2016) <<https://bit.ly/3SR1nAl>> accessed 3 October 2022.

⁷¹⁷ The 2016 Census results shows spikes in migration of Palestinians that correlate to these events. See ABS, 'Census 2016, Country of Birth of Person by Year of Arrival in Australia (ranges) (SA2+)' (ABS, 2016) <<https://bit.ly/3EFYT3G>> accessed 3 October 2022.

⁷¹⁸ Australian Department of Home Affairs, 'FOI Request – FA 18/08/00007: Response to Freedom of Information (FOI) request submitted by BADIL' (25 October 2018).

⁷¹⁹ This statistic includes all visa applications, including work and study visas, and does not indicate whether applications were accepted.

⁷²⁰ UNHCR, 'Refugee Data Finder: Palestinians in Australia' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=QCq88W>> accessed 3 October 2022.





Legal Status

Palestinian refugees are generally successful in establishing their refugee status in Australia and, once granted, have full working rights and access to welfare benefits. The Australian courts have applied a slightly different interpretation to Article 1D of the Refugee Convention, by considering its applicability as concerning a “class of persons” eligible for UNRWA or UNCCP assistance, rather than considering applicability of the article on an individual basis. Unlike many jurisdictions, however, the courts have accepted that the UNCCP has ceased providing ‘protection’ and therefore Palestinian refugees, if able to establish a refugee claim, are entitled to protection under the Refugee Convention.⁷²¹ On the question of statelessness, Australia does not have a statutory procedure for statelessness determination. As a result, cases where a stateless person is not found to be a refugee require a decision from the Minister of Home Affairs in order to obtain status in Australia, which are rarely forthcoming.⁷²²

Current Political Issues

Australian law discriminates against those seeking protection who arrive by boat. In August 2012, persons arriving by boat were prohibited from submitting protection visa applications. After initially being held in mandatory detention, they were released into the community without the right to work and with minimal welfare payments. In 2014, these asylum-seekers were granted working rights, and in 2015 were allowed to apply for temporary protection visas. Those who were granted temporary visas now have both working rights and welfare benefits. Any persons arriving by boat and claiming asylum from 19 July 2013 onward, however, have been held indefinitely in mandatory detention on Manus Island, Papua New Guinea, or Nauru, and have been prohibited from settlement in Australia if found to be a refugee.⁷²³ Several Palestinians are understood to have been caught in this system and detained on Manus Island, but no information is available or accessible regarding their situation.⁷²⁴

In 2015, the Australian government announced an additional 12,000 humanitarian places for resettlement for Iraqi and Syrian refugees between 2015 and March 2017.⁷²⁵ The government, however, prioritizes those from Christian and other minorities and as a result, only nine visas were granted to persons self-identified as Palestinian.

⁷²¹ BADIL, Closing Protection Gaps (n 3), 280-284.

⁷²² See the High Court decision of *Al-Kateb v Godwin* (2004) in which a stateless Palestinian man was ruled to be lawfully held in indefinite decision due to the fact he did not have a refugee claim and could not be returned to any state on account of his statelessness. *Al-Kateb v Godwin* [2004] HCA 37; 219 CLR 562; 208 ALR 124; 78 ALJR 1099 (6 August 2004) <<http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2004/37.html>> accessed 3 October 2022. See also Refugee Council of Australia, ‘Statelessness in Australia’ (2015) 14, 16 [hereinafter Refugee Council of Australia, Statelessness] <<https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/1508-Statelessness.pdf>> accessed 3 October 2022.

⁷²³ ‘Migration Legislation Amendment (Regional Processing Cohort) Bill 2016’ (14 March 2017) Bills Digest No. 72, 2016–17 <https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1617a/17bd072> accessed 3 October 2022.

⁷²⁴ Anecdotal evidence provided directly by refugee rights organizations in Australia.

⁷²⁵ DFAT, ‘The Syrian and Iraqi humanitarian crisis’ (DFAT, 9 September 2015) <<https://www.dfat.gov.au/news/news/Pages/syrian-and-iraqi-humanitarian-crisis>> accessed 3 October 2022.



As the Australian Citizenship Act of 2007 does not provide automatic citizenship for children born in Australia, a number of children who have been born in Australia to stateless Palestinian parents have required legal intervention to obtain Australian citizenship, which is mandatory for children who would otherwise be stateless.⁷²⁶

BELGIUM

The exact size of the Palestinian population living in the Kingdom of Belgium (Belgium) is difficult to ascertain due to the lack of categorization according to Palestinian origins within data available from the State. Particularly, it is unclear how many Palestinians from Syria have ended up in Belgium. Between 2018 and 2019, 2,420 and 2,320 Palestinians respectively applied for asylum in the country.⁷²⁷ In 2021, there were 1,200 Palestinians who made first-time asylum applications in Belgium.⁷²⁸ According to UNHCR data on Persons of Concern, there are 3,109 Palestinian refugees and 2,030 Palestinians with pending asylum applications in Belgium as of 2021.⁷²⁹ Second only to Syrian refugees in quantity, these numbers are predominately Palestinians from Gaza due to the deteriorating humanitarian situation, the draconian response by Israel to the Great March of Return, as well as the closure of Rafah crossing which makes deportation back to Gaza nearly impossible.⁷³⁰

Legal Status

Palestinian refugees registered with UNRWA fleeing the armed conflict in Syria have been *ipso facto* recognized as refugees in Belgium according to the second paragraph of Article 1D, on the basis that they cannot return to the area where they were receiving UNRWA assistance.⁷³¹ Once an individual has asylum or the right to remain, they can then access all protections provided by Belgium.⁷³² Prior to this recognition by Belgium, Palestinian asylum-seekers were able to access UNHCR assistance as they are outside of UNRWA's area of operation.

In regards to statelessness, Belgium does not have a specific procedure to apply for such recognition. A person can apply to the Family Court for recognition of a place of residence

⁷²⁶ Refugee Council of Australia, Statelessness (n 722), 16.

⁷²⁷ Eurostat, 'Asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data (rounded)' (Eurostat, 30 August 2022) [hereinafter Eurostat, Asylum Applicants by Type] <https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYAPPCTZA_custom_3148052/default/table?lang=en> accessed 3 October 2022.

⁷²⁸ Eurostat, 'First-time asylum applicants, 2021' (Eurostat, 30 August 2022) <https://ec.europa.eu/eurostat/cache/infographs/asylum/asylum_2021/> accessed 3 October 2022.

⁷²⁹ UNHCR, 'Refugee Data Finder: Palestinians in Belgium' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=4wP2KR>> accessed 3 October 2022.

⁷³⁰ Vluchtelingenwerk Vlaanderen, 'Differential Treatment of Specific Nationalities in the Procedure' *Asylum Information Database (AIDA)*, (2019) [hereinafter AIDA, Differential Treatment] <<https://www.asylumineurope.org/reports/country/belgium/asylum-procedure/differential-treatment-specific-nationalities-procedure>> accessed 3 October 2022.

⁷³¹ BADIL, Closing Protection Gaps (n 3), 93-99.

⁷³² Office of the Commissioner General for Refugees and Stateless Persons (CGRA-CGVS), 'Refugee Status' (CGRA-CGVS, 18 October 2016) <<https://www.cgra.be/en/international-protection/refugee-status>> accessed 3 October 2022.





and statelessness, during which time they do not hold any right of residence.⁷³³ If they prove that they are stateless, they can then apply to regularize their immigration status, after which they enjoy the same benefit as third-country nationals.⁷³⁴ Generally, Palestinians have been readily accepted as stateless, particularly if from outside the oPt. In recent years, however, courts in the northern region of Belgium have determined that Palestinians are not stateless because there is a State of Palestine, even if they were born outside Mandatory Palestine, hold no other citizenship, and are unable to obtain PA travel documents.⁷³⁵

Current Political Issues

The significant spike in asylum applications from Palestine in recent years is largely out of step with the rest of Europe, and the result of a very high acceptance rate. In 2018, of the 470 asylum applications for Palestinians determined, 87 percent were accepted.⁷³⁶ This approval rate, however, was expected to decline following a decision by the Belgium government in late October 2018 to suspend the Resettlement Programme for refugees as well as the announcement in December 2018 to determine applications from Gaza on a case-by-case basis.⁷³⁷ However, there is a difference of position between the governmental agency, Office of the Commissioner General for Refugees and Stateless Persons (CGRS), and the appeal panel, the Belgian Council for Alien Law Litigation (CALL), as to the protection obligations owed to Palestinians from Gaza. The CALL takes a broader approach by considering the overall persecution of the population in Gaza due to years of blockade and the continuing and systematic violations of fundamental human rights that seriously undermine human dignity and the consequent lack of basic rights.⁷³⁸ In several judgments in early 2021, the CALL found that UNRWA was not capable of providing adequate assistance to Palestinians in Lebanon and Gaza due to financial issues, and therefore concluded that UNRWA assistance had ceased for the purposes of Article 1D.⁷³⁹ The CALL also annulled a number of decisions made by the CGRS, and the CGRS has revoked several of its decisions as well, with many of the cases still pending. Problematically, despite various decisions to grant protection to many UNRWA-registered applicants from Gaza in 2021, the CGRS indicated that for cases where refugee status “is granted due to the lack of assistance from the UNRWA (given its current difficult situation), it may be possible that

⁷³³ Formerly it was the Court of First Instance which could recognize statelessness: see Office of the Commissioner General for Refugees and Stateless Persons (CGRS-CGVS), ‘Stateless Persons’ (CGRS-CGVS, 3 August 2017) <<https://www.cgra.be/en/stateless-persons>> accessed 3 October 2022.

⁷³⁴ *Ibid.*

⁷³⁵ See the 2017 decision of the court in Gent, 2015/AR/1954, 20 April 2017 <http://www.agii.be/sites/default/files/20170420_gent.pdf> and the 2018 decision of the court in Brussels, 2017/FA/707, 5 June 2018 <http://www.agii.be/sites/default/files/20180605_brussel.pdf>, referenced in Julie Lejeune Nansen, ‘Statelessness in Belgium: a blurred landscape’ (European Network on Statelessness, 7 March 2019) <<https://www.statelessness.eu/blog/statelessness-belgium-blurred-landscape>> accessed 3 October 2022.

⁷³⁶ CGRS-CGVS, ‘Change of Policy Regarding Asylum Applications From Palestinians from Gaza’ (CGRS-CGVS, 5 December 2018) <<https://www.cgra.be/en/news/change-policy-regarding-asylum-applications-palestinians-gaza>> accessed 3 October 2022.

⁷³⁷ AIDA, Differential Treatment (n 730).

⁷³⁸ *F. Jacobs vs. The Commissioner General for Refugees and Stateless Persons, Raad voor Vreemdelingen- betwistingen* (27 June 2018) No. 206 073 <http://www.rvv-cce.be/sites/default/files/arr/a206073.an_.pdf> accessed 3 October 2022.

⁷³⁹ Orchard, Search for Protection (n 171), 43.



refugee status is ended if in the future (e.g. within a year), it is established that the assistance or the financial situation of the UNRWA is guaranteed again on a permanent basis”.⁷⁴⁰

CANADA

According to the 2016 Canadian Census results, there were 44,820 people with Palestinian origin in Canada, of whom 25,195 claimed solely Palestinian ethnicity.⁷⁴¹ Of these, 8,675 people were born in Palestine with 6,505 holding Canadian citizenship.⁷⁴² Many of these Palestinians arrived in Canada in the 1980s and 1990s,⁷⁴³ likely as a result of instability in the region arising from the Lebanese Civil War, the first Gulf War and the First *Intifada*. Between 2018-2021, Canada received 1,575 claims for asylum from Palestinians in Canada, with the number of applications decreasing dramatically over the past two years, from 724 in 2018 and 544 in 2019 to 108 in 2020 and 199 in 2021.⁷⁴⁴ This is perhaps explainable by the pandemic and the global restrictions on movement that ensued. By 2021, 2,616 Palestinians were identified as Persons of Concern with UNHCR; 2,374 refugees and 242 asylum-seekers.⁷⁴⁵

Legal status

Canada has tended to grant asylum to Palestinians in relatively large numbers;⁷⁴⁶ of asylum claims finalized between 2018 to 2021, 1527 asylum applications were approved, while 176 were rejected.⁷⁴⁷ The Canadian government interprets Article 1D of the 1951 Refugee Convention in such a way that, as Palestinian refugees in Canada are outside UNRWA regions, they are unable to enjoy protection and are therefore eligible to apply for protection under Canadian law. Palestinians must, however, establish their basis for refugee status determination in accordance with domestic law or as defined within the Refugee Convention. Additionally, Canada lacks clear

⁷⁴⁰ CGRS, ‘The Processing of Applications Filed by Palestinians (Update)’ (CGRS, 13 July 2022) <<https://www.cgrs.be/en/news/processing-applications-filed-palestinians-update>> accessed 3 October 2022.

⁷⁴¹ Statistics Canada, ‘Ethnic Origin (279), Single and Multiple Ethnic Origin Responses (3), Generation Status (4), Age (12) and Sex (3) for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data’ (Statistics Canada, 2016) <<https://bit.ly/2YvjK15>> accessed 3 October 2022.

⁷⁴² Statistics Canada, ‘Citizenship (5), Place of Birth (272), Immigrant Status and Period of Immigration (11), Age (12) and Sex (3) for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data’ (Statistics Canada, 2016) <<https://bit.ly/2VGK0IX>> accessed 3 October 2022.

⁷⁴³ Francesca Albanese and Elisa Mosler Vidal, ‘In Focus: Palestinians in the Americas-Lands of Opportunities Untapped?’ (2017) 59 *Al Majdal*, 33 <<http://www.badil.org/phocadownload/badil-new/publications/periodicals/al-majdal/al-majdal-59.pdf>> accessed 3 October 2022.

⁷⁴⁴ IRB Canada, ‘Refugee claims statistics’ (IRB Canada, 1 September 2022) [hereinafter IRB Canada, Refugee Claims] <<https://www.irb-cisr.gc.ca/en/statistics/protection/Pages/index.aspx>> accessed 3 October 2022.

⁷⁴⁵ UNHCR, ‘Refugee Data Finder: Palestinians in Canada’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=Qy1qmW>> accessed 3 October 2022.

⁷⁴⁶ Susan Akram and G. S. Goodwin-Gill, ‘Brief Amicus Curiae on the Status of Palestinian Refugees under International Law’ (2000) 11(1) *The Palestine Yearbook of International Law*, 252 <https://scholarship.law.bu.edu/faculty_scholarship/1557/> accessed 3 October 2022.

⁷⁴⁷ IRB Canada, Refugee Claims (n 744).





legislation and procedures on statelessness determination, which adversely impacts Palestinian refugees and leaves them in legal limbo as they struggle to be recognized as stateless.⁷⁴⁸

Current Political Issues

In 2015-2017, Canada accepted more than 50,000 refugees from Syria, which, under the Trudeau administration, included a shift in position, explicitly including non-Syrian nationals and stateless persons in that intake.⁷⁴⁹ According to a departmental official, however, resettlement depended on referral from UNHCR,⁷⁵⁰ which likely excluded Palestinians in Syria as they were often unable to register with UNHCR in the region due to the presence and role of UNRWA. In practice, the impact is less clear on Palestinians from Syria, but anecdotal evidence suggests Palestinians from Syria were largely excluded from the resettlement intake.⁷⁵¹

There are still Palestinians awaiting legal permission to live in Canada due to their statelessness categorization. This complicates their claims for refugee protection, which are verified with respect to their country of 'formal habitual residence', rather than the situation in Palestine, Iraq or Syria which caused their original displacement, and has left many waiting for decisions from the Immigration and Refugee Board of Canada (IRB) for years.⁷⁵²

FRANCE

It is difficult to estimate the Palestinian population in the French Republic (France) as studies vary greatly. However, there are likely around 5,000 Palestinian refugees living in France, with six waves of migration from 1948 onward. The most recent wave, resulting from the Syrian conflict, has seen a steadily increasing number of asylum applications from Palestinians, with 800 applications received between 2016 and 2018, 113 applications of which were accepted in 2018 for refugee protection.⁷⁵³ Between 2019-2021, there were 290 Palestinians who made first-time asylum applications in France.⁷⁵⁴

⁷⁴⁸ BADIL staff, 'Palestinian Refugees: Multiple Displacements and the Issue of Protection' (2017) 59 *Al Majdal*, 37 [hereinafter BADIL, Multiple Displacements] <<http://www.badil.org/phocadownload/badil-new/publications/periodicals/al-majdal/al-majdal-59.pdf>>; Jillian Kestler-D'Amours, 'Stateless' Palestinians living in limbo in Canada' (*Middle East Eye*, 22 May 2018) [hereinafter Kestler-D'Amours, Palestinians in Canada] <<https://www.middleeasteye.net/news/stateless-palestinians-living-limbo-canada>> accessed 3 October 2022.

⁷⁴⁹ Kait Bolongaro, 'Palestinian Syrians: Twice refugees' (*Al Jazeera*, 23 March 2016) [hereinafter Bolongaro, Palestinian Syrians] <<https://www.aljazeera.com/indepth/features/2016/03/palestinian-syrians-refugees-160321055107834.html>> accessed 3 October 2022.

⁷⁵⁰ *Ibid.*

⁷⁵¹ Ahmad Moussa, 'Why isn't Canada opening its arms to Palestinian refugees?' (*Middle East Eye*, 24 January 2017) <<https://www.middleeasteye.net/columns/why-isnt-canada-opening-its-arms-palestinian-refugees-1811008562>> accessed 3 October 2022.

⁷⁵² Kestler-D'Amours, Palestinians in Canada (n 748).

⁷⁵³ French Office for the Protection of Refugees and Stateless Persons (OFPRA), 'Listening to the World: Activity Report 2018' (2018) <https://www.ofpra.gouv.fr/sites/default/files/atoms/files/ofpra_ra_2018_web_planches_hd.pdf> accessed 3 October 2022.

⁷⁵⁴ Eurostat, Asylum Applicants by Type (n 727).



However, it is challenging to definitively ascertain the number of Palestinians displaced from Syria, as these could be counted among the Syrian population (19,555 first-time asylum applications filed between 2016-2021).⁷⁵⁵ According to UNHCR statistics, in 2021, 1,954 Palestinian refugees and 38 Palestinians asylum-seekers were registered with them as Persons of Concern.⁷⁵⁶

Legal Status

Based on the 1951 Refugee Convention and the European directives on asylum, the French legal framework is enshrined in the Code of Entry and Residence of Foreigners and the Right of Asylum. In relation to Article 1D, France applies an interpretation that extends protection to a Palestinian refugee where they are outside of an UNRWA area due to reasons beyond their control, where they are then *ipso facto* entitled to protection without needing to prove their refugee claims.⁷⁵⁷ As in many other European countries, however, France does not have a clear policy regarding Palestinian refugees from Syria. Nevertheless, between 2013 and 2018, long-term visas were granted to more than 6,400 Syrians and Palestinians from Syria,⁷⁵⁸ with more than 5,000 persons given subsidiary protection.⁷⁵⁹ In a recent case in 2019, France's highest court ruled that, in order for a Palestinian living outside of UNRWA's areas of operation to be granted statelessness status, they must no longer be effectively benefitting from the protection or assistance of UNRWA.⁷⁶⁰ This determination is based on three situations: (1) a grave threat to the applicant's security forced them to leave UNRWA's areas of operation and continues to prevent their return; (2) a grave threat arose after the departure of the applicant, voluntary or otherwise; (3) the applicant is unable to return to the area of prior habitual residence due to reasons beyond their control (excluding threats to their security).⁷⁶¹

Current Political Issues

On 1 August 2018, France adopted a new law for "controlled immigration, an effective right of asylum and successful integration,"⁷⁶² which requires applications for asylum

⁷⁵⁵ *Ibid.*

⁷⁵⁶ UNHCR, 'Refugee Data Finder: Palestinians in France' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=SnxXD5>> accessed 3 October 2022.

⁷⁵⁷ BADIL, Closing Protection Gaps (n 3), 127-129.

⁷⁵⁸ Government of France, 'France' in UNHCR, *Country Chapters - UNHCR Resettlement Handbook* (UNHCR 2018) <<https://www.unhcr.org/en-lk/5322ca479.pdf>>.

⁷⁵⁹ BADIL, Multiple Displacements (n 748), 27-28.

⁷⁶⁰ *Case 427017* (24 Dec 2019) <<https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2019-12-24/427017>>. For a related blog article in English, see Giulia Bittoni, 'Can a Palestinian refugee enjoy the status of a stateless person? A French perspective' (*European Network on Statelessness*, 13 March 2020) <<https://www.statelessness.eu/updates/blog/can-palestinian-refugee-enjoy-status-stateless-person-french-perspective>> accessed 3 October 2022.

⁷⁶¹ Orchard, Search for Protection (n 171), 43.

⁷⁶² Adopted Text no. 168, 'Immigration Bill Mastered Effective Right of Refugee and Successful Integration', National Assembly Constitution of 4 October 1958, Session of 2017-2018 <<http://www.assemblee-nationale.fr/15/ta/tap0168.pdf>> accessed 3 October 2022.





be filed within 90 days of entering France and allows for deportation of rejected asylum-seekers before the court has made a ruling in the event of an appeal.⁷⁶³ In practice, the law makes the process of seeking asylum more difficult for refugees and stateless persons, and places them at greater risk of deportation in the event that their protection claims are denied.⁷⁶⁴

In addition, hundreds of refugees also face harsh physical conditions, particularly in the Calais area in northern France, following the closure of a large temporary refugee camp. The UN Special Rapporteur for Housing previously declared that 600-700 refugees were living in ‘harsh conditions’ in northern France⁷⁶⁵ and a further 16,000 people were estimated to live in 497 informal settlements in France, including shanty areas and makeshift groups of tents.⁷⁶⁶ It is expected that Palestinians, particularly those displaced from Syria, are among those living in these conditions. Similarly, an HRW report found that refugees in northern France were still receiving degrading treatment from French authorities, ranging from forced evictions, police harassment, and “legal and practical restrictions on provision of and access to humanitarian assistance”.⁷⁶⁷

GERMANY

The Palestinian community in the Federal Republic of Germany (Germany) is said to be the largest in Europe, with some estimates placing the number as high as 250,000 persons or more.⁷⁶⁸ Berlin in particular, is known to have a sizeable Palestinian community of over 25,000.⁷⁶⁹ As with many states, the exact number of Palestinians in Germany is difficult to ascertain, as ‘Palestinian nationality’ is not recognized in official German records. Instead, many Palestinians displaced from Syria and elsewhere are recorded as stateless. There have been several waves of displacement, most notably from Lebanon following the Israeli invasion in the late 1970s and early 1980s.⁷⁷⁰ In 2005, Palestinians

⁷⁶³ Camille Marquis, ‘France Approves Flawed Asylum and Immigration Law’ (HRW, 4 August 2018) <<https://www.hrw.org/news/2018/08/04/france-approves-flawed-asylum-and-immigration-law>> accessed 3 October 2022.

⁷⁶⁴ RFI, ‘France adopts tough new law on asylum, immigration’ (RFI, 8 February 2018) <<http://en.rfi.fr/france/20180802-france-adopts-tough-new-law-asylum-immigration>> accessed 3 October 2022.

⁷⁶⁵ Angelique Chrisafis, ‘UN urges France to act on ‘dire’ living conditions of refugees’ (*The Guardian*, 12 April 2019) <<https://www.theguardian.com/world/2019/apr/12/un-france-dire-living-conditions-refugees-calais-migrants-human-rights>> accessed 3 October 2022.

⁷⁶⁶ *Ibid.*

⁷⁶⁷ Human Rights Watch, *Enforced Misery: The Degrading Treatment of Migrant Children and Adults in Northern France* (HRW 2021) <https://www.hrw.org/sites/default/files/media_2021/11/france1021_web.pdf> accessed 3 October 2022.

⁷⁶⁸ Katharina Koch and Nora Jasmin Ragab, ‘Mapping and Study of the Palestinian Diaspora in Germany’ (2018), 28-30 <<https://www.merit.unu.edu/publications/uploads/1534516859.pdf>> accessed 3 October 2022.

⁷⁶⁹ Matt Unicom, ‘Inside Berlin’s famous Palestinian neighbourhood’ (*Middle East Eye*, 7 July 2022) <<https://www.middleeasteye.net/discover/inside-famous-palestinian-berlin-germany-neighbourhood>> accessed 3 October 2022.

⁷⁷⁰ Palestine International Institute (PII), ‘The Palestinian Community in Germany (2018), 9 <https://pii-diaspora.org/Resources/site_2/Research%20and%20Publications/PDFs/germany-country-study-updated.pdf> accessed 3 October 2022.; Sanem Kleff and Eberhard Seidel, *Stadt der Vielfalt Das Entstehen des neuen Berlin durch Migration* (Berliner Senat 2009).



from Lebanon were estimated by the German authorities to account for 75 percent of the almost 50,000 people in Germany with ‘unestablished origin’,⁷⁷¹ and they are now known to constitute a substantial portion of the Palestinian community in Berlin.⁷⁷² More recently, following the arrival of Palestinian refugees from Syria, the German Federal Office for Migration and Refugees has recorded 4,535 individuals as having an ‘unestablished origin’, most of whom were Palestinian.⁷⁷³ As of 2021, UNHCR has noted that there are 2,025 Palestinian refugees under its mandate and 905 asylum seekers.⁷⁷⁴

Legal status

With regard to Article 1D of the Refugee Convention, Germany applies the inclusive clause under paragraph 2 whenever assistance or protection provided by UNWRA has ceased.⁷⁷⁵ In this respect, the reason(s) prompting a Palestinian applicant to abandon UNRWA’s area of operation, their subsequent behaviour, as well as external circumstances outside their sphere of control are all factors that play a key role when it comes to determining whether such protection or assistance can truly be considered ‘ceased.’⁷⁷⁶ Less than 2 per cent of Palestinian refugees who had fled from Lebanon during the Lebanese Civil War have attained refugee status on account of Germany not recognizing them as political refugees. The remaining Palestinian refugees instead hold “Duldungsstatus,” a “toleration status,” indicating the temporary postponement of their inevitable deportation.⁷⁷⁷

⁷⁷¹ Koch and Ragab (n 768).

⁷⁷² See Hayley Pearce, “‘Little Palestine’ in Berlin: Home of Hummus, Hipsters, and Solidarity” (*Egyptian Streets*, 20 March 2015) <<https://egyptianstreets.com/2015/03/20/little-palestine-in-berlin-home-of-hummus-hipsters-and-solidarity/>> accessed 3 October 2022.

⁷⁷³ AGPS, ‘Germany: Palestinian Asylum Seekers from Syria Have “Unestablished Origin”’ (*AGPS*, 25 May 2021) <<https://www.actionpal.org.uk/en/post/11777/news-and-reports/germany-palestinian-asylum-seekers-from-syria-have-unestablished-origin>> accessed 3 October 2022.

⁷⁷⁴ UNHCR, ‘Refugee Data Finder: Palestinians in Germany’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=sP73Vp>> accessed 3 October 2022.

⁷⁷⁵ In April 2017, German officials asserted that, “in Germany we have no specific policy towards asylum applicants from Palestinians from Gaza or the West Bank. Every case (of the very few cases) is assessed on its own merits taking into account the individual circumstances of an applicant and country information from all available sources”. European Commission, *EMN Ad-Hoc Query on Palestinians from Gaza and West Bank Territories*, Requested by ES EMN NCP on 19th April 2017, 17 April 2017, 3-4 [hereinafter EC, Ad-Hoc Query on Palestinians from Gaza and West Bank] <https://www.emnitalyncp.it/wp-content/uploads/2018/02/042_es_ahq_on_palestinians_from_gaza_and_west_union_territories.pdf> accessed 3 October 2022.

⁷⁷⁶ German jurisprudence considers UNRWA’s assistance or protection to have ceased only in the event that the Palestinian applicant can prove that he/she has not ‘voluntarily relinquished’ such protection or assistance. German courts, however, have generally provided a very wide interpretation to the term ‘voluntarily relinquished’, to the point of considering ‘voluntary’ cases in which the departure from UNWRA’s area of operation was actually due to a well-founded risk of persecution in that area. See BADIL, *Closing Protection Gaps* – 2005 (n 562), 174-186; BADIL, *Closing Protection Gaps* (n 3), 133-144.

⁷⁷⁷ Hebh Jamal, ‘In Berlin, a Fight for Palestinian Identity - and a Place to Call Home’ (*+972 Magazine*, 15 February 2022) <<https://www.972mag.com/palestinians-berlin-refugees/>> accessed 3 October 2022.





Current Political Issues

Over the last few years, Germany has allowed entry to many refugees, so much so that in 2015 alone, over one million asylum-seekers were registered by the German authorities.⁷⁷⁸ However, there is no confirmed statistical data on Palestinian refugees from Syria due to inconsistencies in registration.⁷⁷⁹ Moreover, since April 2016, Germany's official's deal with Palestinian refugees that are nationals of Palestine with a travel document issued by the Syrian Arab Republic as though they hold a Syrian passport, either upon entry to Germany or in a visa application at an embassy.⁷⁸⁰ The implementation on the ground, however, has been more problematic due to a lack of understanding by officials.⁷⁸¹ This gap between government policy and implementation has resulted in significant obstacles concerning family unification, inconsistencies in registration and delays in accessing protection and services.⁷⁸² Furthermore, the consistent threat of deportation under the "Duldungsstatus" policy leaves the Palestinian population in Germany in constant instability, and reflects the Germany government's treatment of Palestinian refugees as one of "political disinterest, economic abandonment and forced dependency on a welfare state that is socially and politically disinterested in them"⁷⁸³.

GREECE

For the thousands of Palestinian refugees fleeing the Syrian conflict, the Hellenic Republic (Greece) has been the main entry point into Europe, with many leaving the Turkish port of Izmir and heading for the Greek islands of Dodecanese, Lesbos, Chios, and Samos. The exact number of Palestinians who have entered Greece over the past eleven years is difficult to assess, as most have not claimed asylum. According to UNHCR, however, as of 2021, there are about 200 Palestinians and 865 Syrians (of whom is unclear how many are Palestinian) residing in the islands.⁷⁸⁴ Additionally, over the years 2019-2021, 4,160 Palestinians submitted first-time asylum applications in Greece.⁷⁸⁵ In 2021, UNHCR recorded that there are 5,508 Palestinian refugees in Greece under its mandate and 385 asylum seekers.⁷⁸⁶ There is also an existing Palestinian community in Greece of an estimated 5,893, who initially arrived as students in the 1960s and expanded as Palestinian refugees fled Lebanon during the civil war in the 1970s and 1980s.⁷⁸⁷

⁷⁷⁸ Cynthia Kroet, 'Germany: 1.1 million refugee arrivals in 2015' (*Politico*, 6 January 2016) <<https://www.politico.eu/article/germany-1-1-million-refugee-arrivals-in-2015/>> accessed 3 October 2022.

⁷⁷⁹ Bolongaro, Palestinian Syrians (n 749); BADIL, Multiple Displacements (n 748), 23.

⁷⁸⁰ *Ibid.*

⁷⁸¹ Bolongaro, Palestinian Syrians (n 749).

⁷⁸² BADIL, Multiple Displacements (n 748), 23.

⁷⁸³ Jamal (n 777).

⁷⁸⁴ UNHCR, 'Greece: Aegean Islands Weekly Snapshot 16 - 22 August 2021' (*UNHCR Operational Data Portal*, 26 August 2021) <<https://data.unhcr.org/en/documents/details/88363>> accessed 3 October 2022.

⁷⁸⁵ Eurostat, Asylum Applicants by Type (n 727).

⁷⁸⁶ UNHCR, 'Refugee Data Finder: Palestinians in Greece' (*UNHCR*, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=BRo600>> accessed 3 October 2022.

⁷⁸⁷ Palestine International Institute (PII), 'The Palestinian Community in Greece' (2018) <https://pii-diaspora.org/Resources/site_2/Research%20and%20Publications/PDFs/greece-country-study-updated.pdf> accessed 3 October 2022.



Legal Status

Greece ratified the 1951 Refugee Convention and its Protocol in April 1960 and August 1968, respectively.⁷⁸⁸ Following the transposition of the EU Qualification Directive (EU Directive 2004/83), the Greek legal framework in respect to international protection is now enshrined in Presidential Decree No. 96/2008.⁷⁸⁹ With regards to Palestinian refugees, Article 12 of the Presidential Decree incorporates the exact language of Article 1D(2) as it concerns Palestinians. Therefore, in case UNRWA's protection or assistance has for any reason ceased, Palestinians are *ipso facto* recognized as refugees and entitled to the forms of protection envisaged by Decree 96/2008. In this regard, Greece has the highest recognition rates of international protection granted to Palestinian nationals of any European country.⁷⁹⁰

Current Political Issues

Despite the high acceptance rate for international protection claims, refugees face a number of difficulties. Under pressure from the EU, Greece tightened the border controls in 2012, deploying more than 1,800 border guards to the Greek-Turkish land border and constructing a barbed-wire fence along the main entry point into the Greek border region of Evros.⁷⁹¹

Further, although the Greek Asylum Service announced in January 2015 that Palestinians with Syrian-identification documents, along with Syrian citizens, would be dealt with under the fast-track procedure,⁷⁹² as of February 2022, thousands of Palestinian nationals are still stranded in the Greek islands pending determination of their asylum claims.⁷⁹³

Recent years saw an increasing number of human rights violations committed by Greek authorities against Palestinian (and other) refugees via their increasing “pushback” policies amounting to illegal collective expulsions from Greek islands and evictions from shelters and

⁷⁸⁸ UNHCR, States Parties to the 1951 Convention (n 695).

⁷⁸⁹ ‘Presidential Decree 96/2008 on Harmonization of Greek Legislation to the Provisions of Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees’ (30 July 2008) <<https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/EN%20-%20Presidential%20Decree%20No%20%2096%20of%202008.pdf>> accessed 3 October 2022.

⁷⁹⁰ Hellenic Republic – Ministry of Migration and Asylum, ‘Statistics’ (*Ministry of Migration and Asylum*, 2022) <<https://migration.gov.gr/en/statistika/>> accessed 3 October 2022.

⁷⁹¹ Elena Ambrosetti and others, *Migration in the Mediterranean: Socio-economic Perspectives* (Routledge 2016), 107-108; as reported by FRONTEX in its Annual Risk Analysis, as a result of the land border closure, “detections [of asylum seekers] in the Aegean Sea, between Turkey and Greece, increased by 912 percent. This increasing trend started after September 2012, [...] immediately following the enhanced surveillance at the land border”. See FRONTEX, ‘Annual Risk Analysis 2013’ (2013), 23 <https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf> accessed 3 October 2022.

⁷⁹² Hellenic Republic – Ministry of Public Order and Citizens Protection, ‘Meeting between the Asylum Service and a delegation of Syrian refugees and Palestinian refugees from Syria’ (*Ministry of Public Order and Citizens Protection*, 8 January 2015) <<https://www.minocp.gov.gr/images/stories/2014/prokhrukseis14/08012015%20deltio%20asylou%20en.pdf>> accessed 3 October 2022.

⁷⁹³ PRC, ‘Palestinian Refugees Facing Precarious Condition as Greece Denies Migrants’ Access to Healthcare Services’ (PRC, 2 March 2022) <<https://prc.org.uk/en/news/4809/palestinian-refugees-facing-precarious-condition-as-greece-denies-migrants-access-to-healthcare-services>> accessed 3 October 2022.





Palestinian refugee in Greece, Moria, 2016 (Source: prc.org.uk)

apartments.⁷⁹⁴ Refugees are also subject to exceptionally poor camp conditions and a lack of protection by the Greek government, due to a reduced funding capacity.⁷⁹⁵ This has resulted in an asylum system that is well-known for subjecting asylum seekers to ‘inhumane’ humanitarian and socioeconomic conditions.⁷⁹⁶ Additionally, since 2011, at least 100 Palestinians have drowned in the Mediterranean Sea,⁷⁹⁷ a majority of whom were bound for Greece.⁷⁹⁸

⁷⁹⁴ Katy Fallon, ‘Greece accused of refugee ‘pushback’ after family avoid being forced off island’ (*The Guardian*, 29 June 2021) <<https://www.theguardian.com/global-development/2021/jun/29/greece-accused-of-refugee-pushback-after-family-avoid-being-forced-off-island>>; Middle East Eye, ‘Greek expulsions of Syrian and Palestinian asylum seekers must be investigated, says HRW’ (*Middle East Eye*, 16 July 2020) <<https://www.middleeasteye.net/news/greece-investigate-asylum-seekers-expulsion-hrw>> accessed 3 October 2022.

⁷⁹⁵ France 24, ‘Refugees in Greece face hunger, homelessness despite status’ (*France 24*, 18 February 2022) <<https://www.france24.com/en/live-news/20220218-refugees-in-greece-face-hunger-homelessness-despite-status>> accessed 3 October 2022.

⁷⁹⁶ Palestinian refugees from Syria do not receive any kind of support from the authorities that are legally responsible to protect them and even access to medical treatment in public clinics or hospitals is regularly denied. On top of the poor living conditions, Palestinian refugees have also been regularly targeted by Greek far-right wing groups. In one such attack, in November 2016, Molotov cocktails were thrown at the Souda refugee camp, on the Island of Chios. Due to the resulting fire, thousands of asylum seekers - including at least 150 Palestinian refugees - had to flee the camp and abandon their accommodation tents. See Parliamentary Assembly of the Council of Europe, ‘Following refugee death, rapporteur urges end to “inhuman” conditions for asylum seekers in Greece’ (*Reliefweb*, 1 January 2019) <<https://reliefweb.int/report/greece/following-refugee-death-rapporteur-urges-end-inhuman-conditions-asylum-seekers-greece>> accessed 3 October 2022.

⁷⁹⁷ Mia Alberti, ‘“My life’s empty”: Father who lost family in Lebanon boat tragedy’ (*Al-Jazeera*, 28 September 2022) <<https://www.aljazeera.com/features/2022/9/28/my-life-is-empty-father-loses-family-in-lebanon-boat-tragedy>> accessed 3 October 2022.

⁷⁹⁸ AGPS, ‘51 Palestinians from Syria Drowned since Outbreak of Syria Warfare’ (*AGPS*, 25 October 2018) <<https://www.actionpal.org.uk/en/post/7868/news-and-reports/51-palestinians-from-syria-drowned-since-outbreak-of-syria-warfare>>; and Middle East Monitor, ‘30 Palestinians missing off coast of Greece’ (*Middle East Monitor*, 11 April 2019) <<https://www.middleeastmonitor.com/20190411-30-palestinians-missing-off-coast-of-greece/>> accessed 3 October 2022.



ITALY

The Palestinian population in the Italian Republic (Italy) numbers about 1,078 persons, excluding ‘recent’ refugees and asylum seekers.⁷⁹⁹ This Palestinian presence in Italy dates back to the 1950s when some Palestinian refugees from Syria, Lebanon and Jordan moved to the cities of Siena and Perugia to attend university.⁸⁰⁰ This was followed by major migratory waves following the Six-Day War (1967-1969) and the Israeli invasion of Lebanon (1982-1985).⁸⁰¹ For many refugees, Italy is merely a transit point to other European destinations,⁸⁰² with less than 100 asylum applications by Palestinians lodged per year over the past three years.⁸⁰³ As of 2021, there were 854 Palestinians registered by UNHCR as Persons of Concern in Italy, including 716 refugees and 138 asylum-seekers.⁸⁰⁴

Legal Status

Legislative Decree No. 251/2007, which implements EU Directive 2004/83 in domestic Italian law,⁸⁰⁵ lays down the rules for granting refugee status or subsidiary protection status to third-country nationals and stateless persons. It provides an exclusion clause at Article 10, which states that if Palestinians refugees, for any reason, can no longer avail themselves of UNRWA’s protection or assistance, they shall have full access to the forms of protection provided by the decree. Contrary to Article 12 of the EU Directive, however, it does not explicitly state that a Palestinian is *ipso facto* entitled to the automatic granting of refugee status under these circumstances. Despite this, in 2017 the Italian government responded to a query from the European Migration Network (EMN) regarding the international protection mechanisms granted to asylum-seekers coming from the Gaza Strip and the West Bank, stating that, “if the applicant is a registered refugee covered by UNRWA mandate, we grant automatically refugee status.”⁸⁰⁶

⁷⁹⁹ Istituto Nazionale di Statistica (ISTAT), ‘Foreigners as Residents in 2021 by Citizenship’ (ISTAT, 22 September 2022) <http://dati.istat.it/Index.aspx?DataSetCode=DCIS_POPSTRCIT1#> accessed 3 October 2022.

⁸⁰⁰ Palestine International Institute, ‘The Palestinian Community in Italy’ (2018), archived at <<https://web.archive.org/web/20220119102830/https://pii-diaspora.org/wp-content/uploads/2018/06/italy-country-study-updated.pdf>> accessed 3 October 2022.

⁸⁰¹ *Ibid.*

⁸⁰² The Italian Ministry of Labor and Social Policies provided information direct to BADIL, following our request on 22 May 2019, stating that, “the reasons for the gap between the data on [boat] arrivals and that on Palestinian citizens legally resident in Italy, are probably due to the fact that many of the Palestinians who arrived in Italy in 2015 did not apply for asylum in our country, but decided to renounce this possibility, preferring to go to other European countries where the Palestinian community has more ties”. Obtained from ‘Response to BADIL Information Request, received from the Ministry of Labour and Social Policies, Directorate-General for Immigration and Integration Policies’ (6 June 2019).

⁸⁰³ Eurostat, Asylum Applicants by Type (n 727).

⁸⁰⁴ UNHCR, ‘Refugee Data Finder: Palestinians in Italy’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=tR7q9B>> accessed 3 October 2022

⁸⁰⁵ ‘Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who Otherwise Need International Protection and the Content of the Protection Granted’ (2004) Official Journal of the European Union L 304/12 <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0083&from=EN>> accessed 3 October 2022.

⁸⁰⁶ EC, Ad-Hoc Query on Palestinians from Gaza and West Bank (n 775).





Current Political Issues

Following the establishment of the populist right-wing government in June 2018, a significant tightening of migration and international protection policies has taken place in Italy. In October 2018, Decree Law No. 113/2014 (the so-called ‘Salvini Decree’) abolished humanitarian protection, a form of protection granted to those not eligible for refugee status, but who had “serious reasons of a humanitarian nature” for remaining in Italy.⁸⁰⁷ Several Palestinian refugees from Libya and Syria had benefited from a residency permit on humanitarian grounds that allowed them to legally reside in Italy.⁸⁰⁸ In October of 2020, however, the Italian Cabinet removed the Salvini Decree and replaced it with a new decree that reduces fines placed on NGOs that violate official orders when sending out rescue boats for refugees, and prevents refugees from being deported from the country if they “risk being subjected to torture or inhumane treatment”.⁸⁰⁹

NEW ZEALAND

It is estimated that there are approximately 1,000 Palestinians currently residing in Aotearoa (New Zealand). This is most likely composed of Palestinian refugees originating from Syria, Iraq and Lebanon who arrived in the country over the past 15 years.⁸¹⁰ Between January 2008 and June 2019, 435 Palestinians have been granted international/humanitarian protection.⁸¹¹ In addition, a further 189 UNHCR-recognized Palestinian refugees (most of whom were living in Indonesia, Malaysia and Thailand) were resettled in Aotearoa New Zealand between 2014 and 2018.⁸¹² In 2020,

⁸⁰⁷ Maria Abagnale, ‘What (does) remain of humanitarian protection. Brief considerations on the c.d. Salvini Decree’ (*Opinionjuris*, 4 March 2019) <<http://www.opiniojuris.it/decreto-salvini/>> accessed 3 October 2022.

⁸⁰⁸ Based on the data provided to BADIL by the National Commission for the Right of Asylum, between 1 January 2013 and 27 May 2019, 48 Palestinian nationals were granted this form of protection. Abolition of humanitarian protection also makes uncertain the future of all Palestinian holders, given that their permits are for humanitarian reasons and once expired can no longer be renewed. See Europasilo-International Network for the Right of Asylum, ‘Immigration Decree: effects of the abrogation of humanitarian protection and our reforms of reform’ (*Europasilo*, 25 September 2016) <<http://www.europasilo.org/resistenzasilo-2/conseguenze-abrogazione-protezione-umanitaria/>> accessed 3 October 2022.

⁸⁰⁹ Al Jazeera, ‘Italy softens harsh migration rules championed by Salvini’ (*Al Jazeera*, 6 October 2020) <<https://www.aljazeera.com/news/2020/10/6/italy-loosens-migration-rules-to-dismay-of-hardliner-salvini>> accessed 3 October 2022.

⁸¹⁰ According to the 2013 Census, just 135 Palestinians were living in Aotearoa New Zealand. However, since then, more than 700 Palestinian nationals have been granted visas, including 117 working visas granted between 2008-2019. It is also known that 185 Palestinians have been granted NZ citizenship since 1948. Additionally, these figures do not account for those born in Aotearoa New Zealand with at least one parent of Palestinian nationality, nor the second and third generations of Palestinian refugees/migrants who previously moved to Aotearoa New Zealand. A census was conducted in 2018, with its data under embargo until its expected release in September 2019. See Stats NZ Tatauranga Aotearoa, ‘2018 Census’ (*Stats NZ Tatauranga Aotearoa*, 13 November 2020) <<https://www.stats.govt.nz/2018-census/>> accessed 3 October 2022.

⁸¹¹ Immigration New Zealand, ‘Statistics for Refugee Quota Arrivals, April 2019’ (*New Zealand Immigration*, 2019), archived at <<https://web.archive.org/web/20190719020342/https://www.immigration.govt.nz/documents/statistics/statistics-refugee-quota-arrivals>> accessed 3 October 2022.

⁸¹² *Ibid.*



36 Palestinians arrived in Aotearoa New Zealand.⁸¹³ As of 2021, there were 17 Palestinians registered by UNHCR as Persons of Concern in Aotearoa New Zealand, including 12 refugees and 5 asylum-seekers.⁸¹⁴

Legal Status

Aotearoa New Zealand ratified the 1951 Refugee Convention and its additional Protocol in June 1960 and August 1973, respectively.⁸¹⁵ The Aotearoa New Zealand Refugee Status Appeals Authority (RSAA) has adopted an extremely restrictive interpretation of the inclusive clause referred to in Article 1D(2).⁸¹⁶ Based on this case-law, Palestinian refugees who fall under UNRWA's mandate have to prove that they have, "a well-founded fear of being persecuted," as required by Article 1A(2) in order to access the benefits of the Convention.⁸¹⁷

Current Political Issues

In July 2020, Aotearoa New Zealand increased its annual refugee quota to 1,500 refugees, though the quota was not met due to COVID-19 travel restrictions.⁸¹⁸ Prior to that, in 2018, the annual refugee quota was rose from 750 to 1,000,⁸¹⁹ which was the first increase since 1987. It is likely that Palestinian refugees will benefit from the recent governmental decision to increase the annual refugee quota intake.

Aotearoa New Zealand, nonetheless, has come under fire in May 2022 due to its treatment of asylum seekers. In an independent report the Casey Report, it was described that Aotearoa New Zealand has arbitrarily detained asylum seekers in high-security criminal prisons for years without any charge or trial.⁸²⁰

⁸¹³ New Zealand Parliament, 'The New Zealand Refugee Quota: A snapshot of recent trends' (*New Zealand Parliament*, 31 August 2020) <<https://www.parliament.nz/en/pb/library-research-papers/research-papers/the-new-zealand-refugee-quota-a-snapshot-of-recent-trends/>>.

⁸¹⁴ UNHCR, 'Refugee Data Finder: Palestinians in New Zealand' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=1BBFuQ>> accessed 3 October 2022.

⁸¹⁵ UNHCR, States Parties to the 1951 Convention (n 695).

⁸¹⁶ See BADIL, Closing Protection Gaps – 2005 (n 562), 293-295.

⁸¹⁷ This interpretation was first enunciated in RSAA decision on case No. 1/92 of 30 April 1992 and upheld by successive RSAA rulings. See Refugee Status Appeals Authority, *Refugee Appeal No. 1/92* (1992), archived at <<https://web.archive.org/web/20220307114904/https://www.refugee.org.nz/Casesearch/Fulltext/1-92.htm>> accessed 3 October 2022.

⁸¹⁸ New Zealand Immigration, 'New Zealand Refugee Quota Programme' (*New Zealand Immigration*, 5 September 2022) <<https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/supporting-refugees-and-asylum-seekers/refugee-and-protection-unit/new-zealand-refugee-quota-programme>> accessed 3 October 2022.

⁸¹⁹ Radio New Zealand, 'Govt to raise NZ's refugee quota to 1000' (*Radio New Zealand*, 13 June 2016) <<https://www.rnz.co.nz/news/political/306270/govt-to-raise-nz-27s-refugee-quota-to-1000>> accessed 3 October 2022.

⁸²⁰ Golriz Ghahraman, 'New Zealand has long imprisoned people seeking asylum. It's time we said "This is not us" and really meant it' (*The Guardian*, 5 May 2022) <<https://www.theguardian.com/world/commentisfree/2022/may/06/new-zealand-has-long-imprisoned-people-seeking-asylum-its-time-we-said-this-is-not-us-and-really-meant-it>> accessed 3 October 2022.



SWEDEN

Palestinian presence in the Kingdom of Sweden (Sweden) began in the 1960s as a result of Palestinian refugees migrating from the West Bank, Jordan and Lebanon for education purposes.⁸²¹ By the late 1990s, the Palestinian population had grown to about 13,000.⁸²² In 2018, best estimates place the Palestinian population of Sweden at around 70,000,⁸²³ and some estimates place the current Palestinian population at around 80,000.⁸²⁴ This includes a large influx of Palestinian refugees from Syria and earlier arrivals from Iraq, who are categorized as stateless. Swedish statistics reveal that 3,444 Palestinian asylum-seekers received Swedish citizenship documents in November 2020 while a prior 6,425 Palestinian refugees were granted citizenship in 2018.⁸²⁵ As of 2021, there were 1,810 Palestinians registered by UNHCR as Persons of Concern in Sweden, including 1,322 refugees and 488 asylum-seekers.⁸²⁶

Legal Status

Sweden is a signatory to both the 1951 Refugee Convention and its 1967 Protocol.⁸²⁷ The Swedish legal framework on international protection is enshrined in the Aliens Act (2005:716), which was last amended in 2010 to align it with the 2004 EU Qualification



Asylum seekers descend from a large fishing vessel used to transport them from Turkey to a Greek island. 2015. (Source: HRW)

⁸²¹ Helena Lindholm, 'Bridging identities through activism: Palestinians in Sweden navigating the transnational divide' (2021) 21(3) Conflict, Security & Development, 296 <<https://doi.org/10.1080/14678802.2021.1933033>> accessed 3 October 2022.

⁸²² Helena Lindholm Schulz and Julian Hammer, 'The Palestinian Diaspora: Formation of Identities and Politics of Homeland' (2003), 84 <https://www.researchgate.net/publication/289733503_The_Palestinian_diaspora_Formation_of_identities_and_politics_of_homeland> accessed 3 October 2022.

⁸²³ According to a Statistics Sweden (SCB) census, as of 31 December 2018, there were 7,907 registered persons born in Palestine living in Sweden and another 3,637 with at least one parent born in Palestine. Additionally, by the end of 2018, there were 19,782 stateless persons with a residence permit in Sweden and further 12,037 whose citizenship was unknown, as well as 29,177 asylum applications from stateless persons submitted between 2011 and 2018. It is understood from UNHCR that the vast majority of stateless persons in Sweden are PRS, see UNHCR, 'Mapping Statelessness in Sweden' (2016) <<https://www.refworld.org/docid/58526c577.html>> accessed 3 October 2022. In addition, there are numerous Palestinians born in Lebanon, Syria, Jordan (or any of the other Arab states) of Palestinian origin, who have migrated to Sweden, and third and fourth generation Palestinian migrants to Sweden who are not distinguished in census data.

⁸²⁴ See Lindholm (n 821), 307.

⁸²⁵ AGPS, '3,444 Palestinian Refugees Granted Citizenship in Sweden' (28 December 2020) <<https://www.actionpal.org.uk/en/post/11087/news-and-reports/3-444-palestinian-refugees-granted-citizenship-in-sweden>> accessed 3 October 2022.

⁸²⁶ UNHCR, 'Refugee Data Finder: Palestinians in Sweden' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=1Z67Fx>> accessed 3 October 2022.

⁸²⁷ UNHCR, States Parties to the 1951 Convention (n 695).

Directive.⁸²⁸ Since 2013, Sweden has been the only European country that has guaranteed all refugees from Syria, including stateless Palestinians, permanent (rather than temporary) residency in the country.⁸²⁹ Swedish authorities have tended to recognize refugee status for all Palestinians from Syria,⁸³⁰ who under the 2005 Aliens Act are entitled to the same treatment as Syrian asylum-seekers.⁸³¹

Over the years 2020 and 2019, the Swedish Migration Agency (SMA) determined 1,289 cases concerning holders of Palestinian Authority identity documents, recognizing refugee status in approximately 27.3 percent of cases.⁸³² This is in large contrast to the cases determined between 2015-2018 where the SMA granted refugee status to approximately 60 percent of the Palestinian applicants.⁸³³

Current Political Issues

In the last decade, Sweden (together with Germany) has been the main European country of destination for the tens of thousands of Palestinian refugees fleeing the Syrian conflict.⁸³⁴ The desire to reach the Scandinavian country is mainly due to Sweden's relatively liberal access to citizenship as compared to other European and Arab countries.⁸³⁵ According to the Swedish Citizenship Act (2001:82), refugees only have to reside in the country for four years to apply for citizenship.⁸³⁶

One particularly problematic issue that has arisen in Sweden is the situation regarding Palestinian refugees previously residing in Syria, Iraq and Gaza, but who arrived in Sweden via the Gulf states.⁸³⁷ These Palestinian refugees have usually had their working

⁸²⁸ OECD, 'International Migration Outlook 2010' (2010), 242 <https://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2010_migr_outlook-2010-en> accessed 3 October 2022.

⁸²⁹ From 2013 until 5 December 2015, all asylum-seekers from Syria were automatically granted permanent residency in Sweden; from the beginning of 2016, however, only unaccompanied minors and family members continue to receive permanent residence permits. See Elin Hofverberg, 'Sweden' in Law Library of Congress, *Refugee Law and Policy in Selected Countries* (Law Library of Congress 2016) <<https://tile.loc.gov/storage-services/service/ll/lglrd/2016296551/2016296551.pdf>> accessed 3 October 2022.

⁸³⁰ European Legal Network on Asylum (ELENA), *Information Note on Syrian Asylum Seekers and Refugees in Europe* (European Council on Refugees and Exiles 2013), 23 <https://www.ecre.org/wp-content/uploads/2016/05/Information-Note-on-Syrian-Refugees-in-Europe-29112013-final_website.pdf> accessed 3 October 2022. On the recognition of refugee status to PRS in Sweden see, among others, Migration Court 26/11/2013, case No UM 1590-13; Migration Court 20/05/2013, case No UM 527-13; Migration Court 22/02/2013, case No UM 9159-12.

⁸³¹ Lisa Auer, 'Palestinian Refugees in France' (2017) 59 *Al-Majdal* <<https://reliefweb.int/sites/reliefweb.int/files/resources/al-majdal-59.pdf>> accessed 3 October 2022.

⁸³² Migrationsverket, 'Statistics: Asylum' (*Migrationsverket*, 1 September 2022) <<https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>> accessed 3 October 2022.

⁸³³ *Ibid.*

⁸³⁴ BADIL, *Closing Protection Gaps* (n 3), 197.

⁸³⁵ Jason Tucker, 'Why here? Factors influencing Palestinian refugees from Syria in choosing Germany and Sweden as asylum destinations' (2018) 6(1) *Comparative Migration Studies* 6 <www.ncbi.nlm.nih.gov/pmc/articles/PMC6208926/> accessed 3 October 2022.

⁸³⁶ 'Swedish Citizenship Act' (2001) SFS 2001:82 <www.refworld.org/pdfid/420cadf64.pdf> accessed 3 October 2022.

⁸³⁷ AGPS, 'Sweden refusal to grant asylum to Palestinians from Syria coming from the Gulf States, could put their lives at risk' (*AGPS*, 3 December 2016) <<https://www.actionpal.org.uk/en/post/4316/press-release/agps-sweden-refusal-to-grant-asylum-to-palestinians-of-syria-coming-from-the-gulf-states-could-put-their-lives-at-risk>> accessed 3 October 2022.



visas revoked or not renewed by Gulf states, and, unable to return to Syria, Iraq or Gaza, have endeavored to claim asylum in Sweden. Swedish authorities generally reject asylum applications lodged by these Palestinians due to the apparent absence of fear of persecution in their prior country of residency. The Swedish authorities then attempt to deport them to the previous Gulf state. Most, however, are unable to obtain residency or work visas in those Gulf states due to the sponsorship requirement.⁸³⁸ As a result, Palestinians who are caught in this state of legal limbo have no choice but to remain in Sweden, without any legal status and in extremely precarious conditions.⁸³⁹

UNITED KINGDOM

Most estimates on the overall Palestinian population in the United Kingdom of Great Britain and Northern Ireland (UK) place it at 20,000-30,000 people, including those born in the UK with Palestinian ancestry.⁸⁴⁰ Most arrived from Lebanon during the 1970s and 1980s, or from Kuwait in 1990 and 1991 as a result of the Iraqi invasion of Kuwait.⁸⁴¹ Additionally, a substantial portion have arrived directly from the oPt, with the 2021 Annual Population Survey estimating 4,000 persons born in the oPt residing in the UK.⁸⁴² Of these, almost half arrived between 2001 and 2011. More recently, the UK Home Office shows that between 2019 and the first quarter of 2022, 673 Palestinians made asylum applications.⁸⁴³ In this same period, Home Affairs granted protection to 316 Palestinians.⁸⁴⁴ According to UNHCR, as of 2021, 599 Palestinian refugees and 548 Palestinians asylum-seekers are registered as Persons of Concern in the UK.⁸⁴⁵

Legal Status

The UK Government's Asylum Policy Directive on Article 1D of the Refugee Convention sets out the government's approach, which in accordance with EU Directives and case law, deems Palestinians to be excluded from protection unless they have ceased to receive UNRWA assistance by a reason beyond their control or independent of their volition.

⁸³⁸ Under current regulations, Palestinians are allowed to return to Saudi Arabia, the United Arab Emirates or other Gulf States if they obtain a residence permit, which can only be issued via a new sponsor or employer.

⁸³⁹ BADIL, Closing Protection Gaps – 2005 (n 562), 221-223.

⁸⁴⁰ Palestine International Institute (PII), 'The Palestinian Community in The United Kingdom' (2018), 23-24, archived at <<https://web.archive.org/web/20220119133613/https://pii-diaspora.org/wp-content/uploads/2018/06/uk-country-study-updated.pdf>> accessed 3 October 2022.

⁸⁴¹ Ibid., 24-25.

⁸⁴² Office for National Statistics, 'Dataset: Population of the UK by country of birth and nationality (July 2020 to June 2021 Edition)' (ONS, 25 September 2021) <<https://bit.ly/3yLHUJu>> accessed 3 October 2022.

⁸⁴³ UK Home Office, 'Asylum applications, 2001 Q1 to 2022 Q1' (2022) <<https://bit.ly/3gggTYa>> accessed 3 October 2022.

⁸⁴⁴ UK Home Office, 'Asylum initial decisions and resettlement, 2001 Q1 to 2022 Q1' (2022) <<https://bit.ly/3yQsfIC>> accessed 3 October 2022.

⁸⁴⁵ UNHCR, 'Refugee Data Finder: Palestinians in the United Kingdom' (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=tpwNC5>> accessed 3 October 2022.

In which case they are *ipso facto* entitled to refugee protection.⁸⁴⁶ The UK's guidance relating to Article 1D generally follows the *El Kott* approach discussed in Chapter 3 of this survey, restrictively specifying that “for any reason” in Article 1D means a reason “beyond the control” and “independent of the volition” of the applicant.⁸⁴⁷ Regardless, the UK has an over 50 percent rate of refusal of Palestinian asylum claims since 2002 and usually averages around a 90 percent refusal rate.⁸⁴⁸

Current Political Issues

Despite an announcement in July 2017 from UK Home Secretary, Amber Rudd, that on the advice from UNHCR, the Syrian Vulnerable Person Resettlement Scheme (VPRS) would be expanded to include all nationalities fleeing Syria,⁸⁴⁹ which was understood to include Palestinians,⁸⁵⁰ Palestinians continue to be excluded from the VPRS. Since eligibility is based on assessed vulnerability and referral by UNHCR, and while Palestinians are unable to register with UNHCR due to the presence of UNRWA, they are effectively still ineligible. This was the subject of a UK High Court challenge on the grounds of discrimination, in the case of *Turani v UK*.⁸⁵¹ This case concerned Palestinian applicants from Syria who had various vulnerabilities that would have made them eligible for the VPRS had they not been Palestinians in UNRWA areas who could not be referred by the UNHCR. The applicants made a claim that the UK's resettlement scheme discriminated on the basis of race or ethnicity and thus violated domestic law as well as international declarations, treaties, and customary international law.⁸⁵²

Following a consideration for appeal, the Administrative Court and Court of Appeal held that the VPRS is not unlawful. The Court found that the government was justified

⁸⁴⁶ UK Home Office, ‘Asylum Policy Instruction Article 1D of the Refugee Convention: Palestinian refugees assisted by the United Nations Relief and Works Agency (UNRWA)’ (2016) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524502/A-on-Article-1D-and-Palestinians-v2_0.pdf> accessed 3 October 2022.

⁸⁴⁷ *El Kott, A Radi and Ismail v Bevándorlási És Állampolgársági Hivatal*, Court of Justice of the European Union, C-364/11, ECLI:EU:C:2012:826 (19 December 2012).

⁸⁴⁸ CJEU - C-364/11 *Mostafa Abed El Karem El Kott, Chadi Amin A Radi, Hazem Kamel Ismail v Bevándorlási és Állampolgársági Hivatal* (BAH) (“*El Kott*”), [2013] OJ C 46/8, 19 December 2012 <<http://curia.europa.eu/juris/document/document.jsf?docid=131971&doclang=EN>> accessed 3 October 2022.

⁸⁴⁹ Amber Rudd – UK Home Secretary, ‘Resettlement: Statement made on 3 July 2017’ (UK Parliament, 3 July 2017) <<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-07-03/HCWS23/>> accessed 3 October 2022.

⁸⁵⁰ The Refugee Council, ‘Refugees of all nationalities fleeing Syria are now eligible for resettlement in the UK’ (*The Refugee Council*, 3 July 2017) <https://www.refugeecouncil.org.uk/latest/news/4965_refugees_of_all_nationalities_fleeing_syria_are_now_eligible_for_resettlement_in_the_uk> accessed 3 October 2022.

⁸⁵¹ *Turani v SSHD* [2021] EWCA Civ 348 <<https://www.bailii.org/ew/cases/EWCA/Civ/2021/348.html>> and the previous (lower) decision *Turani v SSHD* [2019] EWHC 1586 (Admin) <<https://www.bailii.org/ew/cases/EWHC/Admin/2019/1586.html>> accessed 3 October 2022.

⁸⁵² See, for example, UDHR (n 341), art 2; CERD (n 420); Lord Steyn, in *R (European Roma Rights Centre) v Immigration Officer at Prague Airport* [2004] UKHL 55; [2005] 2 AC 1, 46 in *In re Barcelona Traction, Light and Power Co Ltd (Belgium v Spain)* (second phase) [1970] ICJ Rep 3, at paras 33-34 referred to binding obligations in international law ‘including protection from slavery and racial discrimination’.





in accepting referrals for resettlement exclusively from UNHCR. Despite the applicants having shown that other countries accept referrals from NGOs other than the UNHCR, the Court of Appeal observed that the “Judge was entitled to conclude that ... referral by an NGO could not have achieved the ‘security, reliability, speed and consistency which flow from using UNHCR as a gatekeeper.’”⁸⁵³ This outcome results in the continuation of discrimination against Palestinian refugees in UNRWA areas, barring them from the VPRS and thus restricting their access to a durable solution that might otherwise have been available to them. Further appeal is ongoing.

Similarly, in the ECHR case of *HA v UK*⁸⁵⁴, which has yet to receive a judgment, the UK Home Office, First-Tier and Upper Tribunals, and Court of Appeal all refused to accept a Palestinian applicant’s reason for leaving an UNRWA area of operation. The applicant stated that it was based on a fear of forced recruitment or persecution by paramilitary groups or threats from frequent violence in the Ein El-Hilweh refugee camp in Lebanon, which the Court deemed was unfounded and did not display a well-founded fear of persecution under the 1951 Refugee Convention. Furthermore, in the *Nader v SSHD*⁸⁵⁵ case and *OJ v SSHD*⁸⁵⁶ cases alike, the UK and its courts refused to accept that the respective Palestinian applicants were no longer receiving assistance from UNRWA for reasons beyond their control. The UK thus has consistently taken a discriminatory approach in dealing with Palestinian refugees, discounting their lived experiences and applying an ill-faith interpretation of international law with the factually inaccurate justification that UNRWA can adequately provide protection.⁸⁵⁷

UNITED STATES OF AMERICA

The United States Census Bureau estimates that in 2020 there were about 136,869 Palestinians in the US.⁸⁵⁸ As with other states, updated information for Palestinian refugees and asylum-seekers in the US is difficult to obtain since Palestine is not a recognized country of origin, and Palestinians from Syria are not distinguished. As of 2021, there were 156 Palestinians registered by UNHCR as Persons of Concern in the US, including 20 refugees and 136 asylum-seekers.⁸⁵⁹

⁸⁵³ *Turani v SSHD* (n 851), para 90.

⁸⁵⁴ *HA v UK*, European Court of Human Rights, Application no. 30919/20 (16 Nov 2020) (Statement of Facts and Questions to the Parties) <<http://hudoc.echr.coe.int/eng?i=001-206293>> accessed 3 October 2022.

⁸⁵⁵ *Nader v SSHD* [2019] UKAITURPA113132018 <<http://www.bailii.org/uk/cases/UKAITUR/2019/PA113132018.html>> accessed 3 October 2022.

⁸⁵⁶ *OJ v SSHD* [2019] UKAITUR PA093312018, <<http://www.bailii.org/uk/cases/UKAITUR/2019/PA093312018.html>> accessed 3 October 2022.

⁸⁵⁷ For more information on this, see Orchard, Search for Protection (n 171), 43.

⁸⁵⁸ American Community Survey, ‘ACS 5-Year Estimates Detailed Tables: People Reporting Ancestry (B04006)’ (*United States Census Bureau*, 2020) <<https://data.census.gov/cedsci/table?q=ancestry&y=2020&tid=ACSDT5Y2020.B04006>> accessed 3 October 2022.

⁸⁵⁹ UNHCR, ‘Refugee Data Finder: Palestinians in United States of America’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/download/?url=h4Pt03>> accessed 3 October 2022.



Legal Status

The US is a signatory to the 1967 Protocol, but not to the 1951 Refugee Convention, nor the two Statelessness Conventions.⁸⁶⁰ Article 1A has been incorporated into American domestic law, but Article 1D has not. Palestinians have usually been granted refugee status as they fall within the general definition of a refugee, with some exceptions, but the US has also carried out some questionable policies of *refoulement* in contravention of international law.⁸⁶¹

Where Palestinians are not granted refugee status, this is often due to their statelessness. While the US recognizes Palestinians as stateless, it does not, however, use this as an advancement towards granting asylum, and instead assesses their refugee claims on the basis of the country of their last habitual residence, which adversely affects Palestinians from Gulf states who have lost their residency permit, but remain unable to return to the oPt, Syria or Iraq.⁸⁶²

Additionally, the ‘persecutor of others’ clause has also been used by the US government to deny non-violent politically active asylum-seekers the right to asylum. In theory, it prevents ‘persecutors of others’ from being granted asylum, but in reality, Palestinians have been denied asylum simply by participating in politically active actions, demonstrations, or defending Palestinian rights within Mandatory Palestine, as well as their political affiliations and associations. Punitive policies regarding political affiliations and activities have also been used to restrict or deny the asylum claims of Palestinians.⁸⁶³

Current Political Issues

More recently, the US has displayed a pass-the-parcel approach to refugee politics that is grounded in political convenience rather than legal norms.⁸⁶⁴ According to Human Rights First, the US government has used the COVID-19 pandemic as a justification to expel thousands of asylum seekers and deny them access to the legal processes which they are entitled to, resulting in illegal *refoulment* and expulsion to other countries deemed dangerous to many asylum seekers.⁸⁶⁵

⁸⁶⁰ BADIL, Closing Protection Gaps (n 3), 272.

⁸⁶¹ BADIL, Multiple Displacements (n 748), 36.

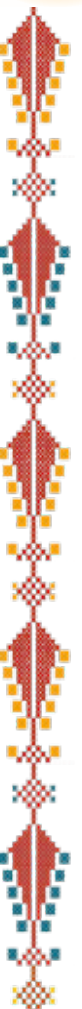
⁸⁶² BADIL, Closing Protection Gaps (n 3), 267.

⁸⁶³ Hamas, Islamic Jihad, the Palestinian Liberation Front (PLF), Palestinian Islamic Jihad (PIJ), and the Popular Front for the Liberation of Palestine (PFLP) have been designated terrorist organizations by US government since the 1990s, and affiliation with such organizations is used as grounds of asylum exclusion: See BADIL, Multiple Displacements (n 748), 37-38; BADIL, Closing Protection Gaps (n 3), 270.

⁸⁶⁴ BADIL, Multiple Displacements (n 748), 31.

⁸⁶⁵ Human Rights First, ‘U.S. Asylum and Border Policies Resulting in Human Rights Violations’ (2022) <<https://www.ohchr.org/sites/default/files/2022-04/HRFSubmission.pdf>> accessed 3 October 2022.





Main Findings on Palestinians Refugees in Western States Signatory to the 1951 Refugee Convention

When considering the treatment and status of Palestinian refugees in western states, there are several common conditions, including:

- It is difficult to find clear data on the number and situation of Palestinian refugees in western states, primarily due to unclear registration systems. These states also often fail to account for the number of Palestinian refugees arriving from other Arab countries, both those from UNRWA's areas of operation and those from outside.
- Western states commonly apply an improper interpretation of Article 1D which places the burden of proof for refugee status on Palestinian refugees.
- Palestinian refugees suffer from a lack of protection and discriminatory treatment in western states.

4.4. THE OBLIGATIONS OF THE INTERNATIONAL COMMUNITY

Palestinian refugees and IDPs find themselves faced with not only host states that deny their basic rights, but also with an international community that lacks the political will to alleviate their suffering and facilitate durable solutions. Host states' disingenuous interpretations of Article 1D's refugee definition and the resultant blatant violations of international human rights and customary law are compounded by the international community's failure and the powerful western states' complicity with Israel's policies of ongoing forced displacement and dispossession. However, these same states have both the obligation and the power – if political will was present – to bring Israel into compliance with its responsibilities towards Palestinians refugees and IDPs and to promote a durable and just solution for the Palestinian displacement issue.

4.4.1. Israel's Unwillingness to Provide Protection and Reparations to Palestinians

Israel, as the state that has the obligation to make full reparations to Palestinian refugees for its international crimes and to protect those under its jurisdiction, has proven unwilling to do so, causing and perpetrating their displacement. In fact, Israel's forced population transfer of Palestinians – accompanied by the denial of return – is a continuing violation of Palestinian individual and collective rights. Discrimination is particularly blatant in Israel's laws and policies regulating immigration and access to citizenship, land and public services, creating a system of Apartheid.⁸⁶⁶ This system and the privileged Jewish nationality status it seeks to uphold are the main obstacles to a durable solution to the Palestinian refugee and IDP issue.

⁸⁶⁶ See BADIL, 'The Nation State Law: The Culmination of 70 Years of Israeli Apartheid and Colonization' (2018) <https://www.badil.org/cached_uploads/view/2021/04/20/nationstatelaw-positionpaper-badil-oct2018-1618905362.pdf>: BADIL, Colonial Education (n 162).



In continuing its demographic manipulation of Mandatory Palestine, including the oPt, Israel has not only denied more than 9.17 million Palestinian refugees and IDPs their fundamental right to reparations since 1948, but is also continuing to forcibly displace and transfer the occupied Palestinian population, replacing it with Jewish-Israeli civilians since 1967. Both practices constitute grave breaches of the Fourth Geneva Convention and amount to a serious violation of IHRL and multiple UN resolutions.

In such a case, the international community has an obligation to protect the rights of Palestinians, in particular the right of Palestinian refugees and IDPs to protection and reparations. Under international law, third states hold a negative duty not to encourage, aid or assist Israeli policies and practices aimed at fostering ongoing forcible displacement and transfer of Palestinians from and within the OPT; as well as a positive duty to prevent and put an end to Israel's ongoing displacement of Palestinians and denial of their right to return.

Third State Obligations under the Law of State Responsibility

When an international wrong is committed, international law imposes legal obligations upon third states under certain circumstances. This includes a primary two-pronged obligation: (1) a duty to cooperate to bring the serious breach to an end, and (2) a parallel duty to abstain from recognizing this situation as lawful and in rendering assistance that maintains that situation.⁸⁶⁷ All states, as members of the international community, are hence required to make a joint and coordinated effort to bring to an end Israel's practices of population transfers. Conjointly, states are required to halt all forms of cooperation with Israeli institutions that provide material support to the maintenance of the *status quo* generated by Israel's violations of international law. Applications of this principle can be found in UN Resolutions,⁸⁶⁸ and in the Advisory Opinion on the Wall.⁸⁶⁹

Third State Obligations under International Humanitarian Law

Under Common Article 1, all Contracting Parties are bound by the obligation “to respect and ensure respect for the Conventions in all circumstances.”⁸⁷⁰ The wording “ensure respect” implies a positive duty for all state parties to take measures aimed at ensuring compliance with the rules set in the Geneva Conventions, putting an end to ongoing violations,⁸⁷¹ and preventing their occurrence. Therefore, third states hold a positive duty

⁸⁶⁷ ILC Draft Articles (n 424), 114.

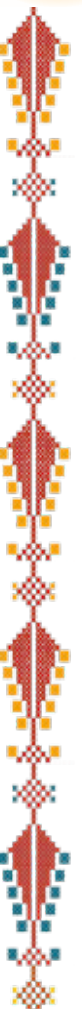
⁸⁶⁸ Particularly in Resolution 465, where the UN Security Council called upon “all States not to provide any assistance to be used specifically in connection with settlements in the occupied territories”. See UNSC Resolution 465 (1 March 1980) UN Doc S/RES/465(1980); see also or in UNSC Resolution 2334 (23 December 2016) UN Doc S/RES/2334 (2016), which reaffirmed to all states that Israeli colonies have no legal validity.

⁸⁶⁹ The ICJ ruled that the international community should refrain from “render[ing] assistance in maintain the situation created by such construction”. See Wall Advisory Opinion (n 413), para 146.

⁸⁷⁰ Fourth Geneva Convention (n 398), art 1.

⁸⁷¹ Rule 144 of the ICRC Customary Law Study provides, *inter alia*, that states “must exert their influence, to the degree possible, to stop violations of International Humanitarian Law”. See ICRC, ‘Customary IHL: Rule 144. Ensuring Respect for International Humanitarian Law Erga Omnes’ (ICRC Database, 24 April 2011) <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule144> accessed 3 October 2022.





to prevent and put an end to Israel's ongoing displacement of Palestinians and denial of their right to return.

Third State Obligations under International Criminal Law

Under the Rome Statute of the International Criminal Court, all state parties are subject to a general duty of cooperation with the International Criminal Court (ICC) “in its investigation and prosecution of crimes”⁸⁷² that have occurred within its jurisdiction. This refers to investigations into war crimes and crimes against humanity, including the crimes of apartheid and forcible transfer which Israel continues to commit until today. The population transfer of an occupied civilian population *out* of a territory and the Occupier's civilian population *into* the occupied territory constitute crimes against humanity and/or war crimes under Articles 7 and 8 of the Rome Statute.

4.4.2. The International Community: Promoting Further Displacement and Deepening Israeli Impunity

Although the international community has been voting in favor of resolutions recognizing the right to reparations for Palestinian refugees and IDPs, it has not shown sufficient political will to properly and effectively pressure Israel into compliance. More specifically, there have been numerous UN resolutions calling for the implementation of prior UN resolutions 194 and 237, but no international organization has been assigned to provide protection for Palestinian refugees and to actively engage in the search for a comprehensive solution to the Palestinian refugee and IDP issue since the early 1950s. Rather, international politics has confined the UN to a guardian of Palestinian refugee rights and limited its role to providing humanitarian aid, personified by UNRWA. Moreover, solutions have been left to political negotiations between the parties, which are undertaken specifically outside the ambit of international law. These negotiations have been subject to a balance of power that is in Israel's favor, and Israel, in turn, has sought at all times to avoid recognition and implementation of the right of reparations.

Redressing the injustice that Israel imposes on Palestinians is not only important from a legal or moral standpoint, but would also serve as a deterrent for Israel to halt its ongoing displacement of Palestinians. It is quite simple to deduce that the broad impunity that Israel enjoys serves as an incentive for further forcible displacement, as it comes at no expense for Israel. The failure, or unwillingness, of the international community to effectively pressure Israel and to facilitate reparations results in the ongoing and ever-increasing exile and dispossession of the Palestinian people. As long as the international community does not intervene and apply pressure on Israel to provide reparations, Israel will continue to have the tacit consent to proceed with its breaches of international law, and the number of forcibly displaced Palestinians will continue to increase.

⁸⁷² Rome Statute (n 400), art 86.



4.4.3. The International Community's Role in Facilitating a Just Solution

The international community has the potential and authority to play a significant role in holding Israel accountable for its violations of international law. Importantly, the inability of the UN and its agencies to implement decisions, particularly General Assembly Resolution 194 of 1948 and Security Council Resolution 237 of 1967, does not relieve states individually or collectively from assuming their responsibilities to enable and facilitate the voluntary return of Palestinian refugees to their original homes from which they were displaced, to ensure the restitution of their property, and to secure compensation for the damage inflicted upon them as a result of their displacement.

This can only be realized through the application of concerted pressure by the international community through all available channels. These joint efforts should be based on adopting and supporting rights-based durable solutions within a long-term strategy. This strategy would incorporate developing mechanisms and taking effective measures to bring Israel into compliance with international law; ensuring the end of Israeli policies of forcible displacement, the effective protection of Palestinian refugees, IDPs and those at risk of forcible transfer in Palestine and host countries; and realization of the right to reparations of all forcibly displaced Palestinians.

Adopting a rights-based approach and solution would mean that the international community must exert pressure on Israel to recognize the right of return of Palestinian refugees, and to implement it, starting with the revocation of all legislation and policies set in place to that deny return of all those displaced, followed by taking positive steps to facilitate the repatriation of all those displaced. A rights-based solution would also entail the realization of the right to restitution, both for Palestinian returnees and also for those choosing not to return. The international community must also make concerted efforts to establish a compensation mechanism, not in place of the right of return, but in addition to it, to compensate forcibly displaced Palestinians for material and non-material damages. Finally, it is essential that there are firm guarantees of non-repetition, in order to ensure that forcibly displaced Palestinians can take voluntarily determine their status and future.



POLITICAL PARTICIPATION OF PALESTINIAN YOUTH

Political participation is an outlet for which both the individual and the masses can advocate for their rights, influence their futures, and hold their officials accountable. Political participation “strengthens the relationship between the individual and the society, which will reflect upon an individual’s sense of belonging to their homeland”.⁸⁷³ As such, the right to political participation is essential for the Palestinian people, who are continuously stripped of their rights and access to their community and homeland. **The Palestinian people have a rich history of political participation as a form of anti-colonial resistance, and Palestinian youth specifically have consistently influenced the fight for liberation, as they “are the ones who are at the forefront of confrontations with the occupation; the ones at the forefront of volunteer, service, or field projects; and initiators of effective societal and political participation”.**⁸⁷⁴

However, the available data that focuses on the political participation of Palestinians, particularly Palestinian youth, is scarce. This is primarily because current research on political participation often does not consider the specific context of the Palestinian people as a people under active colonization, with prevalent definitions of political participation applying to political initiatives within an established and stable democracy – initiatives that Palestinians worldwide are consistently barred access to. Furthermore, the fact that the Palestinian people are not all located in a singular geographic location due to the ongoing Israeli-Zionist strategy of forcible transfer, denial of repatriation, isolation, fragmentation, and segregation has made it difficult to obtain exhaustive data on the political activity of Palestinian youth, wherever they are.

Thus, BADIL has developed the following survey to fill this gap and provide an adequate understanding of political participation that aligns with the Palestinian context, with a particular focus on Palestinian youth in 1948 Palestine, the West Bank, the Gaza Strip, Jordan,

⁸⁷³ Mohammed Abdullah Mohammed Hassan Al-Horoush, ‘Awareness and Political Participation among citizens of Yemen: A Field Study (Case Study of the Capital City of Sana’a)’ (MPS thesis, Middle East University 2012), 60 <https://meu.edu.jo/library/Theses/586a0e47e8d61_1.pdf> accessed 3 October 2022.

⁸⁷⁴ Salim AbdAlkarim Alhindi, ‘The Palestinian Elections: An Opportunity for Youth to Achieve Change’ (2021) 26(1&2) Palestine-Israel Journal <<https://www.pij.org/articles/2113/the-palestinian-elections-an-opportunity-for-youth-to-achieve-change>> accessed 3 October 2022.

Lebanon, and Syria. The purpose of this study is to shed light on the avenues and activities that Palestinian youth engage in, the objectives and reasons for their participation, and what they perceive as obstacles that prevent them from engaging in political participation and achieving their goals. More specifically, it aims to answer the following questions:

1. Which official, semi-official, and non-official avenues, mechanisms, and frameworks of political participation are available to Palestinian youth?
2. Which avenues, mechanisms, and frameworks are most commonly used by Palestinian youth?
3. Which avenues are perceived as the most effective by Palestinian youth?
4. What do Palestinian youth perceive as the objectives of political participation?
5. How can more effective and impactful political participation be achieved among Palestinian youth?

Methodology

In order to achieve the goals of the survey and answer the above questions, the following survey has integrated a qualitative methodology that combines a literary analysis of available data and field research in the form of a questionnaire and focus groups.

Literature Review

For the literature review, the traditional concept of political participation and its application in various avenues was considered. The survey also assessed the available data on political participation of Palestinian youth and its effect on various targets of influence. It further analyzed the differences of the Palestinian avenue and the reasons for why the mainstream definition is inappropriate within the situation of Zionist-Israeli colonization. Based on this, a working definition of Palestinian political participation was developed as the guiding axiom for the survey.

Field Research

Questionnaire design and sampling: The questionnaire was designed to explore the opinions and perceptions of Palestinian youth on the topic of political participation. To do so, five closed-ended questions were included in the questionnaire, with each item exploring a different layer of political participation (see Appendix 2). A field research team was selected and trained in each of the five regions to assist with filling out and transcribing the responses using highly professional standards. This process was carried out over the period of two weeks, and garnered 1,000 responses.

The sample has been scientifically designed for the purpose of providing representative and generalizable conclusions. It includes Palestinian refugees and 1948 Palestinian IDPs, all between the ages of 18-29. The participants are from the West Bank, Gaza Strip, 1948 Palestine, Jordan, and Lebanon. They include 200 individuals from each of the geographical



locations and across 16 refugee camps. By contrast, the group of 1948 Palestinian IDPs is from four locations in 1948 Palestine where IDPs are concentrated (For more details, see the Methodology, Appendix 1 and Youth Characteristics in the table below).

Questionnaire Sample's Characteristics

Table 5.1: Percentage Distribution of Youth Participants by Background Characteristics, March 2022

Characteristics	Region/State					
	1948 Palestine	West Bank, including Jerusalem	Gaza Strip	Lebanon	Jordan	Total
Total	100	100	100	100	100	100
Sex						
Male	50.0	51.0	50.0	50.0	50.0	50.1
Female	50.0	49.0	50.0	50.0	50.0	49.9
Education						
No formal education	0.0	0.7	1.2	1.6	0.1	0.8
Primary school	9.8	11.1	6.6	31.9	16.5	12.0
High school	60.8	55.2	44.1	19.7	48.7	45.8
Diploma or Bachelors	25.6	32.1	47.4	44.4	34.5	40.6
Masters or PhD	3.7	1.0	0.6	2.3	0.3	0.8
Employment						
Employed	45.9	50.1	34.7	51.5	43.0	40.6
Unemployed	7.7	6.3	17.1	19.4	14.8	14.9
Full-time student/intern	33.2	22.5	30.6	17.6	23.5	26.8
Full-time housework	13.2	19.7	17.5	11.4	18.4	17.4
Other	0.0	1.3	0.0	0.0	0.3	0.2
Dependency						
Primary dependent	14.5	15.8	11.5	12.6	26.2	16.7
Secondary dependent	33.7	27.0	26.9	36.1	25.1	27.3
Not dependent	51.8	57.1	61.6	51.3	48.7	56.0
Marital status						
Single	72.9	73.2	60.6	82.1	56.1	62.5
Married	26.3	25.9	36.1	15.0	36.4	33.2
Divorced/separated	0.8	1.0	1.6	2.7	7.2	3.3
Widowed	0.0	0.0	1.8	0.3	0.3	1.0

Youth focus groups: To achieve the highest level of youth engagement throughout all phases of the questionnaire, BADIL established six focus groups of Palestinian refugees from the West Bank, Gaza Strip, 1948 Palestine, Jordan, and Lebanon, and a group of PRS in Lebanon. Each group comprised 16 young people, half male and half female.

Integrating focus groups within the methodology primarily served to not only enrich the questionnaire's results, but to also guide the development of the definition and questions



within the questionnaire. In these focus groups, participants were invited to discuss the concept of political participation in the Palestinian context; they contributed to the development of a definition for Palestinian political participation. Moreover, once the questionnaire data was gathered, another session for the focus groups was held where participants were introduced to the results of the questionnaire and were asked to provide their opinions on the analysis. Their perspectives were incorporated in the analysis, as will be seen below.

Having discussed the background of the survey, its goals, and the methodology, the following chapter proceeds to provide a brief literature review on political participation while analyzing the available data on the political participation of Palestinian youth and elaborating on BADIL's working definition of Palestinian political participation. It then discusses the main findings of the questionnaire and its implications for youth political participation for all Palestinians, wherever they are.

5.1. BACKGROUND AND OVERVIEW ON POLITICAL PARTICIPATION

Political participation, in a traditional sense, is linked to democracy and is considered a pillar of democratic governance. The prevalent interpretation of political participation confines the definition to “activity by private citizens designed to influence government decision-making”.⁸⁷⁵ This intent to influence is often evidenced either through direct actions aimed at “affecting the making or implementation of public policy”,⁸⁷⁶ or indirectly by influencing “the selection of people who make those policies”⁸⁷⁷ through activities that include voting, lobbying, petitioning, protesting, and engaging in political campaigns. Thus, many studies place a large emphasis on the importance of voter turnout and electoral campaigning; the common conception driving such prioritization is attributed to how “the unique power of the vote to change rulers provides the force for most of the other modes of participation”.⁸⁷⁸

Based on this prevalent definition, one can infer that political participation has two constituting factors: citizens/people located in one geographical spot and a single entity representative government. It follows then that political participation is most applicable in a post state-creation context where independence and/or decolonization has already materialized.⁸⁷⁹ However, this understanding, and ensuing modes and tools of application, is derived from research that has primarily originated from the West, operating within Western structures of democratic

⁸⁷⁵ Samuel P Huntington and Joan M Nelson, *No Easy Choice: Political Participation in Developing Countries* (Harvard University Press 1976), 3.

⁸⁷⁶ Sidney Verba and others, *Voice and Equality: Civic Voluntarism in American Politics* (Harvard University Press 1995), 38.

⁸⁷⁷ *Ibid.*

⁸⁷⁸ Carole Jean Uhlaner, ‘Politics and Participation’ (2015) 18(2) *International Encyclopedia of the Social & Behavioral Sciences*, 506 <<https://doi.org/10.1016/B978-0-08-097086-8.93086-1>> accessed 3 October 2022.

⁸⁷⁹ Council of Europe, ‘12 Principles of Good Democratic Governance’ (2008) <<https://rm.coe.int/12-principles-brochure-final/1680741931>> accessed 3 October 2022.



governance.⁸⁸⁰ Studies conducted in non-Western avenues, including Japan, India, and Nigeria, have nonetheless revealed that political participation could be expanded to nonelectoral activities and nonpartisan participation, such as engagement in activities with local and community groups.⁸⁸¹ Similarly, informal engagement in local groups and traditional institutions has also been considered to be a form of political participation in countries where government institutions are less established.⁸⁸²



Palestinian university students attend one of the political debates before electing their own student senate. 2015. (Source: al-shabaka.org)

But what is to be said about the political participation of a people that is under active foreign invasion and colonization, who are not just excluded from the political processes of the colonial state, but are deliberately prohibited from engaging in practices of political participation as a form of colonial erasure and domination? Scholarly research on indigenous groups in settler-colonial states such as Canada, the United States, and New Zealand have revealed the potential significance in advocating for political participation for the purpose of ensuring legislative representation. It has also been argued that participation rights are “essential on the road to the recognition of self-determination”.⁸⁸³ However, interpreting political participation within the framework of influencing the government in power restricts the colonized people to working within the political structures of the colonizer, and many have argued that sole “electoral participation distracts and silences Indigenous Peoples while creating an illusion of legislative cooperation and consensus”.⁸⁸⁴ It has been argued that the current understanding of participatory politics “is limited when applied to colonial and occupation contexts, particularly because political participation is conceptualized on the work of citizens and the recognition of citizenship issues”.⁸⁸⁵ **Thus, and especially for the Palestinian case, the definition of political participation and the activities it entails must be expanded to apply within the context of anti-colonial resistance and the struggle for self-determination beyond the political structures of the colonizer.**

⁸⁸⁰ See Fred M Hayward, ‘Political Participation and its Role in Development: Some Observations Drawn from the African Context’ (1973) 7(4) *The Journal of Developing Areas*, 591-612 <<https://www.jstor.org/stable/4190060>> accessed 3 October 2022.

⁸⁸¹ Sidney Verba and Norman H Nie, *Participation in America: Political Democracy and Social Equality* (University of Chicago Press 1972).

⁸⁸² Henry Dietz, *Urban Poverty, Political Participation, and the State: Lima, 1970–1990* (University of Pittsburgh Press 1998).

⁸⁸³ Mary Ellen Turpel, ‘Indigenous People’s Rights of Political Participation and Self-Determination: Recent International Legal Developments and the Continuing Struggle for Recognition’ (1992) 25(3) *Cornell International Law Journal*, 593 <<https://scholarship.law.cornell.edu/cilj/vol25/iss3/6/>> accessed 3 October 2022.

⁸⁸⁴ Marc Woons, ‘Taking the road less travelled: indigenous self-determination and participation in Canadian institutions’ (2013) 10(1) *Federal Governance*, 18 <<https://nbn-resolving.org/urn:nbn:de:0168-ss0ar-343202>> accessed 3 October 2022.

⁸⁸⁵ Chandni Desai, ‘Shooting back in the occupied territories: An anti-colonial participatory politics’ (2015) 45(1) *Curriculum Inquiry*, 110 <<https://doi.org/10.1080/03626784.2014.995062>> accessed 3 October 2022.

5.2. AVAILABLE DATA ON POLITICAL PARTICIPATION OF PALESTINIAN YOUTH AND THEIR TARGETS OF INFLUENCE

Due to the prevalent definition's focus on electoral participation or influence, much of the current research on Palestinian political participation is geographically limited to Mandatory Palestine and fails to include Palestinian refugees. This is owing to how Palestinians in the occupied territory and 1948 Palestine are, hypothetically, the only ones that are able to engage in forms of electoral political participation. These studies, nonetheless, have often found that political participation is low as they have restricted political participation to electoral participation (voting, lobbying, campaigning).

The majority of Palestinian refugees reside in Jordan, Lebanon, and Syria, yet their ability to participate in the electoral sense – both in local and Palestinian politics – is largely limited if not outright prohibited. For example, Palestinians who have been given Jordanian citizenship have a right to vote in Jordanian elections but the district lines in the country largely favor the votes of communities living outside of urban areas where the majority of Palestinians reside, and representation consisting of politicians of Palestinian decent in the Jordanian parliament has never exceeded 15 percent.⁸⁸⁶ It is also true that if a Palestinian in Jordan “[does] not have access to patron-client relationships, avenues to political participation remain limited, if not absent”.⁸⁸⁷ Moreover, the Jordanian authorities’ antagonism towards (and repression of) Palestinian political resistance, as well as the accompanying looming threat of stripping a Palestinian of their Jordanian citizenship and right to vote,⁸⁸⁸ discourages Palestinians from participating politically. In Lebanon and Syria, Palestinians are prohibited from voting and holding public office altogether.

In light of the above, this section will only discuss the available data on Palestinian political participation, as bound by the traditional definition of electoral engagement, in 1948 Palestine, the West Bank, and Gaza, with its targets of influence being the Israeli government, the PA, and Hamas, respectively.

5.2.1. 1948 Palestine and the Israeli Colonial-Apartheid Regime

Within 1948 Palestine, many Palestinians who remained after the *Nakba* shortly received citizenship and voting rights. It is argued that the decision to grant Palestinians with Israeli citizenship the right to vote was not done out of the good-will of the Israeli state, but as a strategy to “legitimize Israel internationally as a democratic state and not as a colonial

⁸⁸⁶ Daoud Kuttub, ‘The Palestinian Role in Jordan’s Elections’ (*Al-Monitor*, 28 January 2013) <<https://www.al-monitor.com/originals/2013/01/jordan-elections-palestinians.html>> accessed 3 October 2022.

⁸⁸⁷ Luigi Achilli, ‘Disengagement from politics: Nationalism, political identity, and the everyday in a Palestinian refugee camp in Jordan’ (2014) 34(2) *Critique of Anthropology*, 242 <<https://journals.sagepub.com/doi/10.1177/0308275X13519276>> accessed 3 October 2022.

⁸⁸⁸ Shaul M Gabbay, ‘The Status of Palestinians in Jordan and the Anomaly of Holding a Jordanian Passport’ (2014) 2(1) *Journal of Political Sciences & Public Affairs* <<https://www.longdom.org/open-access-pdfs/the-status-of-palestinians-in-jordan-and-the-anomaly-of-holding-a-jordanian-passport-2332-0761.1000113.pdf>> accessed 3 October 2022.



or apartheid regime”, to “diminish the distinction between natives, occupiers, and settlers”, and to legitimize “the de facto borders of the new state”.⁸⁸⁹ Furthermore, citizenship and voting rights were “not acquired by free men and women but by a defeated people who were controlled, humiliated and filled with fear of expulsion”,⁸⁹⁰ in direct contravention of UN pronouncements stating that a people has the right “freely to determine, without external interference” their political status and their self-determination.⁸⁹¹ Thus, “citizenship *ipso facto* [became] a form of property available to settler colonial groups at the expense of hollowing out the indigenous group’s material and symbolic claims”.⁸⁹²



Palestinian activist disseminates leaflets calling for boycotting Israeli Knesset election, 2019. (Source: arabic.euronews.com)

A study on the political participation of Palestinians in the Knesset elections found that the decision to participate or not participate is based on two differing viewpoints, **the first** being the viewpoint that political participation in the Knesset elections is a legal right that must be exploited to put forward demands that advocate for the rights of Palestinians in 1948 Palestine. **The second** viewpoint is that which states that Knesset elections must be boycotted, as participation in them is futile, supports Israel in its endeavors to retain its Apartheid system and erasure of the Palestinian indigenous presence while masquerading as a democratic state, and indicates the abandonment of the Palestinian struggle for self-determination.⁸⁹³ There has been a steady drop of Palestinian political participation in Israeli politics over the years; according to a report by the Arab Center for Research and Policy Studies (ACRPS), Palestinian electoral participation in the 2021 Knesset elections was the lowest since 1949, with the voter turnout declining to 45 percent.⁸⁹⁴ This decline in electoral participation was attributed to Palestinians’ despair and frustration around knowing that their votes will have very little influence on their political reality, an unprecedented increase in election boycotters and a larger mobilization of the Knesset boycott movement, and confusion and distrust in

⁸⁸⁹ Jabareen (n 126), 197.

⁸⁹⁰ *Ibid*, 204.

⁸⁹¹ Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, UNGA Res A/RES/2625(XXV) (24 October 1970) <<https://digitallibrary.un.org/record/202170?ln=en>> accessed 3 October 2022.

⁸⁹² Areej Sabbagh-Khoury, ‘Citizenship as Accumulation by Dispossession: The Paradox of Settler Colonial Citizenship’ (2022) 40(2) Sociological Theory, 171 <<https://journals.sagepub.com/doi/10.1177/07352751221095474>> accessed 3 October 2022.

⁸⁹³ Ibrahim Mohammad Dar Mousa, ‘The Political Participation of the Palestinians of “48” in the Israeli Elections for the Period of 1948-2015: A Study in Political Geography’ (Department of Geography and Geographical Information Systems Master’s Thesis, Islamic University of Gaza 2018), 135 <<https://bit.ly/3T00dCK>> accessed 3 October 2022.

⁸⁹⁴ ACRPS, ‘Arab Palestinian Voting Patterns in Israel’s Latest Elections (Situation Assessment)’ (Doha Institute, 7 April 2021) <<https://www.dohainstitute.org/en/PoliticalStudies/Pages/Arab-Israeli-Voting-Patterns-and-their-Ramifications-in-the-24th-Knesset-Elections.aspx>> accessed 3 October 2022.

Palestinian political parties for their support of Zionist parties.⁸⁹⁵ Another study did, however, conclude that “the threat of being targeted by an exclusionary policy can resurface grievances, creating [various] motivations that can in turn increase political participation”.⁸⁹⁶

The very scarce representation that Palestinians do receive in the Knesset is severely restricted in its decision-making capacities. For example, **Article 7A of the Basic Law: The Knesset, allows for the disqualification of any political party list that opposes the concept of Israel as a Jewish state,**⁸⁹⁷ with the Supreme Court confirming that a political party list is eligible for disqualification if it opposes any of these: the 1950 Law of Return, a Jewish demographic majority, Hebrew as the official primary language, and Jewish tradition and heritage as the primary culture of the State – restrictions that are not applied to any Israeli Jewish political party.⁸⁹⁸ Previous attempts by Palestinian representatives at proposing future vision documents that call for reparations and the recognition of the right to return, the recognition of the significance of the *Nakba* on Palestinians’ identity, the end of the Israeli occupation, and equality between Palestinians and Israeli Jews in a democratic state were declared as a “strategic threat” by the General Security Services (GSS), and were met with threats that the GSS will “disrupt activities of any groups that seek to change the character of Israel as a Jewish and democratic state even if they use democratic means”.⁸⁹⁹ As a result, many Palestinians, especially Palestinian youth, see Palestinian representation in the Knesset as futile and recognize that the Knesset is not an arena where the Palestinian people can realize their rights, but is in fact one where Israel can continue to strip them of their rights and where the Palestinian lists remain unable to defend them.⁹⁰⁰

Palestinians living in the West Bank (including East Jerusalem) and the Gaza Strip, on the other hand, are prohibited from voting in national Israeli elections, despite the fact that they constitute almost a third of the adult population living under Israeli control. While Palestinians in the West Bank and Gaza do not seek participation in Israeli elections, they are unable to have any electoral influence on Israeli colonial-apartheid regime that represses them and controls every aspect of their lives. In contrast, over 700,000 to 750,000 colonizers living in Israeli colonies in the West Bank are allowed to cast their votes. Palestinians in east Jerusalem

⁸⁹⁵ For example, ACRPS reported that many Palestinians refrained from voting due to the political confusion of the Joint List’s nomination of Benny Gantz to head the government in the 2020 elections in an attempt to prevent Benjamin Netanyahu from holding office again, especially with their knowledge that Palestinians “have achieved demands far more important [...] without recourse to abandoning their national identity, and everything they stand for”; ARPS (n 894). See also Dar Mousa (n 893), 136.

⁸⁹⁶ See Chagai M Weiss and others, ‘How Threats of Exclusion Mobilize Palestinian Political Participation’ (2022) 00(0) American Journal of Political Science, 13 <<https://onlinelibrary.wiley.com/doi/10.1111/ajps.12718>> accessed 3 October 2022. This study used the example of increased mobilization and political participation among Palestinians in 1948 Palestine following Trump’s 2020 plan, which mentioned the transfer of 10 localities in the Triangle area from Israeli to Palestinian control, thus threatening the citizenship status of Palestinian residents of that region.

⁸⁹⁷ Basic Law: The Knesset, 5718-1958 (originally adopted in 5718-1958, last amended 1 May 2022), art 7(a) <<https://main.knesset.gov.il/EN/activity/Documents/BasicLawsPDF/BasicLawTheKnesset.pdf>> accessed 3 October 2022.

⁸⁹⁸ *Central Elections Committee v. MK Ahmad Tibi*. EC 11280/02 (2003).

⁸⁹⁹ Jabareen (n 126), 209-210.

⁹⁰⁰ SAFA, ‘Transitional stage... Early reluctance of the 1948 Palestinians from the “Knesset experience” and observers suggest “alternatives”’ (SAFA, 20 August 2022) <<https://bit.ly/3yDUk5Q>> accessed 3 October 2022.





are uniquely permitted to vote in municipal Jerusalem elections, although most Palestinians “view [this vote] as treason and submission to an Israeli institution”, and the municipality itself serves them as “Arab residents of the undivided capital of Israel”.⁹⁰¹ In addition to its oppressive policies and measures to suppress and criminalize Palestinian resistance, Israel continuously sabotages attempts of Palestinian politicians and leadership to act within their rights as political representatives or to re-establish unity. For example, the Governor of Jerusalem Adnan Gaith, and Minister of Jerusalem Affairs Fadi Hidmi, “who hold the two top Jerusalem-related offices in the PA, are subject to constant harassment and abuse by the Israeli security agencies”.⁹⁰²

5.2.2. The West Bank and the Palestinian Authority

Palestinians living in the West Bank, excluding east Jerusalem, fall under the partial jurisdiction of the PA, as dictated by the Oslo Accords. The Oslo ‘peace’ process has severely jeopardized the Palestinian people’s ability to engage in political participation. The text within the Oslo Accords itself places colonial restrictions on Palestinian elections, stating that elections for the Palestinian National Council must be held “under agreed supervision and international observation”,⁹⁰³ and that Palestinian elections can only occur on the condition that they receive agreement from Israel pertaining to “the system of elections”, “the mode of the agreed supervision and international observation and their personal composition”, and “rules and regulations regarding election campaigns, including agreed arrangements for the organizing of mass media, and the possibility of licensing a broadcasting and television station”.⁹⁰⁴ Furthermore, the Oslo Accords also limit access to the elections solely to Palestinians in the West Bank and Gaza and exclude Palestinians living in 1948 Palestine and in exile, while only giving the assurance that “the future status of displaced Palestinians **who were registered on 4 June 1967** will not be prejudiced because they are unable to participate in the election process owing to practical reasons”,⁹⁰⁵ completely excluding all other displaced Palestinians from this protection. In practice, the Oslo process came to represent a “salient aspect of the reordering of Israel’s settler colonialism” in that “its colonial rule came to be mediated by the PA”,⁹⁰⁶ and turned the PA into “an effective mechanism through which Israel could outsource various civil, economic, and security tasks and relieve itself of responsibility for the population”.⁹⁰⁷ The Oslo process thus established the PA “as a dysfunctional institution

⁹⁰¹ Ahmad Hasna, ‘The Skepticism of Young Palestinian Jerusalemites about the Elections’ (2021) 26(1&2) Palestine-Israel Journal, 93 <<https://www.pij.org/articles/2109/the-skepticism-of-young-palestinian-jerusalemites-about-the-elections>> accessed 3 October 2022.

⁹⁰² *Ibid.*, 94-95.

⁹⁰³ ‘Declaration of Principles on Interim Self-Government Arrangements (Oslo Accords)’, A/48/486-S/26560 (11 October 1993), art III(1) <<https://peacemaker.un.org/israelopt-osloaccord93>> accessed 3 October 2022.

⁹⁰⁴ ‘ANNEX I: Protocol on the Mode and Conditions of Elections’ in *ibid.*, art 2.

⁹⁰⁵ *Ibid.*, art 3.

⁹⁰⁶ Tariq Dana and Ali Jarbawi, ‘A Century of Settler Colonialism in Palestine: Zionism’s Entangled Project’ (2017) 24(1) Brown Journal of World Affairs, 210 <<https://bjwa.brown.edu/24-1/a-century-of-settler-colonialism-in-palestine-zionisms-entangled-project/>> accessed 3 October 2022.

⁹⁰⁷ *Ibid.*, 210-211.



lacking representation and sovereignty”, caused the national liberation movement to become “engulfed in multiple divisions and rifts”, and furthered the isolation, fragmentation, and segregation of Palestinian society,⁹⁰⁸ crippling any possibility of the Palestinian people to engage in political participation in a functioning democracy.

The PA has been operating under an expired presidential mandate since 2009 and with the last elections taking place in 2006, leading to the subsequent absence lack of a functional legislative body.⁹⁰⁹ The PA announced in 2021 that it would hold long-overdue legislative elections, only for it to cancel them, citing Israel’s refusal to allow 6,300 Palestinians in east Jerusalem to vote in the elections and Israel’s issuance of orders against Palestinian election-related events in Jerusalem.⁹¹⁰ Palestinians in the West Bank, especially Palestinian youth, are doubly repressed by both Israeli authorities and the Palestinian authorities that collaborate with them. Israel’s oppressive measures in the West Bank, including but not limited to its daily invasions of Palestinian neighborhoods, its murder, arrest, and torture of Palestinian youth, and its invasive surveillance and silencing policies, leave virtually no space for Palestinian youth in the West Bank to engage in political participation. These crimes become more notable in light of the PA’s inability to protect Palestinians from these violations due to its jurisdiction and security roles set by the Oslo Accords. Further than that, by virtue of the Israeli-PA security coordination system facilitated by the Oslo process, repression by PA forces further stifles the existence of normal civilian and official political competition, with the intention to both weed out any political opposition to the PA as well as to carry out its collaboration obligations that aid Israel in repressing resistance to its colonial-apartheid regime. For example, the PA’s Preventative Security internal intelligence agency “coordinates closely with Israel’s Internal Security Agency in arresting, interrogating, and sometimes torturing Palestinians who are then arrested by Israel”.⁹¹¹ The PA’s policies are even reflected upon political participation in university campuses, with one study revealing that “in a context where political expression is subject to both external and internal surveillance”,⁹¹² Palestinian youth are deprived of

⁹⁰⁸ *Ibid.*, 216.

⁹⁰⁹ See Wafa, ‘Newspaper Review: Decision to dissolve Palestine Legislative Council focus of dailies’ (Wafa, 23 December 2018) <<https://english.wafa.ps/page.aspx?id=1PJgVra107868829761a1PJgVr>> accessed 3 October 2022; Sanaa Alsarghali, ‘The Dissolution of the Palestinian Legislative Council by the Palestinian Constitutional Court: A Missed Opportunity for Reform’ (IACL-AIDC Blog, 1 July 2021) <<https://blog-iacl-aidc.org/2021-posts/1-7-21the-dissolution-of-the-palestinian-legislative-council>> accessed 3 October 2022.

⁹¹⁰ Though Israel’s (and with the help of threats from the United States) refusal to allow Palestinians in East Jerusalem to vote in the Palestinian elections is deliberate and strategically aimed at further fracturing the Palestinian people and entrenching its claim to Jerusalem, analysts have pointed out that there were multiple workable options for Palestinians in East Jerusalem to vote without Israeli permission. Many speculate that the decision of the PA to cancel the elections is both due to political threats and pressure from Israel and its allies as well as the fact that Fateh’s list would have likely lost the elections, according to polls. See, for example, Palestinian Center for Policy and Survey Research (PCPSR), ‘Press Release: Pre-local elections Poll’ (PCPSR, 14-23 October 2021) <<http://pcpsr.org/en/node/862>>; PCPSR, ‘Public Opinion Poll No (81)’ (PCPSR, 15-18 September 2021) <<http://pcpsr.org/en/node/858>>; PCPSR, ‘Public Opinion Poll No (80)’ (PCPSR, 4 July 2021) <<http://pcpsr.org/en/node/845>> accessed 3 October 2022.

⁹¹¹ European Council on Foreign Relations (ECFR), ‘Mapping Palestinian Politics: Preventative Security (PS)’ (ECFR, 2022) <https://ecfr.eu/special/mapping_palestinian_politics/preventive_security_ps/> accessed 3 October 2022.

⁹¹² Noemi Casati, ‘Political participation in a Palestinian university: Nablus undergraduates’ political subjectivities through boredom, fear and consumption’ (2016) 17(4) *Ethnography*, 528 <<https://journals.sagepub.com/doi/10.1177/1466138116649976>> accessed 3 October 2022.



the ability to safely engage in political participation. The study also concluded that, with the direct support of Israeli authorities, the PA's repression of Palestinian political activity "corrodes the interpersonal links of cooperation and trust within the same community" and fosters "a sense of powerlessness and cynicism towards means of participation associated with traditional political spaces".⁹¹³



Palestinians demonstrate in the streets of Ramallah denouncing Oslo Accords. 2018. (Source: alhayat.com)

Another study concluded that political participation in refugee camps in the West Bank is low in comparison to the rest of the Palestinian population, based on statistics surrounding the last Palestinian elections.⁹¹⁴ These findings were attributed to the deteriorating economic situation in the camps, the political stagnation within the Palestinian leadership, and the lack of transparency and impartiality as well as the neglect of the PA and Palestinian leadership in promoting political education initiatives in the camps, thus depriving Palestinian refugees of the knowledge, motivation, and means to participate politically.⁹¹⁵ Crucially, activists and journalists have emphasized that the political participation of Palestinian youth is disregarded and not prioritized by the PA, with many of them being unable to vote due to the election fees and the electoral district system adopted by the government. Likewise, the minimum age is 28 for PLC candidates and 40 for presidential candidates, with statistics showing that "only 1 percent of young people belong to high-ranking positions in governmental and non-governmental sectors".⁹¹⁶ Furthermore, the fact that political parties "are unable or unwilling to reach out to young Palestinians with clear programs or to engage in serious dialogue with them, to listen to their demands, and to include them in a collaborative process"⁹¹⁷ displays the "deliberate marginalization of youth by formal and informal Palestinian institutions".⁹¹⁸ These obstacles placed on the political participation of Palestinian youth become even more concerning when considering that the current demographic of Palestinian youth, those between the ages of 18-29 (and targeted in BADIL's questionnaire), have never even participated in any Palestinian elections; the oldest cohort of 29-year-olds would have been 13 years old when the PA convened the final public elections in 2006, and were therefore too young to vote.

⁹¹³ *Ibid*, 530-531.

⁹¹⁴ Mohammad Jalal Mohammad Abu Ali, 'The Impact of the Palestinian Authority's Policies on Political Participation in the Palestinian Camps: The Camps of the West Bank as a Model' (Planning and Political Development Master's Thesis, An-Najah National University 2021) <<https://repository.najah.edu/handle/20.500.11888/15899>> accessed 3 October 2022.

⁹¹⁵ *Ibid*, 78-81.

⁹¹⁶ Alhindi (n 874), 115.

⁹¹⁷ Areej Daibas, 'Youth Political Participation: Challenges and Opportunities' (2021) 26(1&2) Palestine-Israel Journal, 29 <<https://www.pij.org/articles/2099/youth-political-participation-challenges-and-opportunities>> accessed 3 October 2022.

⁹¹⁸ Alhindi (n 874), 115.



5.2.3. The Gaza Strip and Hamas

Although Hamas won the majority of seats in the Palestinian legislative elections in 2006, its representatives were dismissed by the president of the PA Mahmoud Abbas in 2007, largely due to pressure by Israel.⁹¹⁹ As a result, Hamas has since continued to exercise *de facto* executive authority over the Gaza Strip. The political division of 2007 “paralyzed the democratic political processes in formal and informal institutions and caused a complete paralysis of the Palestinian Legislative Council”, leaving Palestinians unable to participate in the political processes that can allow them to express their grievances and shape their futures.⁹²⁰ Furthermore, Israel’s ongoing, suffocating blockade on Gaza has severely obstructed the existence of normal civilian political competition, leaving Palestinians in Gaza with very few avenues to exercise legislative-centered political participation. The siege has also caused widespread poverty and unemployment, thus “[eliminating] many Palestinian youths’ capabilities, along with their aspiration to stay in their homeland and build their future on their land”.⁹²¹



PLC candidates protest elections postponement, Gaza, 2021
(Source: alquds.co.uk)

A study on the political participation of Palestinian youth in Gaza found that political participation can be hindered by four challenges: (1) a lack of interest in political work due to the weakness of political culture, a loss of sense of belonging, fear of persecution or harassment by the those in power, and a feeling of powerlessness and

incapability; (2) the deliberate abstaining from political action due to a fear of political consequences, a sense of futility surrounding political participation, dissatisfaction with the existing political system, and a weak sense of patriotism; (3) political alienation and marginalization of Palestinian youth as well as feelings of frustration and political powerlessness in light of a political system where decisions are unpredictable and unclear; and (4) the loss of standards characterized by chaos, a collapsed political system, the weakness and lack of independence of intermediary organizations like parties and unions, and increasing repression of individual freedoms.⁹²² Similarly, another study on the political participation of female Palestinian university students in Gaza found that

⁹¹⁹ Nimer Sultany, ‘Repetition’ in Helga Tawil-Souri and Dina Matar (eds), *Gaza as Metaphor* (Hurst 2016), 9 <<https://dx.doi.org/10.2139/ssrn.2679318>> accessed 3 October 2022.

⁹²⁰ Alhindi (n 874), 114.

⁹²¹ *Ibid.*, 113.

⁹²² Mohammad Najib Al-Majdalawi, ‘The Effect of The Political Awareness of The Palestinian Youth on The Political Participation in Gaza Strip’ (MPS Thesis, Al-Azhar University 2016), 53-66 <<http://www.alazhar.edu.ps/arabic/He/files/20101726.pdf>> accessed 3 October 2022.





there has been an increasing reluctance of university students to participate politically, which can be attributed to a sense of futility surrounding their ability to make an impact as a result of “unfair elections, political indifference, and the feeling that the individual is marginalized and has no role”.⁹²³

Research has also been conducted on the political participation on Palestinian women in Gaza, with one study emphasizing that the ability of Palestinian women to access their right to political participation is restricted by patriarchal power structures that are greatly exacerbated by the Zionist occupation. For example, the study found that Palestinian women’s political participation is hindered by the societal and familial roles that they play inside and outside the home, and many are often preoccupied by early marriage, housework, childbearing and childcare.⁹²⁴ Similarly, Israel’s widescale attacks on Gaza and its policies of collective punishment have increased many Palestinian women’s dependence on their families as a result of the death of the family’s breadwinner or the destruction of their homes, thus forcing Palestinian women to remain “busy in bearing the heavy burdens of life and [causing] a lack of interest in political participation”.⁹²⁵ Furthermore, the Palestinian electoral system does not adopt a full proportional system and instead divides the country into electoral districts which prevents a wider representation of women in elections, and women’s political participation at the decision-making and leadership levels is still limited due to the patriarchal systems adopted by various parties and factions.⁹²⁶

5.3. POLITICAL PARTICIPATION IN THE PALESTINIAN CONTEXT

The constraints of the studies above are two-fold: (1) they limit the definition of political participation to one that only encompasses electoral participation, and (2) they limit the geographical scope to areas where Palestinians are theoretically able to participate politically under this definition. Doing so fails to consider the specificities of the Palestinian context of colonization. Furthermore, Israel benefits from the limits of this definition to serve its interests and strategy of isolation, fragmentation, and segregation of the Palestinian people.

The Palestinian people who not only suffer from protracted displacement, but are also subject to Israeli colonization, do not meet the two qualifications for the definition

⁹²³ Dr. Amjad Mohammad Almufti and Mohammad Abed El-Rahman Shaqoura, ‘Obstacles Limiting the Political Participation of The Palestinian University Female Student: A study applied to female students of the Islamic University in Gaza Strip’ (2022) 6(4) Journal of Positive School Psychology, 10755 <<https://journalppw.com/index.php/jpsp/article/view/6575>> accessed 3 October 2022.

⁹²⁴ Alaa Zayed Abdel Hadi Abu Zayda, ‘Obstacles and Challenges of Activating the Political Participation of Palestinian Women: A Field Study - Gaza Strip 2007-2015’ (Master’s in Sociology Thesis, Sudan University Of Science & Technology 2020), 61 <<http://repository.sustech.edu/handle/123456789/25583>> accessed 3 October 2022.

⁹²⁵ *Ibid.*: for more information on how the Zionist occupation creates contexts in which patriarchal power structures “are not only endorsed but also advanced ‘silently’ with Empire’s support”, see Nadera Shalhoub-Kevorkian, *Militarization and Violence Against Women in Conflict Zones in the Middle East: A Palestinian Case-Study* (Cambridge University Press 2009).

⁹²⁶ Abu Zayda (n 924), 94-95.



specified in Section 5.1, that is: a people located in one geographical spot and a single representative government are not wholly applicable. Firstly, the Palestinian people, more than 65.5 percent of whom are forcibly displaced persons, are living under various distinct ruling authorities, namely: Palestinians in the West Bank living under both Israeli military occupation and the PA's partial rule, Palestinians in the Gaza Strip living under full Israeli blockade and Hamas' partial rule, Palestinians in 1948 Palestine being directly subject to a colonial-apartheid system that classifies them as inferior citizens while being concealed as a democracy, and Palestinians living in forced exile either in Arab States or Western States, with all Palestinians being directly impacted by Israel's colonial-apartheid regime. Secondly, by virtue of the fact that the Palestinian people live in several different locations, there lacks a single representative government to politically participate in. Rather, their oppression is manifold in that there are several governments that are promoting their oppression and violating their rights. Nonetheless, all Palestinians have one mutual entity that is primarily responsible for the denial of their fundamental rights – the Israeli colonial-apartheid regime.

Irrespective of the forced fragmentation and repression of the Palestinian people, engendering a lack of a unified representative government to exercise political participation in, a unified object of influence does exist – that is **a unified purpose to fight for the protection and promotion of Palestinian human rights**. These rights range from socioeconomic rights in host countries to discriminatory, repressive, and colonial policies imposed by Israel. While general, this adopted purpose transcends the forced geographical and governmental limitations, and thus any activity that works towards this purpose qualifies as a form of political participation. In the Palestinian case, therefore, Palestinian political participation can be regarded as a single unit when the purpose is one, where all Palestinians, wherever they are, can politically participate for the realization of Palestinian human rights.⁹²⁷ **The targets of influence are thus all the different ruling authorities in the locations where Palestinians reside, namely the Israeli colonial-apartheid regime, the Palestinian Authority, Hamas, and all different Arab and Western host states' governments.** This goes far beyond voting rights and legislative representation and includes various acts that intend to pressure respective government into respecting and promoting the rights of the Palestinian people.

To truly capture this idea, however, it is necessary to develop a distinct definition for political participation that accommodates for the Palestinian specificities and overcomes the barriers that have been imposed by the Zionist-Israeli colonial enterprise, particularly forcible transfer, protracted displacement, and forced exile.

⁹²⁷ This research recognizes that Palestinians can also politically participate for other purposes in their countries of residence (i.e., Palestinians living in the US politically participating to elect a new president). However, the research focuses on modes of participation that set the purpose of political participation as the liberation of Palestine.





BADIL's Definition of Political Participation

While the actors of political participation are the Palestinian people, they are not located in the same geographical location, contrary to what is classically the case with political participation. As for the content of public policy, the Palestinian case is unique in its relation to the realization of individual and collective Palestinian rights, and ultimately the liberation from Israeli apartheid and colonization. As such, the intention to influence policies within this peculiar context of forced displacement and the lack of a State is not exercised through a single government and through traditional mechanisms, but rather through several governments/ruling authorities and in various unique mechanisms.

Accordingly, for the purposes of this research, political participation refers to all voluntary activities carried out individually or collectively by Palestinians, no matter where they are, to influence public policy, specifically the realization and promotion of Palestinian individual and collective rights.

Throughout history Palestinian youth have been at the forefront of political participation despite all obstacles, as, “in the face of occupation, being politically involved is a way of life for Palestinian youth. Survival is inseparable from political activism”.⁹²⁸ The political participation of Palestinian youth has always centered on initiatives of anti-colonial resistance, since “their public concerns cannot be negotiated with their colonizer, who doesn’t enter negotiations from a place of equality or justice”.⁹²⁹ As such, the political participation of the Palestinian people differs from that of other societies due to Zionist-Israeli colonization, thus causing political participation to be “represented by resistance in all of its forms to the occupation”⁹³⁰ and to be “premised on the politics of refusal [to the] settler colonial entity, the system of Apartheid, and the occupation”.⁹³¹ Furthermore, the aforementioned geographical limitations can be overcome by expanding the definition of political participation to fit that of BADIL’s, which is especially crucial in order to consider the political participation of Palestinian refugees abroad, as political participation “allows refugees the opportunity to advance solutions to their situation, helps to ensure that responses are consonant with both their wishes and needs, and arguably enhances the legitimacy and durability of solutions reached.”⁹³²

⁹²⁸ Viet Nguyen-Gillham and others, ‘Normalising the abnormal: Palestinian youth and the contradictions of resilience in protracted conflict’ (2008) 16(3) *Health and Social Care in the Community*, 295 <<https://doi.org/10.1111/j.1365-2524.2008.00767.x>> accessed 3 October 2022.

⁹²⁹ Desai (n 885), 113.

⁹³⁰ Al-Majdalawi (n 922), 53

⁹³¹ Desai (n 885), 115.

⁹³² Terrance Rempel, ‘The Right to Political Participation and the Negotiation of Durable Solutions: Palestinian Refugees in Comparative Context’ (PhD in Politics Thesis, University of Exeter 2013), 33 <<http://hdl.handle.net/10871/13801>> accessed 3 October 2022.



5.4. QUESTIONNAIRE RESULTS

1. Palestinian Youth's Political Participation in Different Avenues, Bodies, and Mechanisms and Perceived Effectiveness

Question 1.A. During the last three years (2019-2022), in interest of influencing public policy relating to national and/or human rights, Have you participated, or are you currently participating, in any of the following avenues, bodies, and mechanisms of political participation? (Refer to Appendix 2 for the full list that was provided as part of the question)

This question delineates to the respondents that political participation in the Palestinian context features a wide array of actions, activities, and events that can be performed individually and/or collectively through numerous official and non-official frameworks. The list provided in the question is comprehensive although not exhaustive.

The purpose of Question 1.A. is to determine:

- If the respondent considers his/herself engaged in influencing rights and public policies; the question makes it clear that a person's exercise of any of the activities listed in the question is sufficient to constitute political participation;
- What avenues of participation the youth favor.

1.1. Aggregated Percentage of Political Participation Amongst Palestinian Youth

Table 5.2: Percentage Distribution of Youth Participants Engaged in Political Participation by Region/State and Gender, March 2022

Region/State	Gender		
	Male	Female	All
1948 Palestine	98.8	97.6	98.2
West Bank, including east Jerusalem	98.1	95.7	96.9
Gaza Strip	100	95.2	97.6
Lebanon	80.6	79.1	79.8
Jordan	96.6	90.7	93.6
Total	97.4	92.9	95.1

The results illustrate that **95.1 percent of the surveyed youth have engaged in avenues, bodies, and mechanisms of political participation** over the past three years (2019-2021), with 97.4 percent males and 92.9 percent females. The data also indicates that the highest participation of youth participation occurred in 1948 Palestine, at 98.2 percent, with 98.8 percent for males and 97.6 percent for females. It was followed by the Gaza Strip at 97.6

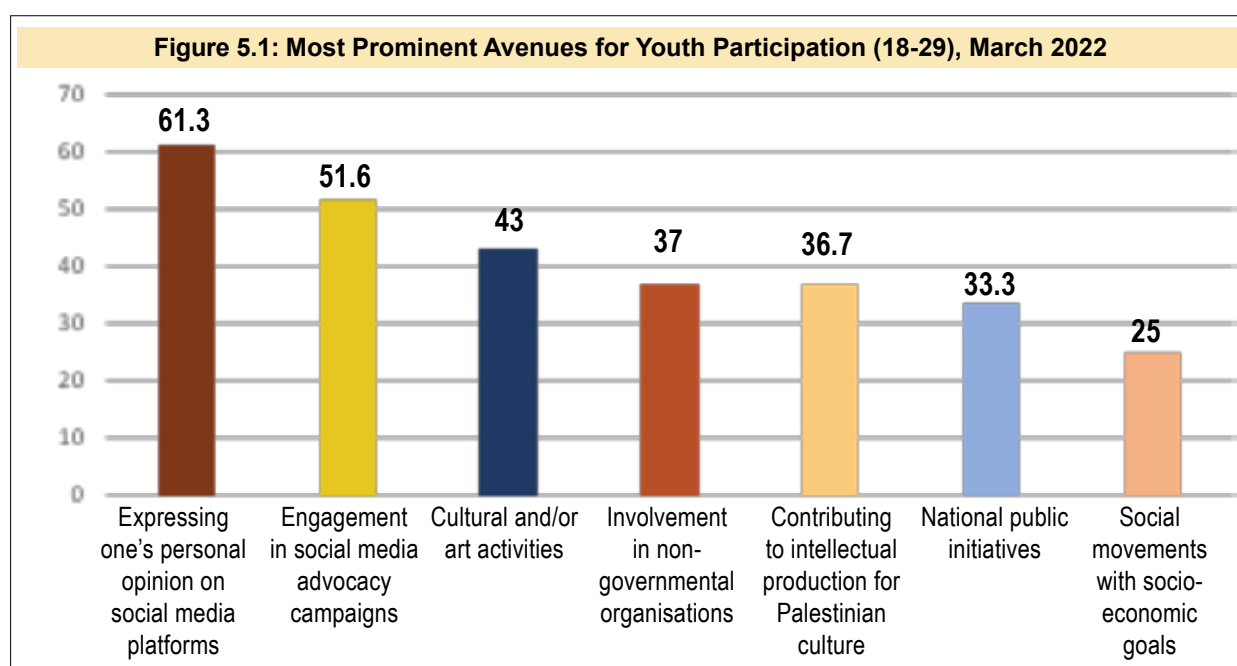


percent, including 100 percent for males and 95.2 percent for females. Meanwhile, the lowest percentage of youth political participation was found in Lebanon at 79.8 percent, with 80.6 percent for males and 79.1 percent for females.

The table above does not show any significant differences between male and female participation. **It demonstrates that youth participation in the listed avenues, bodies, and mechanisms were close in different regions with the exception of Lebanon, where participation was the lowest among surveyed regions (79.8 percent).** Compared to other regions, low youth participation in Lebanon can be attributed to the unavailability of bodies and mechanisms for political participation. This implies that Lebanon is characterized by a dearth of political participation avenues, especially in comparison to those accessible to Palestinian youth in other surveyed regions. A review of the situation of Palestinian refugees in Lebanon shows that this can be primarily assigned to discriminatory laws and regulations imposed on Palestinian refugees, whereby they continue to be treated as foreigners in spite of their protracted refugee situation (See Table 5.3: Avenues for youth participation by region below).

1.2. Distribution of Palestinian Youth Political Participation in Different Avenues, Bodies, and Mechanisms

1.2.1. Most Prominent Avenues for Palestinian Youth Political Participation



The results show that over the past three years, the most prominent avenue for youth political participation was by means of expressing personal opinions about public issues on social media platforms, at a rate of 61.3 percent – 62.9 percent in 1948 Palestine, 62.6 percent in the West Bank, 45.0 percent in the Gaza Strip, 44.3 percent in Lebanon, and 88.9 percent in Jordan. This was followed by engagement in social media advocacy campaigns at 51.6 percent, with 59.7 percent for males and 43.3 percent for females. The least pursued political participation mechanisms included engaging in PA/PLO elections, participating in the

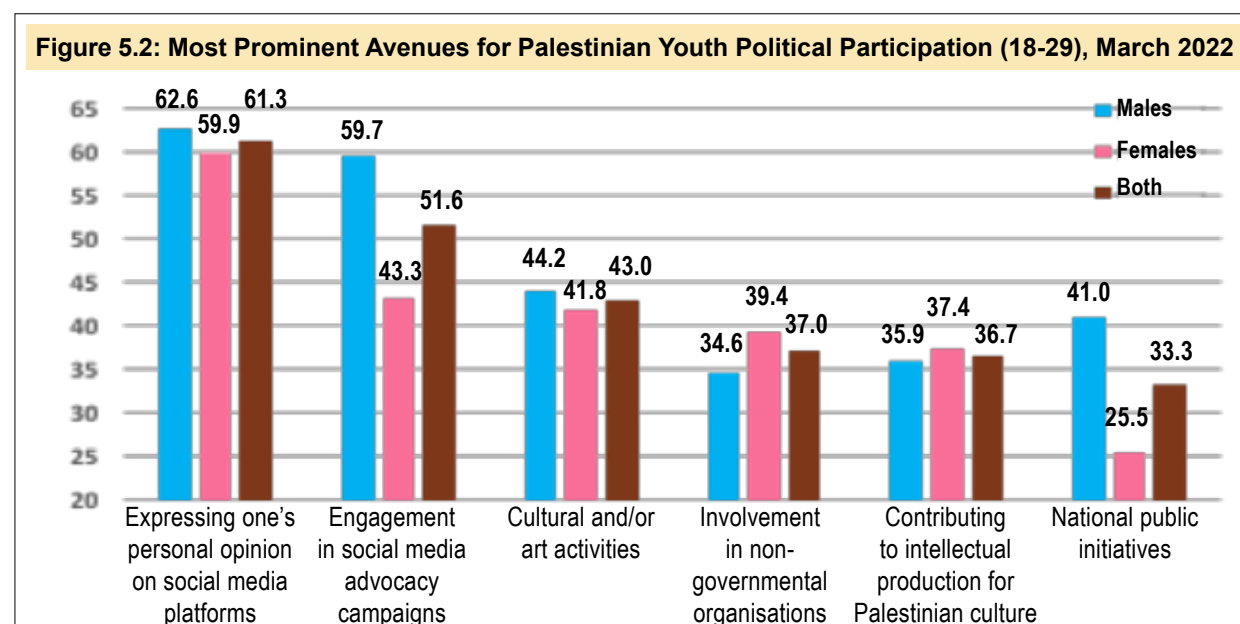


Knesset, and partaking in elections at the place of residence, at 0.0 percent, 2.3 percent, and 7.2 percent, respectively.

Based on the aforementioned most salient avenues for youth political participation, it is striking to observe:

- Declining youth engagement in official and semi-official avenues, such as elections as well as activities organized by political parties in comparison to non-official avenues, including social media engagement.
- Decreasing youth participation in avenues that require common, collective engagement in contrast to avenues of individual participation. For example, it was noted that individual youth engagement in discussing public issues on social media outweighed their participation in social media advocacy campaigns, which are designed to be common and collective. When looking at Table 1.2.3. below, the same can be said about the low rate of engagement in social movements with socio-economic goals and national public initiatives vis-à-vis contribution to intellectual production for Palestinian culture (individual), involvement in non-governmental organizations (usually pursued for employment purposes), or participating in cultural and/or art activities (a personal interest).

1.2.2. Most Prominent Avenues for Palestinian Youth Political Participation by Gender



The chart shows significant differences between male and female engagement in social media advocacy campaigns (59.7 males and 42.3 percent females) and in national public initiatives (41.0 males and 25.5 females). This relatively low rate of women's participation in the latter can be explained by a shrinking public space for women's engagement in view of an overall decline in public participation and increasing social, as well as faith-based, restrictions. At the same time, it is worthy of note that female participation was similar to, or even higher than, male engagement in other avenues. Female participation was slightly higher than male participation in non-governmental organizations (39.4 females, 34.6 males) and in cultural



intellectual production (37.4 females, 35.9 males). The broad participation of females in Palestinian cultural intellectual production reflects influential female visibility in spite of the narrow public space available for women. By contrast, the wide range of female participation in non-governmental organizations can be attributed to an intersection between women's interests in community activity and the struggle for human rights on the one hand, and lines of activities of non-governmental organizations on the other.⁹³³ Additionally, high engagement in civil society can be attributed to the fact that civil society groups are more equitable towards women than official institutions.⁹³⁴

1.2.3. Assessment of Avenues for Palestinian Youth Political Participation by Region

Table 5.3: Percentage Distribution of Youth Participants Engaged in the Following Avenues, Bodies, and Mechanisms of Political Participation by Region/State, March 2022

Political Participation Avenues	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Expressing one's personal opinion about public issues on social media platforms	62.9	62.6	45.0	44.3	88.9	61.3
Engaging in social media advocacy campaigns (sharing/ reposting)	36.6	49.2	53.2	41.5	54.2	51.6
Participating in cultural and/or art activities aimed at preserving the Palestinian national identity	34.4	43.2	23.4	49.8	72.6	43.0
Involvement in non-governmental organizations	20.1	33.1	23.6	43.3	59.9	37.0
Contributing to any form of intellectual production for Palestinian culture	64.1	30.7	16.8	32.5	65.9	36.7
Participating in national public initiatives	22.9	60.1	29.4	56.2	26.5	33.3
Participating in social movements with socio-economic goals	4.6	29.0	20.4	33.1	31.9	25.0
Participating in local elections at the place of residence	54.8	12.1	0.2	0.9	63.4	23.6
Participating in student council elections	19.4	28.1	20.5	13.7	20.7	20.8
Involvement in union work	10.2	19.8	18.1	6.2	25.6	19.5
Engaging in organized partisan work of Palestinian political factions	0.8	29.2	17.9	22.9	11.7	16.7
Engaging in social movements with purely political goals	2.6	24.4	16.2	17.4	16.9	16.7
Participating in the host country's election, including both nomination and voting	0.0	0.0	0.0	0.0	23.4	7.2
Participating in the Israeli Knesset's elections	47.3	0.0	0.0	0.0	0.0	2.2
Participating in the State of Palestine's elections, including both nomination and voting	0.0	0.0	0.0	0.6	0.0	0.0
Other	0.0	0.0	0.0	6.9	0.0	0.5

⁹³³ See Raed Yousef Sanaqrah, *The Impact of Civil Society Organisations on Palestinian Women's Political Participation: The Political Empowerment of Palestinian Women Project as a Model* (MA Thesis, An Najah National University 2016) <<https://scholar.najah.edu/sites/default/files/Raed%20Sanaqrah.pdf>> accessed 3 October 2022.

⁹³⁴ See PCBS, 'Proportion of Women in Government, Management or Senior Positions in Palestine' (PCBS, 4 April 2022) <https://www.pcbs.gov.ps/statisticsIndicatorsTables.aspx?lang=en&table_id=1317> accessed 3 October 2022.

Avenues for participation of 1948 Palestinian IDPs

In 1948 Palestine, the three most common avenues for Palestinian youth participation included: (1) contributing to any form of intellectual production for Palestinian culture (64.1 percent), (2) expressing one's personal opinion about public issues on social media platforms (62.9 percent), and (3) participating in local elections at the place of residence (54.8 percent). Moreover, young 1948 Palestinian IDPs' engagement in these avenues is higher than that of Palestinian youth in the West Bank, Gaza Strip, and Lebanon. Nonetheless, it was lower than Palestinian youth involvement in Jordan for these same avenues.

As for the least pursued avenues, youth in 1948 Palestine marked them as: (1) engaging in organized work/activities of Palestinian political factions (0.8 percent), (2) participating in social movements with socio-economic goals (2.6 percent), and (3) engaging in social movements with purely political goals (4.6 percent). These reflect the lowest rate of participation across the surveyed regions. A snapshot reading of this data shows two main aspects:

1. Palestinian youth in 1948 Palestine are disengaged from political action and lines of activity that require collective or common work. While this trend might seem to be individualistic, it can also be explained by declining confidence in leadership that directs or manages political and social action.
2. There is an apparent contradiction between disengagement from collective political and public action on one hand, and participation in local and Knesset elections on the other. This might be best explained by the youth focus group. When they discussed the survey results, the group members almost unanimously agreed that participation in the Knesset's elections was **“an instantaneous expression resulting from campaigns of intimidation run by Palestinian political parties against the victory of the Israeli right wing,” “more of an expression of a social habit or a family tradition than an informed political practice,” or perhaps “an individual attempt to avoid exclusion as a consequence of non-participation.”** (Cited by the youth focus group, 1948 Palestine, Open Debate on the Survey Results, 16 of September 2022)

Avenues for participation of Palestinian refugees in the West Bank

In the West Bank, the three most common avenues in which the surveyed Palestinian youth participated in were as follows: (1) expressing one's personal opinion about public issues on social media platforms (62.6 percent), (2) participating in national public initiatives (60.1 percent), and (3) engaging in social media advocacy campaigns (sharing/reposting) (49.2 percent). Of all available avenues, Palestinian youth least participated in local elections at their place of residence (12.1 percent), union work (19.8 percent), and social movements with purely political goals (24.4 percent).

Across the surveyed regions, Palestinian youth in the West Bank registered the highest participation in national public initiatives (60.1 percent). Despite the fact that their engagement in



political movements was the third lowest at area level (29.2 percent), this low participation rate was the highest across all five surveyed areas. This is perhaps connected to the degree of availability and degree to which one is likely to face consequences due to political participation. While participation in national public initiatives is generally inadequate, compared to the other regions, the space available for engagement in political movements is wide



Youth participate in commemorating "Palestinian Land Day", Bethlehem, March 2016 (©BADIL)

in the West Bank as long as such engagement is directed at the Israeli colonial regime, does not threaten the Oslo security framework, and does not threaten the political control of the PA. In the other surveyed regions, the narrow space for participation in public initiatives and political movements can be attributed to numerous causes, including regulatory and procedural restrictions, security constraints, and severe consequences. Youth focus groups in Lebanon and Jordan reported that the infeasibility of direct confrontation with the Israeli colonial regime, even if peacefully, and potential clashes with the state agencies at the place of residence are among the major reasons for a limited participation in national public initiatives. (Cited by the youth focus group, West Bank, Open Debate on the Survey Results, 4 of June 2022)

Avenues for participation of young Palestinian refugees in the Gaza Strip

In the Gaza Strip, the three most common avenues in which Palestinian youth participated were as follows: (1) engaging in social media advocacy campaigns (sharing/reposting) (53.2 percent), (2) expressing one's personal opinion about public issues on social media platforms (45.0 percent), and (3) participating in national public initiatives (29.4 percent).

Palestinian youth in Gaza had the lowest engagement in local elections at the place of residence (0.2 percent), participating in social movements with purely political goals (16.2 percent), and contributing to any form of intellectual production for Palestinian culture (16.8 percent). Lack of participation in local elections is caused by the - Hamas movement, which has decided that local elections could only be organized in the context of a comprehensive national reconciliation agreement, which would include resolving all pending issues between parties to the internal political divide. Low engagement in social movements with purely political goals is explained by the traditional factions, which dominate political action and movements. It might also be due to restriction on movements that are not in line with the Hamas' vision, the *de facto* authority in the Gaza Strip.

Avenues for participation of young Palestinian refugees in Lebanon

In Lebanon, the most common three avenues for Palestinian youth political participation included engaging in national public initiatives (56.2 percent), involvement in cultural and/or art activities aimed at preserving the Palestinian national identity (49.8 percent), and expressing one's personal opinion about public issues on social media platforms (44.3 percent). By contrast, Palestinian youth in Lebanon marked the lowest rate of participation in local elections at the place of residence (0.9 percent), involvement in union work (6.2 percent), and participating in student council elections (13.7 percent).

Palestinian refugees have no chance to participate in Lebanese general and local elections because they are considered foreigners. Access and opportunities to engage in union work are virtually naught due to restrictions imposed on Palestinians by the Lebanese Labor Law, union regulations, and condition of reciprocity. Low participation in student council elections can be primarily attributed to the fragmentation within Palestinian student movements and blocs. While some are sidelined, other student parties are prevented from taking part in student council elections at a number of institutions and universities.⁹³⁵ On the other hand, Palestinian youth in Lebanon have a higher rate of engaging in non-governmental organizations (43.3 percent), participating in social movements with socio-economic goals (33.1 percent), and involvement in cultural and/or art activities aimed at preserving the Palestinian national identity (49.8 percent). Given the nature of these activities, it can be argued that the broad participation in civil society processes may be triggered by the fact that they are accessible within Palestinian refugee camps and communities. Increased participation in demand-based movements can be explained by the need for such movements due to difficult living conditions and marginalization. Wide range engagement in national cultural activities may be attributed to availability and the desire to preserve one's Palestinian identity as a result of long-term displacement and the treatment of Palestinian refugees in Lebanon as foreigners. According to the youth focus group in Lebanon, "participation in national cultural and popular activities is necessary for raising awareness of the need for national affiliation and reflecting constant longing for Palestine. Contrary to politically anchored events, these activities bring together and unite all Palestinian refugees in Lebanon." (Cited by the youth focus group, Lebanon, Open Debate on the Survey Results, 29 of July 2022).

Avenues for participation of young Palestinian refugees in Jordan

In Jordan, the three most common avenues for Palestinian youth participation encompassed: (1) expressing one's personal opinion about public issues on social media platforms (88.9 percent), (2) involvement in cultural and/or art activities aimed at preserving the Palestinian national identity (72.6 percent), and (3) contributing to any form of intellectual production for Palestinian culture (65.9 percent). As for the lowest rates of participation, Palestinian youth

⁹³⁵ See Zeinab Zeitoun, 'General Union of Palestinian Students – Lebanon Section Holds its First Conference in the midst of Scepticism and Boycott by Large-scale Student Blocs' (*Palestinian Refugees Portal*, 2017) <<https://refugeesps.net/p/6470>> accessed 3 October 2022.





in Jordan were least engaged in the organized partisan work of Palestinian political factions (11.7 percent), social movements with purely political goals (16.9 percent), and student council elections (20.7 percent).

Although participation of young Palestinian refugees in Jordan is the highest in most avenues, the general trend of engagement clearly indicates a propensity for involvement in individual avenues and hesitancy to participate in common and political action. This approach is probably a result of the limited visibility of, as well as poor trust in, Palestinian factions and forces, and restrictions on political action. As the Jordan-based youth focus group put it, “apart from security concerns about the extensive security presence in all institutions, Palestinian factions are almost non-existent, even within refugee camps. They are only mentioned in public debates on miscellaneous occasions.” (Cited by the youth focus group, Jordan, Open Debate on the Survey Results, 7 of September 2022).

1.2.4. Key Observations on Palestinian Youth Participation in the Different Political Participation Avenues

- 1. Lack of participation in the Palestinian Authority’s elections:** Across the surveyed regions, Palestinian youth indicated that they have not participated in the PA’s elections over the past three years. This is mainly due to failure of the PA to hold Palestinian general elections on a periodic basis. The last presidential and legislative elections were organized in 2005 and 2006, respectively. In view of the target age group, the survey sample has not had an opportunity to participate in elections. In addition, the lack of participation is attributed to the fact that voting is not available for Palestinian youth in Lebanon, Jordan, and 1948 Palestine. The Oslo process has deprived Palestinians in those areas of their right to vote in the PA-controlled territory. Moreover, host countries impose legal constraints and potential consequences on voting in PA/PLO elections.
- 2. Participating in the host country’s elections, including both running and voting:** Young Palestinian refugees’ participation in the host country’s elections is scarce in the West Bank, Gaza Strip, and Lebanon as a result of the lack of opportunity. As for Jordan, electoral participation is also low (23.4 percent). According to the youth focus group in Jordan, this is because engagement in elections is perceived as useless.
- 3. Participating in the Israeli Knesset’s elections:** This option is only open to Palestinian youth holding Israeli passports. Of those surveyed in 1948 Palestine, 47.3 percent of youth participated in the Israeli Knesset’s elections. According to answers provided by the youth focus group in 1948 Palestine, this percentage seems to be concrete as a number figure, but it does not reflect a principal position towards participation in the Israeli Knesset’s elections. On the one hand, the 47.3 percent participation of the sample group of youth in 1948 Palestine in the Knesset’s elections decreased to 23.0 percent when the same group was inquired about the effectiveness of participation (see Table 5.4: Effectiveness of Participation below). On the other hand, this 47.3 percent engagement is equivalent to as low as 2.2 percent of the total weight of the sample. In other words, participation of young 1948 Palestinian IDPs in the Israeli Knesset’s



elections is almost non-existent when measured in terms of its weight against the total weight of the sample of Palestinian youth.

4. **Participating in local elections at the place of residence:** Engagement in local elections in Gaza is almost nil (0.2) because the Hamas government refuses to hold such elections. Similarly, participation in local elections in Lebanon is largely absent (0.9) due to the exclusion of Palestinian refugees from elections. Although available to youth in the West Bank, the percentage of participation in the West Bank was mediocre (12.1 percent) in comparison to Jordan, which registered the highest rate of electoral engagement across the surveyed regions (63.4 percent).
5. **Participating in student council elections:** Despite the fact that more than 41 percent of the respondents were students at universities and colleges, the level of involvement in student council elections was extremely low (20.8 percent). While the West Bank accounted for the highest percentage (28.1 percent), Lebanon marked the lowest proportion (13.7 percent). This decline can be attributed to security prosecutions and domination in the West Bank and Gaza Strip as a consequence of the internal Palestinian political divide. In general, low participation stems from the declining role of the student movement in political action following the advent of the Oslo peace process. Systemic weakness of the PLO has also impacted all of its bodies and institutions, including the General Union of Palestinian Students.⁹³⁶
6. **Engaging in organized partisan work of Palestinian political factions:** Overall, Palestinian youth engagement in organized partisan work is extremely low across the surveyed regions, aggregating to a mere 16.7 percent. This weakness reflects youth's dissatisfaction with the performance of political factions, leaderships, and operating mechanisms. As discussed below, however, this does not illustrate a lack of interest in the national cause and relevant human rights issues but rather a frustration with the current leadership and status quo (See Table 5.4: Effectiveness of Participation below).
7. **Involvement in union work:** Representing an overall rate of 19.5 percent across the five regions, the highest rate of involvement in union work was registered in Jordan (25.5 percent) and the lowest in Lebanon (6.2 percent). This nominal level of participation is perhaps due to the declining role of union work vis-à-vis the growing role of non-governmental organizations (e.g., in the oPt) or restrictions placed by the governments of host countries (e.g., in Lebanon).
8. **Participation in non-governmental organizations:** Notably, the percentage of participation in non-governmental organizations across the surveyed regions was higher than the rate of engagement in organized partisan work of Palestinian political factions or involvement in union work. Beyond doubt, a correlation can be seen between the role of non-governmental organizations and the policy imposed by the donor community for

⁹³⁶ See Saber Ramadan, *The Role of the Palestinian Student Movement in National Liberation: Opportunities and Obstacles* (Al-Zaytouna Centre for Studies and Consultations, 2016), 32 <<https://bit.ly/3cZAMBC>> accessed 3 October 2022. See also Intimaa' Al-Sadoudi and others, 'Towards Reactivating the Political and Struggle Role of the Palestinian Student Movement' (Masarat, 2018), 2 <https://www.masarat.ps/ar_print.php?id=47919cy4690332Y47919c>; Ayman Yousef, 'Political and Demand-oriented Proposals of the Student Movement at Palestinian Universities: A Critical Reading in Behaviour and Practice' (2013) 1(1) Al-Quds Open University Journal, 16 <<https://bit.ly/3B1Gk6q>> accessed 3 October 2022.





depoliticizing the work of Palestinian civil society groups.⁹³⁷ It is also striking to observe that the highest engagement in non-governmental organizations was reported in Jordan (59.9 percent) despite the fact that constraints on civil society activities in Jordan are arguably the most stringent in all surveyed regions.⁹³⁸

9. **Participating in social movements with socio-economic goals:** Of note, the least engagement in social movements with socio-economic goals took place in 1948 Palestine (4.6 percent). Although the discourse of civil, social, and economic rights, equality, and citizenship dominates the political party action of electoral lists participating in the Knesset elections, weak social movements may reflect partisan negligence of popular protest by said lists. The role of political parties may be confined to electoral campaigns and operating with the Knesset chambers. On a different note, although living conditions are better in the West Bank than in the Gaza Strip, Palestinian youth engagement in social movements with socio-economic goals in the former (29.0 percent) is higher than in the latter (20.4 percent). In Gaza, a majority of the youth focus group members cited their belief that such movements were ineffective under the Israeli and international blockade on the Gaza Strip. Others reported that this was due to the “policy of casting doubt on the national stance of protest movements and activists.” (Cited by the youth focus group, Gaza, Open Debate on the Survey Results, 29 of July 2022).
10. **Engaging in social movements with purely political goals:** Low participation in partisan activity is explained by dissatisfaction with, and lack of confidence in, political parties as well as their agendas and mechanisms. Alternatively, it can be argued that youth participation in political movements (16.7 percent) is indicative of the narrow space allowed for protest and renewal. Engagement in political movements hit rock bottom in 1948 Palestine. This might be triggered by the large-scale fierce clampdown on Palestinian youth in the aftermath of the Unity and Dignity Uprising in May 2021. According to focus groups in different surveyed regions, this might also reflect a lack of means to launch serious political alternatives. As the Gaza youth focus group put it, “when the economic situation is harsh and unemployment rates are very high, youth will surely not be interested in political participation issues. Rather, they will only concentrate on ensuring that minimum standards of social, economic, and health services are met.” (Cited by the youth focus group, Gaza, Open Debate on the Survey Results, 29 of July 2022).
11. **Participating in national public initiatives:** Compared to engaging in the organized partisan work of Palestinian political factions, involvement in union work, participation in non-governmental organizations, a higher incidence of involvement in national public initiatives is noted. According to youth groups across the surveyed regions, this likely constitutes an expression of willingness to engage in liberation activities among Palestinian youth, who are less convinced with official and partisan initiatives.

⁹³⁷ See BADIL, ‘Shrinking Civil Society Space in Palestine’ (2022) 60 Al-Majdal <<https://badil.org/press-releases/13273.html>> accessed 3 October 2022; BADIL, EU Conditional Funding (n 158).

⁹³⁸ See HRW, ‘Shutting Out the Critics: Restrictive Laws Used to Repress Civil Society in Jordan’ (2007) 16(10(E)) Human Rights Watch Reports <<https://www.hrw.org/report/2007/12/16/shutting-out-critics/restrictive-laws-used-repress-civil-society-jordan>> accessed 3 October 2022.

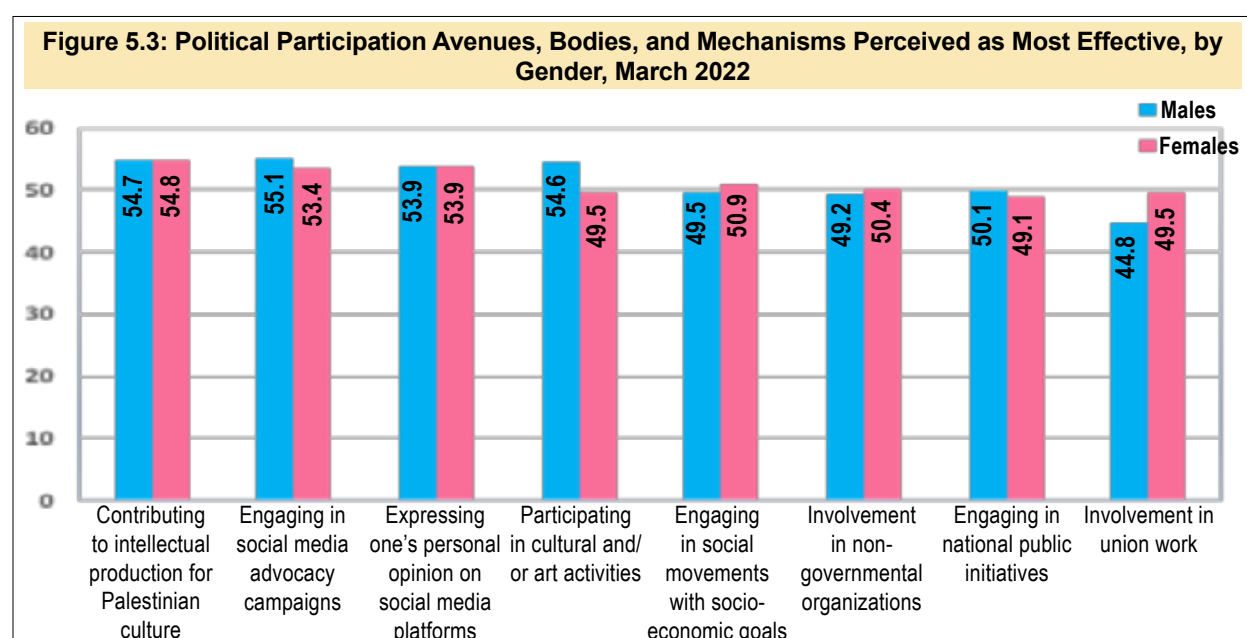


Question 1.B.: Regardless of your individual (non-)participation, how do you evaluate the effectiveness of Palestinian participation in/through the following avenues, bodies, and mechanisms? (Refer to Appendix 2 for the full list that was provided as part of the question)

Addressed to respondents who indicated their participation in at least one avenue in Question 1.A., this question aimed at exploring youth's opinion about the effectiveness of political participation among Palestinians at large, irrespective of individual (non-)participation. In other words, this question seeks to evaluate the respondents' views on the effectiveness of each of the avenues of participation for Palestinians in general, external to their own personal experiences. This inquiry is pervaded by our recognition that youth have an opinion regarding the effectiveness of Palestinian involvement in different avenues of political participation, even if they have never engaged in them (e.g., in public elections). For example, the target group has not had an opportunity to practice political participation within official and semi-official frameworks and bodies due to the current PA political system in the West Bank, Hamas government in the Gaza Strip, PLO inaction, as well as deprivation of and constraints on Palestinian refugees in host countries. However, this does not underestimate the significance of youth views on the effectiveness of this type of participation.

1.3. Avenues, Bodies, and Mechanisms Perceived as Most Effective by Palestinian Youth

According to the surveyed Palestinian youth, there are variations in degrees of effectiveness of participation in the different political avenues, bodies, and mechanisms. The results showed that contribution to any form of intellectual production for Palestinian culture was perceived as the most effective, at 54.76 percent, including 54.7 percent for males and 54.8 percent for females. This was followed by engagement in social media advocacy campaigns at 54.26 percent (55.1 percent for males and 53.42 percent for females).





1.3.1. Regional Distinctions in the Perceived Effectiveness of Different Avenues, Bodies, and Mechanisms

When considering the five studied regions, the perceived degrees of effectiveness of different political participation avenues also varied. For instance, those in 1948 Palestine and Jordan viewed contributing to any form of intellectual production for Palestinian culture as the most effective avenue for political participation, with a rate of 79.4 percent and 78.9 percent, respectively.

In the West Bank, the youth indicated that participating in local elections at the place of residence is the most effective, at 61 percent. As for the Gaza Strip, the most effective avenue was perceived as engagement in social media advocacy campaigns, at 46.6 percent, while those in Lebanon believe that participating in cultural and/or art activities aimed at preserving the Palestinian national identity is the most effective, at 70.1 percent.

Table 5.4: Percentage Distribution of Youth Participants' Perception of the Effectiveness of the Following Avenues, Bodies, and Mechanisms of Political Participation by Region/State, March 2022

Political Participation Avenues	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Contributing to any form of intellectual production for Palestinian culture	79.4	47.9	36.7	66.7	78.9	54.8
Engagement in social media advocacy campaigns (sharing/reposting)	65.5	52.6	46.6	64.9	62.8	54.3
Expressing one's personal opinion about public issues on social media platforms	49.0	54.6	42.9	65.9	68.6	53.9
Participating in cultural and/or art activities aimed at preserving the Palestinian national identity	65.6	51.4	36.9	70.1	69.6	52.1
Participating in social movements with socio-economic goals	60.2	52.2	39.4	66.4	61.6	50.2
Involvement in non-governmental organizations	69.1	49.9	37.6	69.1	62.2	49.8
Participating in national public initiatives	57.6	59.0	36.1	68.3	62.1	49.6
Involvement in union work	67.0	43.3	39.3	56.3	56.0	47.1
Participating in local elections at the place of residence	64.9	61.0	35.9	53.1	51.1	45.6
Participating in student council elections	35.6	50.4	36.2	54.9	52.6	43.9
Engaging in social movements with purely political goals	38.9	42.1	34.2	44.3	57.0	43.0
Engaging in the organizational/partisan work of Palestinian political factions	44.0	40.6	36.1	45.7	51.6	42.3
Participating in the State of Palestine's elections, including both nomination and voting	55.0	55.6	33.8	58.6	43.2	41.2
Participating in the host country's election, including both nomination and voting	59.0	37.0	33.3	47.2	42.6	38.0
Participating in the Israeli Knesset's elections	23.0	26.0	30.7	19.5	16.1	26.0
Other				47.8	22.6	24.2



1.3.2 Assessment of the Results of Political Participation's Effectiveness

1. **Compared to individual, civil society, and popular engagement, the effectiveness of participation through official, semi-official, and partisan frameworks, avenues, and mechanisms scored low.** This result is consistent with the causes of non-participation discussed below. Lack of confidence in and/or ineffectiveness of official and semi-official frameworks, bodies, and mechanisms had the highest share of the reasons for youth's lack of engagement (see Table 5.6: Reasons for Non-Participation below). This low rate of the effectiveness of participation reflects disapproval of the current situation, rather than unwillingness for involvement. When asked about their view of the lack of belief in the effectiveness of political participation in such avenues, focus groups across the surveyed regions expressed that the main reason for this was factions' domination and control over the avenues for political participation. It was noted that the youth focus groups consistently affirmed that such abstention from involvement expressed refusal of domination, rather than little willingness for struggle and engagement.
2. **Gaza Strip: Participation is virtually ineffective.** Among the surveyed regions, Palestinian youth from Gaza expressed the lowest level of belief in the effectiveness of the different avenues of political participation across the board, with the exception of participation in the Knesset's elections. Apparently, this low rating among the youth from Gaza is linked to the ongoing blockade, marginalization, exclusion, and repression. When presented with the results and asked about poor faith in the effectiveness of participation, the Gaza youth focus group said: "According to Palestinian youth in Gaza, the low effectiveness of engagement is grounded in the international community's failure to lift the unjust blockade and security restrictions on political or any public action that runs counter to the *de facto* government and traditional parties. Countless as they are, these constraints are not limited to the main reason, namely, political detention, but can also be as severe as intimidation of treason. Furthermore, the PA's policy of salary cuts targeting persons with dissenting views or of questionable loyalty has affected willingness for participation. There is both distrust in and fear of the parties, factions, and PA. Under the current Palestinian division and harsh economic situation, youth are unable to either overcome or defy parties. If they do, they would be subject to charges that may amount to treason." (Cited by the youth focus group, Gaza, Open Debate on the Survey Results, 29 of July 2022).
3. **Participation in the Knesset's elections is the least effective of different avenues.** Across the surveyed regions, youth estimation of the effectiveness of engagement in the Knesset's elections was bottom low (26.0 percent). Interestingly, the rate of effectiveness regarding participation in the Knesset's elections in the Gaza Strip (30.7 percent) and West Bank (26.0 percent) was higher than that of youth in 1948 Palestine. As explained by the 1948 Palestine focus group, the reason might be that youth in the Gaza Strip and West Bank are deceived by enthusiastic rhetoric and slogans on the Knesset platform. When asked, youth groups in the West Bank and Gaza stated that youth might be fascinated by the democratic appearance, which allows opposition to express their views. Rather than reflecting their belief in effective participation in the Knesset's election itself, it reflects Palestinian youth's inaccessibility to such a 'democratic' practice. Cited by the youth focus group, 1948 Palestine, 16 of September 2022, and youth focus group and West Bank, 4 of June 2022 Open Debate on the Survey Results).





2. Non-participation: Reasons and Key Influencing Factors

Question 2: Is your lack of political participation explained by one or more of the following factors?

This question was addressed only to those persons who indicated that they have not politically participated in any of the list avenues, bodies, and mechanisms of participation over the past three years. It was explained to those surveyed that the question was personal, inquiring about the respondent's (non-)participation, not their view of non-participation of Palestinians in general. The question focuses on understanding the factors and/or reasons influencing the respondent to not engage in political participation.

2.1. Rate of Non-Engagement in Political Participation Among Palestinian Youth

The results illustrate that 4.9 percent of Palestinian youth have not engaged in forms of political participation over the past three years (2019-2021) – 2.6 percent for males and 7.1 percent for females. The results demonstrate that the highest percentage of Palestinian youth who did not engage in political participation were from Lebanon, with 20.2 percent (19.4 percent for males and 20.9 percent for females). **Generally, the high rate of non-participation (20.2 percent) among Palestinian youth in Lebanon is due to closed spaces by legal constraints and discriminatory measures against Palestinians in the country.** It was followed by Jordan at a 6.4 percentage, 3.4 percent male and 9.3 percent female, where Palestinians are also limited in their opportunities for political participation.

Table 5.5: Percentage Distribution of Youth Participants Not Engaged in Political Participation by Region/State and Gender, March 2022

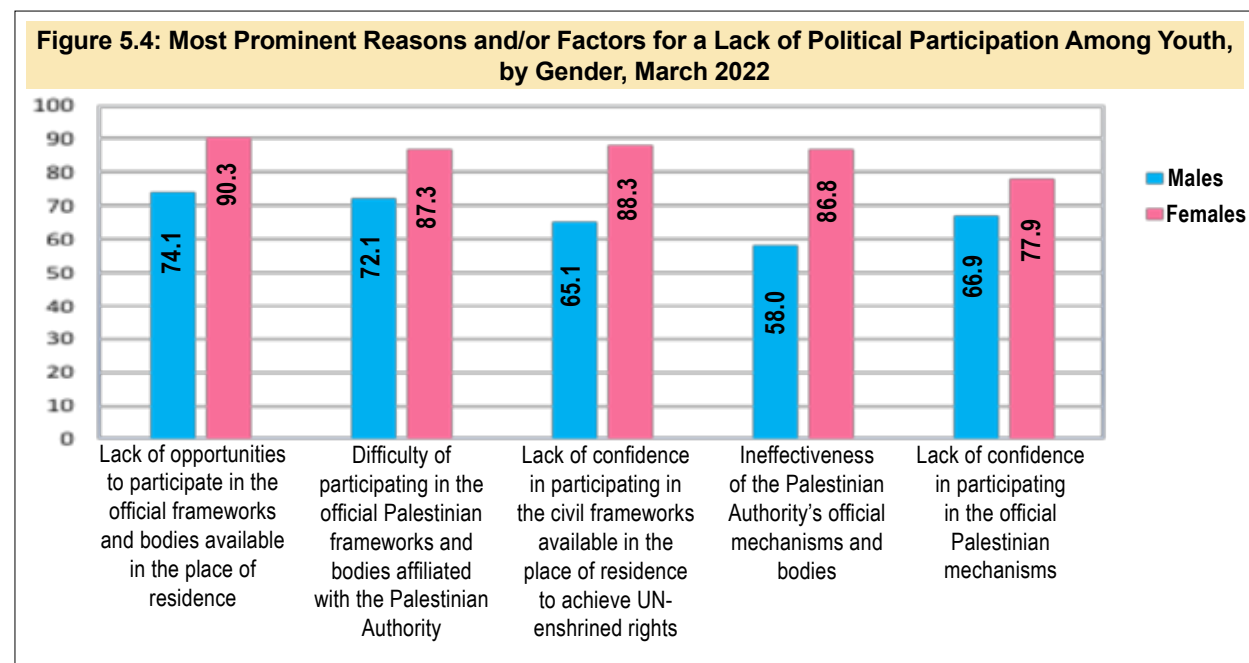
Region/State	Sex		
	Male	Female	All
1948 Palestine	1.2	2.4	1.8
West Bank, including east Jerusalem	1.9	4.3	3.1
Gaza Strip	0.0	4.8	2.4
Lebanon	19.4	20.9	20.2
Jordan	3.4	9.3	6.4
Total	2.6	7.1	4.9

Women's participation was lower than men's in different regions, perhaps reflecting an overall shrinking space for women or a belief in the ineffectiveness of engagement in available frameworks and avenues; gender disparity unveils the impact of women's marginalization. The rate of females agreeing with the stated reasons is considerably higher than males. Gender differences is even clearer when considering the degree of confidence in official or partisan bodies and mechanisms (see Table 7: Percentage Distribution of Youth Participants' Reasons for Not Engaging in Political Participation by Gender, March 2022 , Appendix 3).



2.2. Understanding the Key Reasons for Non-Engagement in Political Participation

The results show that the most prominent reason for a lack of political participation is a lack of confidence in participating in the official Palestinian frameworks and bodies, at 85.5 percent; 100 percent in the West Bank, Gaza Strip, and Jordan, and 60.1 percent in Lebanon. This was followed by: (1) the ineffectiveness of official Palestinian bodies that are affiliated with the PA at 82.9 percent, and (2) lack of confidence in participating in civil frameworks available in the place of residence to achieve Palestinian human rights, at 81.5 percent.



- 1. Lack of confidence in Palestinian and international official frameworks and mechanisms:** An examination of the highest percentages in the table above reflects the youth's distrust in Palestinian and international official frameworks and mechanisms had the greatest effect on their lack of participation. As articulated by youth in the focus groups, they do not principally reject participation in available frameworks and mechanisms. Rather, non-participation was a form of protest or refusal to be exploited (by a formal claim of engagement).
- 2. Disinterest in public affairs:** While the impact of disinterest in public affairs on Gaza youth participation was marginal (15.3 percent), the effect of this factor was striking among Palestinian youth in the West Bank (69.1 percent), 1948 Palestine (66.5 percent), Lebanon (53.6 percent), and Jordan (44.0 percent). Although it is difficult to ascribe this to a particular reason, disinterest in public affairs is extremely serious because, in the Palestinian context, it means that the policies of depoliticization and individualism produced by the Oslo process have somewhat prevailed, both as a culture and a behavior.⁹³⁹
- 3. Repression and potential penalties associated with participation:** Remarkably, the impact of potential repression and penalties associated with participation was higher in

⁹³⁹ BADIL, Palestinian Youth Perspectives (n 65).



the West Bank and Gaza Strip than in other regions. This implies that Palestinian youth fear repression by the PA and Hamas. When asked for an explanation, youth groups in both regions said they were afraid of political detention by the West Bank-based PA and Gaza-based Hamas government.

Table 5.6: Percentage Distribution of Youth Participants' Reasons for Not Engaging in Political Participation by Region/State, March 2022

Reasons for not Engaging in Political Participation	Region or State					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Lack of confidence in participating in official Palestinian mechanisms	0.0	100.0	100.0	60.1	100.0	85.5
Ineffectiveness of the Palestinian Authority's official mechanisms and bodies	0.0	100.0	100.0	50.3	100.0	82.9
Lack of confidence in participating in the civil frameworks available in the place of residence to achieve UN-enshrined rights	81.7	69.1	100.0	57.0	94.8	81.5
Difficulty of participating in the official Palestinian frameworks and bodies affiliated with the Palestinian Authority	0.0	69.1	100.0	50.7	95.6	78.3
Lack of opportunities to participate in the official frameworks and bodies available in the place of residence	30.4	56.4	84.7	48.7	94.8	74.7
If available, the futility of participation in influencing international frameworks and bodies to achieve Palestinian human rights (social and economic rights)	36.6	100.0	100.0	40.6	86.9	74.1
If available, the futility of participation in influencing international frameworks and bodies to achieve the Palestinian national collective right to return and self-determination	66.9	100.0	100.0	38.4	86.1	73.7
Lack of confidence in the existing Palestinian political parties and powers	0.0	38.2	15.3	64.2	100.0	69.7
Lack of confidence in participating in Palestinian frameworks and bodies other than the Palestinian Authority and official political powers	15.2	74.5	30.7	41.1	90.5	63.4
Inadequacy of the PLO's frameworks and bodies within in the current context for Palestinian liberation and return	0.0	43.6	100.0	39.4	65.8	59.7
Difficulty of accessing and participating in the PLO's frameworks and bodies	0.0	56.4	84.7	29.3	71.0	57.4
Lack of tools for participation in the place of residence	0.0	38.2	15.3	38.3	90.5	57.1
General satisfaction with the legal situation	0.0	69.1	100.0	18.2	47.5	46.8
Disinterest in public affairs	66.5	69.1	15.3	53.6	44.0	45.0
Repression/penalties associated with participation activities in the place of residence	0.0	69.1	84.7	28.9	8.7	30.7
Other	0.0	0.0	15.3	8.6	0.0	5.2

3. Objectives of Political Participation

Question 3: How important do you think political participation is with regards to serving the following aims? (Refer to Appendix 2 for the full list that was provided as part of the question)

This question examines the objectives and importance of participation for the respondents themselves, rather than for Palestinians as a whole. It directly uncovers the most important goals for youth participation, but indirectly also shows how interested the surveyed youth are in public affairs. The objectives listed in the question combine both individual and public interests.

3.1. Overall Importance of Different Political Participation Objectives for Palestinian Youth

The results illustrate that the two most important goals of political participation for those who have engaged in political participation over the past three years are: (1) consolidating democracy as a political behavior within the political system in the place of residence, at 64.5 percent (63.4 percent male and 65.7 percent female) and (2) ensuring fair youth representation, with 61.8 percent (64.2 percent male and 59.3 female). The youth indicated that the least important objective was changing the traditional leadership, at 54.9 percent.

Table 5.7: Percentage Distribution of Youth Participants' Aims and Goals for Political Participation by Gender, March 2022

Political Participation Objectives	Male	Female	All
Consolidating democracy as a political behavior within the political system in the place of residence	63.4	65.7	64.5
Ensuring fair youth representation	64.2	59.3	61.8
Establishing democracy as a behavior in society	61.7	61.4	61.6
Spreading national awareness and knowledge of political issues and human rights	61.9	59.5	60.7
Improving living conditions for me and my family	59.9	59.2	59.6
Achieving self-satisfaction	61.6	57.6	59.6
Renewing and developing strategies and tools of political struggle to achieve national liberation	57.6	61.5	59.5
Improving our people's living conditions	55.7	59.7	57.6
Realizing my personal political ambitions	58.0	56.2	57.1
Activating Palestinian factions, forces, and political parties	55.9	57.1	56.5
Changing the traditional leadership	57.1	52.7	54.9

3.2. Importance of Different Political Participation Objectives by Region

The results indicate that youth in 1948 Palestine believe that the most important objective of political participation is establishing democracy as a behavior in society at a rate of 82.4





percent. For youth in the West Bank, the most important objectives included establishing democracy as a behavior in society and achieving self-satisfaction, at a rate of 75.1 percent each. As for the Gaza Strip and Jordan, the surveyed youth determined that consolidating democracy as a political behavior within the political system in the place of residence was the most important objective, at a rate of 58.4 percent and 67.9 percent respectively, while Palestinian youth in Lebanon perceived that the most important objective was improving our people's living conditions, at 91.3 percent.

Table 5.8: Percentage Distribution of Youth Participants' Aims and Goals for Political Participation by Region/State, March 2022

Political Participation Objectives	Region or State					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Consolidating democracy as a political behavior within the political system in the place of residence	82.1	70.6	58.4	75.6	67.9	64.5
Ensuring fair youth representation	74.5	68.4	57.1	87.7	60.6	61.8
Establishing democracy as a behavior in society	82.4	75.1	52.1	80.7	66.1	61.6
Spreading national awareness and knowledge of political issues and human rights	78.2	68.0	52.0	88.3	64.8	60.7
Improving living conditions for me and my family	49.8	75.1	53.3	83.9	62.0	59.6
Achieving self-satisfaction	32.5	68.9	57.7	85.8	58.2	59.6
Renewing and developing strategies and tools of political struggle to achieve national liberation	76.2	59.5	53.1	82.6	63.8	59.5
Improving our people's living conditions	48.0	71.4	49.6	91.3	61.3	57.6
Realizing my personal political ambitions	55.7	61.5	50.6	56.1	66.5	57.1
Activating Palestinian factions, forces, and political parties	69.0	55.2	54.0	75.8	56.4	56.5
Changing the traditional leadership	63.6	59.4	47.8	72.7	60.9	54.9

When asked about their comparatively low rating of the following factors: (1) activating Palestinian political factions and parties and (2) changing the traditional leadership, the youth focus groups in the five areas discussed two primary issues:

1. Consolidating democracy as a political behavior within the political system and ensuring fair youth representation ensure that political forces will be activated. This necessarily leads to changing the traditional leadership by producing new accountable young leaders.
2. These results expose the hollow claims of official authorities in control of different regions, particularly their allegation that youth movements aiming at change advance dubious agendas, which target political leadership and undermine national programs. The results demonstrate that youth movements primarily seek to establish democracy as a political behavior within the political system and empower youth to exercise effective participation.



A comparison of collective and individual-personal objectives shows that the youth's interest in public affairs overrides their personal interests. In spite of the wide gaps between listed objectives, interest in consolidating democracy as a political behavior within the political system and in society, spreading national awareness and knowledge of political issues and human rights, improving people's living conditions, renewing, and developing strategies and tools of political struggle to achieve national liberation received significant attention. **However, when examined with the most prominent avenues for youth participation, the results are somewhat contradictory; while individualism characterizes the most common political participation avenues, public affairs dominate youth participation objectives. This anomaly may reflect a gap in political awareness as a result of declining partisan mobilization among youth.**

When asked about possible incompatibility between ensuring fair youth representation and the principle of democracy, youth groups in different regions were of the view that such a guarantee was a temporary formality to empower youth to play their role in a regime that excludes them completely. It is also noted that, for Palestinian youth in Lebanon, most of the objectives, except the consolidating democracy as a political behavior within the political system and in society, were ranked ahead of other regions. This result reflects the interest that Palestinian youth in Lebanon have in political participation.

4. The Effect of Different Factors on Youth Political Participation

Question 4: In your opinion, to what extent do the following parties/factors affect your personal political participation?
(Refer to Appendix 2 for the full list that was provided as part of the question)

This question is almost identical to Question Two, except that it is targeting those who have engaged in political participation over the past three years. Overall, it explores the impact of a number of dominant phenomena in the political system on youth participation by determining the effect of the listed factors on respondents' participation.

4.1. The impact of different factors and the role of different actors on Palestinian youth political participation

Palestinian youth perceive that the factor with the greatest effect on youth political participation is the Palestinian division, at a rate of 68.9 percent (68.7 percent males and 69 percent females). It is followed by absence of a national liberation strategy, at 61 percent. Meanwhile, Palestinian youth consider that two least impactful factors are: (1) the quota scheme/arrangement amongst Palestinian political parties and (2) the influence of major powerful states in international bodies, at rates of 39.5 percent and 38.6 percent, respectively.

Importantly, there are no notable differences between males and females in relation to the impact of factors and the role of parties on youth political participation (see Table 11: Percentage





Distribution of Actors and Factors that Influence Youth Political Participation by Gender, March 2022, Appendix 3). However, the results show variations in the five regions regarding the perceived extent of the impact on political participation by the said factors/role of parties. For instance, the surveyed youth indicated in all three of the regions of Jordan, Lebanon, and Gaza Strip that the Palestinian division has the greatest impact on political participation, at rates of 87.6 percent, 83.3 percent, and 58.2 percent, respectively. Meanwhile, the absence of a national liberation strategy was considered as having the largest impact in 1948 Palestine at 84.5 percent. As for the West Bank, youth indicated that the laws and rules regulating political participation have the greatest impact on their political participation, with a rate of 66.9 percent.

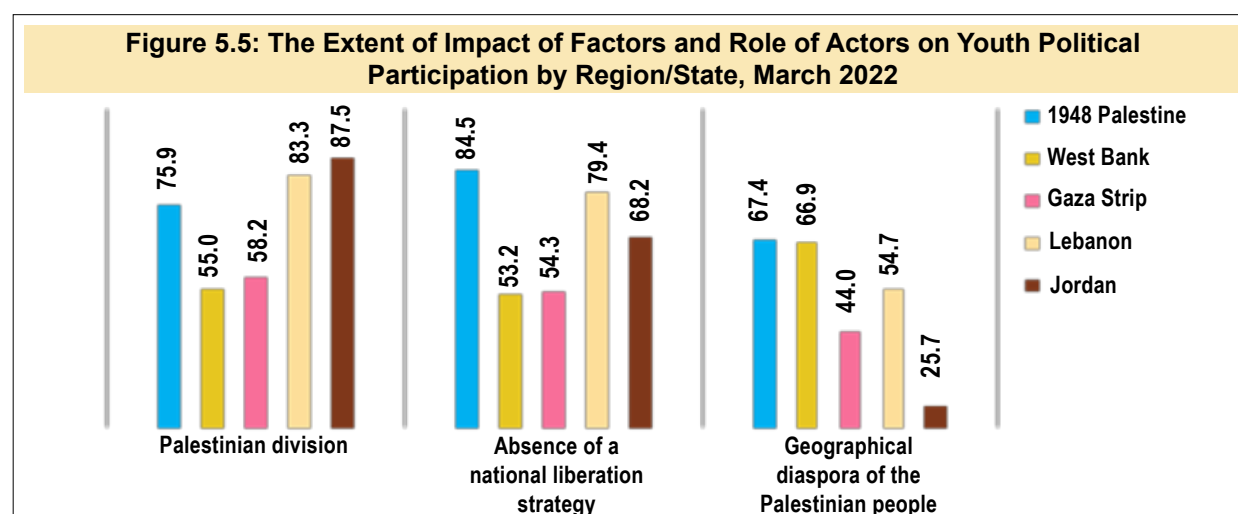


Table 5.9: Percentage Distribution of Actors and Factors that Influence Youth Political Participation by Region/State, March 2022

Factors/Roles of Parties	Region or State					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Palestinian division	75.9	55.0	58.2	83.3	87.6	68.9
Absence of a national liberation strategy	84.5	53.2	54.3	79.4	68.2	61.0
Geographical diaspora of the Palestinian people	74.6	37.5	53.0	81.4	73.3	60.0
The Oslo peace process and its aftermath	62.3	37.5	55.2	79.1	48.7	52.9
The Israeli colonial system and its tools	81.7	48.4	53.5	76.9	41.0	51.6
The prioritization of the Palestinian Authority's relationship with states over the relationship with peoples and political parties in a state	56.0	40.4	47.2	71.9	41.7	46.5
Party leadership	71.8	49.3	54.3	55.4	19.4	44.1
The ruling Palestinian class	43.6	58.6	51.6	61.2	20.0	42.9
Rules and laws regulating political participation	67.4	66.9	44.0	54.7	25.7	42.5
Arab-Israeli normalization	37.3	25.9	48.2	79.3	32.0	42.1
The PLO's role in the face of the Palestinian Authority	44.1	42.4	50.9	63.3	19.7	40.8
The quota system of Palestinian political forces	28.0	40.6	50.1	65.5	18.5	39.5
The influence of major states in international bodies	24.6	37.6	48.1	75.7	19.3	38.6



4.2 Assessment of the Impact of Factors/Role of Actors on Youth Political Participation Across the Regions

i. Palestinian division

The lowest impact of Palestinian division is observed in those regions where one would have assumed they are higher; it was 55.0 percent in the West Bank and 58.2 percent in the Gaza Strip, compared to 75.9 percent in 1948 Palestine, 83.3 percent in Lebanon, and 87.6 percent in Jordan. As they see a growing number of people benefiting from the Palestinian internal division, youth in the West Bank and Gaza have normalized Palestinian division. In fact, West Bank youth referred to an almost complete hopelessness of ending the Palestinian division, which has become a reality that serves both Israel and a Palestinian political echelon that will lose its domination in the area if a national reconciliation agreement is reached.

ii. Absence of a national liberation strategy

Youth in 1948 Palestine, Lebanon, and Jordan have rated this factor as one of the highest. This is probably indicative of a sense of growing marginalization against the backdrop of a declining PLO role, while the PA, and political parties focus on functioning within the West Bank and Gaza Strip.

iii. The influence of major states in international bodies

This factor has the lowest overall impact on Palestinian youth, except in Lebanon (75.5 percent). This may have been due to the fact that Palestinian youth in Lebanon believe they are incapable of exerting influence because international bodies controlled by major powerful states have failed to bridge the protection gap in spite of their long-term displacement and deteriorating humanitarian conditions.

iv. The quota system amongst Palestinian political forces

It is noted that the impact of the quota system was ranked low across the regions, with the exception of Lebanon (65.5 percent). Seemingly, the central role of political factions in managing Palestinian refugee camps in Lebanon is reflected in the impact of the quota system on youth participation. Interestingly, however, youth in the regions do not connect the quota system –the impact of which they think does not appear to be significant –to other factors that affect participation effectiveness and objectives. The quota system is arguably associated with a lack of confidence in official frameworks, bodies, and mechanisms. For youth, the latter was a main reason for their lack of political participation. The quota system is also connected to the Palestinian divide, which is the most significant factor that drives youth's reluctance to participate. Similar to other factors relating to the Palestinian political system, it might have, therefore, been logical that the quota system would have the strongest impact. The same can be said of the impact of Palestinian party leadership and ruling class; the role of the latter cannot be separated from lack of confidence in official frameworks and mechanisms and Palestinian division. According to the youth focus group in the West



Bank, the inability to link those factors may have arisen from poor political awareness as well as the belief that the Palestinian divide, the weak PLO, and inadequate democracy within the Palestinian political system are separate, or above the will of Palestinian political parties. (Open Debate on the Survey Results, youth focus group, West Bank, 4 of June 2022).

5. Activating Political Participation

Question 5: In your opinion, do you believe that the following factors or interventions could contribute to improving Palestinian youth political participation? (Refer to Appendix 2 for the full list that was provided as part of the question)

This question aims to uncover the youth's opinions on how to activate and ensure more effective political participation. It thus provides an indicator that can be utilized by Palestinian change and liberation agents, including official or non-official political frameworks, community-based groups, and civil society.

5.1. Factors Contributing to Activating Palestinian Youth's Political Participation

Table 5.10: Percentage Distribution of Factors or Changes that may Contribute to Advancing Youth Political Participation by Region/State, March 2022

Factors Contributing to Activating Political Participation	Region or State					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Improving youth representation in PA institutions	91.1	80.9	70.7	85.3	90.8	79.6
Reforming the PLO and PA with a new emphasis on democratic values and youth equity	75.6	82.4	69.9	84.0	90.4	78.4
Allocating a more representative share for young people within official political bodies and other participatory contexts as available in place of residence	96.9	72.6	64.6	88.5	95.6	77.6
Participation in public activities	65.7	76.9	65.2	85.3	88.5	74.6
Increasing involvement of informal organizations (unions, popular committees etc.)	96.5	66.6	65.3	73.2	85.9	73.5
Democratizing the organizational structures of political parties and factions	84.4	68.8	67.4	79.1	78.2	72.2
Reforming the PLO by way of National Council elections whereby Palestinians in all locations may participate	53.1	71.2	62.6	81.7	88.9	72.0
Social media activism	48.5	70.0	62.7	75.2	87.6	71.0
Participation in community movements	62.4	72.1	55.2	83.6	90.6	69.5
Creating new bodies that are more suitable for youth participation	84.3	72.2	57.3	83.5	76.7	67.5



Per the results, the youth believe that the most important contributing factor to activating political participation of Palestinian youth is improving youth representation in in PA institutions, at a rate of 79.6 percent (80 percent for males and 79.2 percent for females). The second and third most important factors were also related to increasing youth equity and representation –reforming the PLO with a new emphasis on democratic values as well as youth equity, at 78.4 percent, and allocating a more representative share for young people within official political bodies and other participatory contexts as available in place of residence, at 77.6 percent. The differences between the first two factors were made clear to the participants. In the factor that was ranked as most important, the phrasing clarified that the point was inquiring about improving youth representation only in institutions. In the second most important factor, the point was broadened in that it encompassed allocating a larger share for youth presentation within both the PLO and PA bodies. Still, field research teams observed that it was difficult for the surveyed youth to clearly see the difference between the two considering that there are arguably no longer marked distinctions between the PA and PLO. When inquired about it, **youth focus groups across regions reported that the variation between the PLO and PA was illusory and intangible. A focus on strengthening the status of youth within the PA was the best option because the PA, rather than the PLO, is the influential decision maker in relation to the destiny and situation of the Palestinian people. In spite of the valid view of youth, the issue at hand reflects the success achieved by colonial states through the Oslo peace process, namely, replacing the PLO – the collective entity of Palestinian liberation movements – with the PA. The latter is crippled by agreements, which preclude or restrict activation of popular liberation action.**

While the youth considered that reforming the PLO with a new emphasis on democratic values and youth equity was the second most important factor, they overlooked the potential connection between the said factor and reforming the PLO by way of National Council elections, which would include all Palestinians, wherever they are. Perhaps this is explained by the different implications of these two factors. To clarify, the former is premised on factional consensus, which may be reflected in a quota system of some sort. As for the latter, it is grounded in the aggregated participation of the Palestinian people as a whole, extrinsic to factions and leaders. It is also of note that the youth focus groups expressed that holding National Council elections everywhere was a nearly impossible task, which deterred them from doubtlessly considering this factor; they believe that a new approach must be devised that ensures a reasonable measure of democracy as well as youth representation.

A close review of the results above reveals that, according to the youth, activating youth political participation starts with promoting their role through existing official and semi-official framework, bodies, and mechanisms. In actuality, this was at odds with the opinions expressed in Question One, specifically in regard to the avenues and effectiveness of participation. In Question One, avenues and effectiveness for participation in official and semi-official frameworks and bodies scored low. However, in this question, Palestinian youth expressed their belief that participation can be stimulated through active engagement in official and





semi-official frameworks and bodies was ranked highly. This anomaly is arguably a result of the impending depoliticization, which seeks to drive a wedge between Palestinian youth and the national liberation movement. As indicated by the youth group in Lebanon, youth are preoccupied with meeting their basic needs, preventing them from drawing a link between causes and consequences, and ultimately blocking their ability to view the overall picture. This contradiction may further illustrate the colonizer’s success confining the youth’s thinking within the Oslo process (official frameworks and mechanisms, elections, international legitimacy, negotiations) with no regard for the colonial context.

Even though the difference between the factor that was ranked the highest (79.6 percent) and the one that was ranking the lowest (67.5 percent) is not too significant, it is interesting to consider how creating new bodies more suitable for youth participation was the last of factors perceived as contributing to activating Palestinian youth’s political participation. This reservation regarding the creation of new bodies defies official authorities’ attempts to depict youth movements as advancing suspicious agendas. It also reflects a sense of dependence on the traditional approaches to political participation and the difficulty to confidently think of creating new avenues. Youth groups articulated a similar notion to this in referring to a widespread idea of waiting for change to occur by illusive factors and agencies; it seemed as if surveyed youth think of themselves as recipients, not actors, of change or as if their role is secondary and complementary, rather than primary.



Palestinian factions sign the “Cairo Declaration” for reconciliation. 2017 (Source: shehabnews.com)



Palestinian factions sign the “Algeria Declaration” for reconciliation. 2022 (Source: wafa.ps)



6. Conclusion

The survey on Palestinian youth's political participation demonstrates that youth are dissatisfied with the Palestinian political system and operating mechanisms. Dissatisfaction applies, to varying degrees, to different components of the political system, including the PLO, PA, Hamas' *de facto* authority in the Gaza Strip, Palestinian political factions, and parties. These also include actors in 1948 Palestine and those involved in the PLO and its bodies and frameworks. Dissatisfaction is most visible in: (1) youth abstention from participating in official and semi-official frameworks, bodies, and mechanisms, (2) their tendency to engage in actions not organized by the existing political parties and individual work, and (3) their low interest in public affairs. Nonetheless, the youth themselves have emphasized that their lack of confidence or dissatisfaction does not interfere with their readiness for political participation. These perceptions reflect two aspects:

1. Poor and fragile national political awareness among youth, as manifested in the above inconsistent results that are detached from causes, mechanisms, and means of change. This weakness is a product of absent or inadequate national political mobilization. In light of the outcomes of the Oslo peace process, where national action has turned into a political activity specific to a particular group, rather than a public affair or a collective liberation process.
2. The extensive impact of the widespread policies of depoliticization, individualism, and non-engagement in organized action of political parties (non-partisanship) on Palestinian youth, as reflected in an inability to conceive solutions and change. Rather than assuming their role as actors of change, surveyed Palestinian youth showed a tendency to wait for such solutions to be found by external actors.

It thus follows that the PLO, Palestinian political factions, Palestinian national civil society organizations, and decision makers must go further than developing hollow slogans for activating the role of the youth in political participation. As indicated by the survey, it is necessary for these actors to develop complete strategies and plans of action to address the following:

- Youth reluctance to participate in existing official and semi-official frameworks and bodies;
- Lack of confidence among youth in actions organized by existing political parties;
- Decrease in confidence in the potential of achieving national and/or socio-economic rights through international organizations;
- Decline in women's participation in avenues that require visibility in the public sphere;
- Dwindling of youth's interest in Palestinian public affairs and dominance of individualism both as a culture and as a behavior;
- Strong desire among youth to consolidate democracy within the Palestinian political system and society;
- Palestinian division, including repression of freedoms and exclusion of youth, under the pretext of dubious agendas;
- Lack of a national strategy for liberation;
- Keen desire among youth to get rid of the quota system amongst Palestinian political factions and parties.



APPENDIX 1:

METHODOLOGY

Target Population

It consists of all Palestinian households who are residing in the UNRWA refugee camps (official camps) in West Bank, Gaza Strip, Jordan and Lebanon. Syria was part of the sample, then it was removed from due to difficulties of implementation.

For the Palestinians in the 1948 occupied land, the targeted population is consist of the households in the localities/communities with majority of IDPs.

Sample size

The estimated sample size is 1,000 Palestinian youths.

Items for sample size	Value used
Estimation	Proportions
Main indicator	50%
Marginal error (<i>e</i>)	7%
Level of confidence (95%)	1.96
Domain	5

Marginal error 0.07

$$\frac{t^2 \cdot P \cdot (1-P)}{(e)^2}$$
$$\frac{1.96^2 \cdot 0.5 \cdot (1-0.5)}{(0.07)^2}$$

Sample design 200*5=1000 HHs

The sample is defined as three stage stratified cluster sample:

First stage: Selecting a systematic random sample of 16 camps in four regions and 4 Palestinian localities in the Areas occupied in 1948.

Second stage: Selecting a systematic random sample of 50 households from each camp /locality that selected in the first stage.

Third stage: Selecting a person aged 18-29 years from each household that selected in the second stage.



Sample strata

The population was divided by:

1. Region (West Bank, Gaza Strip, Lebanon, Jordan, Palestinian localities in the 1948 occupied land).
2. Population size (618 – 4797) (4798 – 9752) (9753 – 20003) (20004 – 51169) (51170+)

Frame and Sample Distribution

Name of Camp/ Community	Frame Population	Sample All	Sample Females	Sample Males	Serial Number	
					min	max
Deir el-Balah	20,653	50	25	25	1	50
Maghazi	23,730	50	25	25	51	100
Jabalia	107,146	50	25	25	101	150
Khan Younis	67,567	50	25	25	151	200
Aida	4,797	50	25	25	201	250
Tulkarem camp	9,685	50	25	25	251	300
Jenin	16,266	50	25	25	301	350
Balata	23,480	50	25	25	351	400
Talbieh	6,766	50	25	25	401	450
Souf	20,003	50	25	25	451	500
Jerash	23,786	50	25	25	501	550
Baqa'a	93,129	50	25	25	551	600
Mar Elias	618	50	25	25	601	650
Al-Buss	9,752	50	25	25	651	700
Burj el-Barajneh	15,960	50	25	25	701	750
Ein el-Hilweh	47,206	50	25	25	751	800
Shaab	6,257	50	25	25	801	850
Moqaiblah	3,459	50	25	25	851	900
Salamah	2,871	50	25	25	901	950
Jaljulia	8,906	50	25	25	951	1000
Total	512,037	1000	500	500		

Disaggregation:

The designed sample enables a dissemination level based of:

- Region (West Bank, Gaza Strip, Lebanon, Jordan, Palestinian localities in the 1948 occupied land).
- Gender for the whole sample of the 5 regions.





Field work activity

Main steps to be taken for selecting the targeted persons:

1. Go to the camp/locality by using the list of the selected camps/localities
2. Choose random start household as first one in the camp
3. The selection period is 3 household, so the second household will be number 4, and then 7, 10, 13, 16, 19, 22 and so on accordingly
4. Choose one person from each household in the age group 18-29
5. The males will be selected from the households with odd numbers, while the females will be selected from households with even numbers. The proportion of males and females will be 50% for each.
6. The selection of the persons will be by using the random table once more than one person aged 18-29 years are in the household
7. Before using the random table, a need to make listing for the household member by sorting them descending according to the age (29,28,27.. etc). It will be two separated lists for males and females
8. Below is both random tables for males and females

First table for male age group 18-29

Number of males in the age of 18-29 years in household	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Number of the chosen person	1	1	2	3	4	4	5	1	6	2	4	9	13	13	15	5	12	11	18	8

Second table for female age group 18-29

Number of females in the age of 18-29 years in household	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Number of the chosen person	1	1	2	3	4	4	5	1	6	2	4	9	13	13	15	5	12	11	18	8



APPENDIX 2:

QUESTIONNAIRE ON PALESTINIAN REFUGEE YOUTH POLITICAL PARTICIPATION

Note to the researcher: Are the family refugees or internally displaced persons? If not, move to the next house.

RQ00- Questionnaire number: <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>	RQ02- Name of camp / village / city:
RQ01- Country/area: _____ <input style="width: 20px;" type="text"/>	_____

RQ03- Total number of male family members aged 18-29 years: <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>	RQ04- Total number of female family members aged 18-29 years: <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>
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RQ05- Name of Field Researcher		Date: / / 2022
RQ06- Name of Coordinator		Date: / / 2022
RQ07- Name of Data Entry Person		Date: / / 2022

Social Background

S01	Sex	1. Male 2. Female	<input style="width: 30px;" type="text"/>
S02	Age (18-29 years old):		<input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/>
S03	Refugee Status:	1. Refugee from 1948 2. Refugee from 1967 3. Displaced within 1948 territory 4. Other (specify)	<input style="width: 30px;" type="text"/>
S04	Economic dependency status:	1. Principal breadwinner 2. Secondary breadwinner 3. Not dependent	<input style="width: 30px;" type="text"/>
S05	Education level:	1. No education 2. Primary or preparatory 3. Secondary 4. Diploma or Bachelor's 5. Master's or Doctorate	<input style="width: 30px;" type="text"/>
S06	Employment status:	1. Employed 2. Unemployed 3. Trainee/ full-time student 4. Full-time domestic work 5. Other (please specify)	<input style="width: 30px;" type="text"/>
S07	Marital status:	1. Single/ unmarried 2. Married 3. Divorced/ separated 4. Widowed	<input style="width: 30px;" type="text"/>



Question One:

For the purposes of this survey, political participation in the Palestinian context is defined as any individual or collective activity that aims to advance Palestinian human rights; whether undertaken in order to achieve national rights of self-determination and return, or other human rights, be they political, civil, social, economic or cultural, as to be freely enjoyed by Palestinians everywhere. This encompasses participation in general and local elections, but also participation in party-political and/or factional work, in semi-official and informal political bodies and avenues, in the activities of civil society institutions and movements, in popular national events or cultural and artistic activities, and through social media and online activity.

Drawing on the above definition, during the last three years, in the interests of influencing public policy relating to national and/or human rights,

- A. In/ which of the following avenues, bodies and mechanisms have you participated / are you currently participating?
- B. Regardless of your individual (non-)participation, what is your general view on the usefulness of Palestinians participating in/ through the following avenues, bodies and mechanisms?

No.	Avenue, body or mechanism	(a) Participation	(b) Views on the usefulness of participation
		1. Yes 2. No	1. Useless 2. Not very useful 3. Useful 4. Very useful 5. I don't know
1.1	Voting or candidacy in Palestinian Authority (PA) general elections (e.g., presidential or legislative council elections)		
1.2	Voting or candidacy in general elections in country of asylum (For Palestinians residing in Lebanon, Syria, or Jordan)		
1.3	Participation in Knesset elections (for Palestinians with an Israeli passport)		
1.4	Participation in local elections (Palestinian or non-Palestinian) in my place of residence (municipal/ village council elections, popular committees)		
1.5	Participation in student council elections		
1.6	Engagement in work organized by Palestinian political parties and factions		
1.7	Involvement in union work		
1.8	Involvement in CSO work		
1.9	Involvement in social movements with social and economic aims		
1.10	Involvement in social movements with purely political aims		
1.11	Participation in popular actions (demonstrations, sit-ins, marches, vigils, strikes, campaigns, etc.)		
1.12	Participation in cultural/artistic activities aimed at preserving national identity		
1.13	Expressing your personal opinion on public issues via social media platforms		



1.14	Involvement in or interaction with social media advocacy campaigns		
1.15	Contributions, in any form, to Palestinian cultural and intellectual output		
1.16	Participation via other avenue/ body/mechanism (please specify)		

Note to the researcher: If the respondent has not participated in or through any avenues, bodies and mechanisms, whether mentioned above or not, proceed to Question Two and thereafter terminate the interview. If they have participated, then skip to Question Three.

Question Two:

Is your lack of personal political participation explained by one or more of the following factors?

No.	Influencing factor:	Answer
		1. Yes 2. No 3. Not applicable 4. Don't know
2.1	Lack of means/opportunities for participation in place of residence	
2.2	Repression or sanctions for participatory activities in place of residence	
2.3	Impropriety at present of Palestine Liberation Organization (PLO) bodies as regards providing means of pursuing national liberation and return	
2.4	Difficulty accessing PLO bodies in order to participate through them	
2.5	Lack of trust in official Palestinian (PA or PLO) bodies and avenues through which I could participate	
2.6	Difficulty of participating in/ through official avenues and bodies affiliated with the PA	
2.7	Ineffectiveness of official bodies and avenues affiliated with the PA	
2.8	Lack of trust in existing Palestinian political factions and parties	
2.9	Lack of confidence in participating in/ through bodies and avenues other than the PLO/ PA/ political factions (e.g. unions, NGOs, community movements, and committees).	
2.10	Lack of opportunities to participate in/ through official avenues and bodies available in my place of residence (e.g. parliament, professional associations, government committees)	
2.11	Lack of confidence in civil avenues and bodies (e.g. networks, platforms, forums) available in place of residence as an effective means of pursuing my rights as enshrined in the UN Charter	
2.12	The inefficacy of political participation as a means of influencing the international community to help achieve Palestinian national rights of return and self-determination	
2.13	The inefficacy of political participation as a means of influencing the international community to achieve, social, economic and human rights	
2.14	General satisfaction with my present available human rights situation	
2.15	Lack of interest in public affairs	
2.16	Other reason(s) for not being politically involved (please specify)	



Question Three:
How important do you think political participation is with regards to serving the following aims?

No.	Contributing to:	Degree of importance
		1. Not at all important 2. Not very important 3. Moderately important 4. Very important 5. Don't know
3.1	The consolidation of democracy as a social norm	
3.2	The consolidation of democracy as a political norm in the political system of my place of residence	
3.3	The promotion of Palestinian political parties and factions	
3.4	Changing the traditional leadership	
3.5	Renewing/ developing strategies with regards to the struggle for national liberation	
3.6	Improvement of the living conditions (incorporating access to social and economic rights) of the Palestinian people	
3.7	Improvement of the living conditions of my family	
3.8	In order to raise awareness of political issues and human rights	
3.9	To ensure that the youth's category is represented properly	
3.10	To achieve personal political ambitions	
3.11	To achieve personal feelings of contentment and positivity	

Question Four:
In your opinion, to what extent do the following parties/ factors affect your personal political participation?

No.	Actors & Factors	Degree of influence
		1. No influence 2. Weak influence 3. Moderate influence 4. Large influence 5. Don't know
4.1	Rules, regulations and laws regulating political participation	
4.2	The Palestinian political ruling class	
4.3	Party political leadership	
4.4	The quota systems in place amongst Palestinian factions and political parties	
4.5	Marginalization of the PLO in favor of the PA	
4.6	The system of Israeli colonialism	
4.7	The Oslo agreements and their outcomes	
4.8	The geographic scattering (diaspora) of the Palestinian people	



4.9	Palestinian division (Fatah-Hamas)	
4.10	The absence of a national liberation strategy	
4.11	The PA's focus on relations with foreign governments	
4.12	Increased normalization policies between Israel and Arab states	
4.13	The influence exerted by powerful states in international bodies and forums	

Question Five:
In your opinion, do you believe that the following factors or interventions could contribute to improving Palestinian youth political participation?

No.	Possible influential factors/ interventions	Answer
		1. Yes 2. No 3. Don't know
5.1	Allocating a more representative share for youth within official political bodies, as well as in other participatory contexts as available in place of residence	
5.2	Reforming the PLO with a new emphasis on a democratic-consensual scheme, as well as youth equity	
5.3	Reforming the PLO by way of National Council democratic elections in which Palestinians in all locations may participate	
5.4	Improving youth representation in PA institutions	
5.5	Democratizing the organizational structures of political parties and factions	
5.6	Activation of informal organizations (unions, popular committees etc.)	
5.7	Creating new bodies more suitable for youth participation	
5.8	Participation through community movements	
5.9	Social media activism	
5.10	Participation in public activities	
5.11	Other factors (please specify)	

Other comments from the respondent regarding political participation:

Researcher's observations regarding the respondent, his/her answers, or any other comments:



APPENDIX 3:

OUTCOMES OF THE QUESTIONNAIRE ON PALESTINIAN REFUGEE YOUTH POLITICAL PARTICIPATION

**Table 1: Percentage Distribution of Youth Participants by Background Characteristics,
March 2022**

Social Background	Country/Area					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Total	100	100	100	100	100	100
Sex:						
Male	50.0	51.0	50.0	50.0	50.0	50.1
Female	50.0	49.0	50.0	50.0	50.0	49.9
Education Level:						
No education	0.0	0.7	1.2	1.6	0.1	0.8
Primary/Preparatory	9.8	11.1	6.6	31.9	16.5	12.0
Secondary	60.8	55.2	44.1	19.7	48.7	45.8
Diploma or Bachelor's	25.6	32.1	47.4	44.4	34.5	40.6
Master's or Doctorate	3.7	1.0	0.6	2.3	0.3	0.8
Employment Status:						
Employed	45.9	50.1	34.7	51.5	43.0	40.6
Unemployed	7.7	6.3	17.1	19.4	14.8	14.9
Trainee/Full-time Student	33.2	22.5	30.6	17.6	23.5	26.8
Full-time Domestic work	13.2	19.7	17.5	11.4	18.4	17.4
Other	0.0	1.3	0.0	0.0	0.3	0.2
Economic Dependency Status:						
Principal breadwinner	14.5	15.8	11.5	12.6	26.2	16.7
Secondary breadwinner	33.7	27.0	26.9	36.1	25.1	27.3
Not dependent	51.8	57.1	61.6	51.3	48.7	56.0
Marital Status:						
Single/unmarried	72.9	73.2	60.6	82.1	56.1	62.5
Married	26.3	25.9	36.1	15.0	36.4	33.2
Divorced/Separated	0.8	1.0	1.6	2.7	7.2	3.3
Widowed	0.0	0.0	1.8	0.3	0.3	1.0



Table .2: Percentage Distribution of Youth Participants Engaged in Political Participation by Region/State and Gender, March 2022

Country/Area	Sex		
	Male	Female	Both
1948 Palestine	98.8	97.6	98.2
West Bank	98.1	95.7	96.9
Gaza Strip	100	95.2	97.6
Lebanon	80.6	79.1	79.8
Jordan	96.6	90.7	93.6
Total	97.4	92.9	95.1

Table 3: Percentage Distribution of Youth Participants Engaged in the Following Avenues, Bodies, and Mechanisms of Political Participation by Region/State, March 2022

Avenue, body or mechanism	Country/Area					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Expressing your personal opinion on public issues via social media platforms	62.9	62.6	45.0	44.3	88.9	61.3
Involvement in or interaction with social media advocacy campaigns	36.6	49.2	53.2	41.5	54.2	51.6
Participation in cultural/artistic activities aimed at preserving national identity	34.4	43.2	23.4	49.8	72.6	43.0
Involvement in CSO work	20.1	33.1	23.6	43.3	59.9	37.0
Contributions, in any form, to Palestinian cultural and intellectual output	64.1	30.7	16.8	32.5	65.9	36.7
Participation in popular actions (demonstrations, sit-ins, marches, vigils, strikes, campaigns, etc.)	22.9	60.1	29.4	56.2	26.5	33.3
Involvement in social movements with social and economic aims	4.6	29.0	20.4	33.1	31.9	25.0
Participation in local elections (Palestinian or non-Palestinian) in my place of residence (municipal/ village council elections, popular committees)	54.8	12.1	0.2	0.9	63.4	23.6
Participation in student council elections	19.4	28.1	20.5	13.7	20.7	20.8
Involvement in union work	10.2	19.8	18.1	6.2	25.6	19.5
Engagement in work organized by Palestinian political parties and factions	0.8	29.2	17.9	22.9	11.7	16.7
Involvement in social movements with purely political aims	2.6	24.4	16.2	17.4	16.9	16.7
Voting or candidacy in general elections in country of asylum (For Palestinians residing in Lebanon, Syria or Jordan)	0.0	0.0	0.0	0.0	23.4	7.2
Participation in Knesset elections (for Palestinians with an Israeli passport)	47.3	0.0	0.0	0.0	0.0	2.2
Voting or candidacy in Palestinian Authority (PA) general elections (e.g. presidential or legislative council elections)	0.0	0.0	0.0	0.6	0.0	0.0
Participation via other avenue/ body/mechanism (please specify)	0.0	0.0	0.0	6.9	0.0	0.5



Table 4: Percentage Distribution of Youth Participants' Perception of the Effectiveness of the Following Avenues, Bodies, and Mechanisms of Political Participation by Gender, March 2022

Avenue, body or mechanism	Male	Female	Both
Contributions, in any form, to Palestinian cultural and intellectual output	54.7	54.8	54.8
Involvement in or interaction with social media advocacy campaigns	55.1	53.4	54.3
Expressing your personal opinion on public issues via social media platforms	53.9	53.9	53.9
Participation in cultural/artistic activities aimed at preserving national identity	54.6	49.5	52.1
Involvement in social movements with social and economic aims	49.5	50.9	50.2
Involvement in CSO work	49.2	50.4	49.8
Participation in popular actions (demonstrations, sit-ins, marches, vigils, strikes, campaigns, etc.)	50.1	49.1	49.6
Involvement in union work	44.8	49.5	47.1
Participation in local elections (Palestinian or non-Palestinian) in my place of residence (municipal/ village council elections, popular committees)	46.9	44.3	45.6
Participation in student council elections	40.6	47.2	43.9
Involvement in social movements with purely political aims	40.8	45.1	43.0
Engagement in work organized by Palestinian political parties and factions	42.0	42.6	42.3
Voting or candidacy in Palestinian Authority (PA) general elections (e.g. presidential or legislative council elections)	43.1	39.3	41.2
Voting or candidacy in general elections in country of asylum (For Palestinians residing in Lebanon, Syria or Jordan)	37.1	39.0	38.0
Participation in Knesset elections (for Palestinians with an Israeli passport)	25.1	27.1	26.0
Participation via other avenue/ body/mechanism (please specify)	20.6	29.4	24.2

Table 5: Percentage Distribution of Youth Participants' Perception of the Effectiveness of the Following Avenues, Bodies, and Mechanisms of Political Participation by Region/State, March 2022

Avenue, body or mechanism	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Contributions, in any form, to Palestinian cultural and intellectual output	79.4	47.9	36.7	66.7	78.9	54.8
Involvement in or interaction with social media advocacy campaigns	65.5	52.6	46.6	64.9	62.8	54.3
Expressing your personal opinion on public issues via social media platforms	49.0	54.6	42.9	65.9	68.6	53.9
Participation in cultural/artistic activities aimed at preserving national identity	65.6	51.4	36.9	70.1	69.6	52.1
Involvement in social movements with social and economic aims	60.2	52.2	39.4	66.4	61.6	50.2
Involvement in CSO work	69.1	49.9	37.6	69.1	62.2	49.8
Participation in popular actions (demonstrations, sit-ins, marches, vigils, strikes, campaigns, etc.)	57.6	59.0	36.1	68.3	62.1	49.6
Involvement in union work	67.0	43.3	39.3	56.3	56.0	47.1
Participation in local elections (Palestinian or non-Palestinian) in my place of residence (municipal/ village council elections, popular committees)	64.9	61.0	35.9	53.1	51.1	45.6
Participation in student council elections	35.6	50.4	36.2	54.9	52.6	43.9
Involvement in social movements with purely political aims	38.9	42.1	34.2	44.3	57.0	43.0
Engagement in work organized by Palestinian political parties and factions	44.0	40.6	36.1	45.7	51.6	42.3
Voting or candidacy in Palestinian Authority (PA) general elections (e.g. presidential or legislative council elections)	55.0	55.6	33.8	58.6	43.2	41.2
Voting or candidacy in general elections in country of asylum (For Palestinians residing in Lebanon, Syria or Jordan)	59.0	37.0	33.3	47.2	42.6	38.0
Participation in Knesset elections (for Palestinians with an Israeli passport)	23.0	26.0	30.7	19.5	16.1	26.0
Participation via other avenue/ body/mechanism (please specify)				47.8	22.6	24.2



Table 6: Percentage Distribution of Youth Participants Not Engaged in Political Participation by Region/State and Gender, March 2022

Country/Area	Sex		
	Male	Female	Both
1948 Palestine	1.2	2.4	1.8
West Bank	1.9	4.3	3.1
Gaza Strip	0.0	4.8	2.4
Lebanon	19.4	20.9	20.2
Jordan	3.4	9.3	6.4
Total	2.6	7.1	4.9

Table 7: Percentage Distribution of Youth Participants' Reasons for Not Engaging in Political Participation by Gender, March 2022

Factors/Reasons for Lack of Participation	Male	Female	Both
Lack of trust in official Palestinian (PA or PLO) bodies and avenues through which I could participate	74.1	90.3	85.5
Ineffectiveness of official bodies and avenues affiliated with the PA	72.1	87.3	82.9
Lack of confidence in civil avenues and bodies (e.g. networks, platforms, forums) available in place of residence as an effective means of pursuing my rights as enshrined in the UN treaties	65.1	88.3	81.5
Difficulty of participating in/ through official avenues and bodies affiliated with the PA	58.0	86.8	78.3
Lack of opportunities to participate in/ through official avenues and bodies available in my place of residence (e.g. parliament, professional associations, government committees)	66.9	77.9	74.7
The inefficacy of political participation as a means of influencing the international community to achieve, social, economic and human rights	67.2	77.0	74.1
The inefficacy of political participation as a means of influencing the international community to help achieve Palestinian national rights of return and self-determination	65.3	77.2	73.7
Lack of trust in existing Palestinian political factions and parties	67.6	70.5	69.7
Lack of confidence in participating in/ through bodies and avenues other than the PLO/ PA/ political factions (e.g. unions, NGOs, community movements, and committees).	58.9	65.2	63.4
Impropriety at present of Palestine Liberation Organization (PLO) bodies as regards providing means of pursuing national liberation and return	52.4	62.8	59.7



Table 8: Percentage Distribution of Youth Participants' Reasons for Not Engaging in Political Participation by Region/State, March 2022

Factors/Reasons for Lack of Participation	Country/Area					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Lack of trust in official Palestinian (PA or PLO) bodies and avenues through which I could participate	0.0	100.0	100.0	60.1	100.0	85.5
Ineffectiveness of official bodies and avenues affiliated with the PA	0.0	100.0	100.0	50.3	100.0	82.9
Lack of confidence in civil avenues and bodies (e.g. networks, platforms, forums) available in place of residence as an effective means of pursuing my rights as enshrined in UN treaties	81.7	69.1	100.0	57.0	94.8	81.5
Difficulty of participating in/ through official avenues and bodies affiliated with the PA	0.0	69.1	100.0	50.7	95.6	78.3
Lack of opportunities to participate in/ through official avenues and bodies available in my place of residence (e.g. parliament, professional associations, government committees)	30.4	56.4	84.7	48.7	94.8	74.7
The inefficacy of political participation as a means of influencing the international community to achieve, social, economic and human rights	36.6	100.0	100.0	40.6	86.9	74.1
The inefficacy of political participation as a means of influencing the international community to help achieve Palestinian national rights of return and self-determination	66.9	100.0	100.0	38.4	86.1	73.7
Lack of trust in existing Palestinian political factions and parties	0.0	38.2	15.3	64.2	100.0	69.7
Lack of confidence in participating in/ through bodies and avenues other than the PLO/ PA/ political factions (e.g. unions, NGOs, community movements, and committees).	15.2	74.5	30.7	41.1	90.5	63.4
Impropriety at present of Palestine Liberation Organization (PLO) bodies as regards providing means of pursuing national liberation and return	0.0	43.6	100.0	39.4	65.8	59.7
Difficulty accessing PLO bodies in order to participate through them	0.0	56.4	84.7	29.3	71.0	57.4
Lack of means/opportunities for participation in place of residence	0.0	38.2	15.3	38.3	90.5	57.1
General satisfaction with my present available human rights situation	0.0	69.1	100.0	18.2	47.5	46.8
Lack of interest in public affairs	66.5	69.1	15.3	53.6	44.0	45.0
Repression or sanctions for participatory activities in place of residence	0.0	69.1	84.7	28.9	8.7	30.7
Other reason(s) for not being politically involved (please specify)	0.0	0.0	15.3	8.6	0.0	5.2



Table 9: Percentage Distribution of Youth Participants' Aims and Goals for Political Participation by Gender, March 2022

Aims Behind Political Participation	Male	Female	Both
The consolidation of democracy as a political norm in the political system of my place of residence	63.4	65.7	64.5
To ensure that the youth's category is represented properly	64.2	59.3	61.8
The consolidation of democracy as a social norm	61.7	61.4	61.6
In order to raise awareness of political issues and human rights	61.9	59.5	60.7
Improvement of the living conditions of my family	59.9	59.2	59.6
To achieve personal feelings of contentment and positivity	61.6	57.6	59.6
Renewing/ developing strategies with regards to the struggle for national liberation	57.6	61.5	59.5
Improvement of the living conditions (incorporating access to social and economic rights) of the Palestinian people	55.7	59.7	57.6
To achieve personal political ambitions	58.0	56.2	57.1
The promotion of Palestinian political parties and factions	55.9	57.1	56.5
Changing the traditional leadership	57.1	52.7	54.9

Table 10: Percentage Distribution of Youth Participants' Aims and Goals for Political Participation by Region/State, March 2022

Aims Behind Political Participation	Country/Area					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
The consolidation of democracy as a political norm in the political system of my place of residence	82.1	70.6	58.4	75.6	67.9	64.5
To ensure that the youth's category is represented properly	74.5	68.4	57.1	87.7	60.6	61.8
The consolidation of democracy as a social norm	82.4	75.1	52.1	80.7	66.1	61.6
In order to raise awareness of political issues and human rights	78.2	68.0	52.0	88.3	64.8	60.7
To achieve personal feelings of contentment and positivity	49.8	75.1	53.3	83.9	62.0	59.6
Improvement of the living conditions of my family	32.5	68.9	57.7	85.8	58.2	59.6
Renewing/ developing strategies with regards to the struggle for national liberation	76.2	59.5	53.1	82.6	63.8	59.5
Improvement of the living conditions (incorporating access to social and economic rights) of the Palestinian people	48.0	71.4	49.6	91.3	61.3	57.6
To achieve personal political ambitions	55.7	61.5	50.6	56.1	66.5	57.1
The promotion of Palestinian political parties and factions	69.0	55.2	54.0	75.8	56.4	56.5
Changing the traditional leadership	63.6	59.4	47.8	72.7	60.9	54.9



Table 11: Percentage Distribution of Actors and Factors that Influence Youth Political Participation by Gender, March 2022

Actors / Factors	Male	Female	Both
Palestinian division (Fatah-Hamas)	68.7	69.0	68.9
The absence of a national liberation strategy	57.7	64.4	61.0
The geographic scattering (diaspora) of the Palestinian people	61.2	58.8	60.0
The Oslo agreements and their outcomes	53.1	52.6	52.9
The system of Israeli colonialism	51.1	52.2	51.6
The PA's focus on relations with foreign governments	46.0	47.0	46.5
Party political leadership	43.2	45.1	44.1
The Palestinian political ruling class	42.4	43.4	42.9
Rules, regulations and laws regulating political participation	43.2	41.9	42.5
Increased normalization policies between Israel and Arab states	43.6	40.5	42.1
Marginalization of the PLO in favor of the PA	39.3	42.4	40.8
The quota systems in place amongst Palestinian political parties and factions	40.8	38.1	39.5
The influence exerted by powerful states in international bodies and forums	38.8	38.4	38.6

Table 12: Percentage Distribution of Actors and Factors that Influence Youth Political Participation by Region/State, March 2022

Actors / Factors	Country/Area					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Palestinian division (Fatah-Hamas)	75.9	55.0	58.2	83.3	87.6	68.9
The absence of a national liberation strategy	84.5	53.2	54.3	79.4	68.2	61.0
The geographic scattering (diaspora) of the Palestinian people	74.6	37.5	53.0	81.4	73.3	60.0
The Oslo agreements and their outcomes	62.3	37.5	55.2	79.1	48.7	52.9
The system of Israeli colonialism	81.7	48.4	53.5	76.9	41.0	51.6
The PA's focus on relations with foreign governments	56.0	40.4	47.2	71.9	41.7	46.5
Party political leadership	71.8	49.3	54.3	55.4	19.4	44.1
The Palestinian political ruling class	43.6	58.6	51.6	61.2	20.0	42.9
Rules, regulations and laws regulating political participation	67.4	66.9	44.0	54.7	25.7	42.5
Increased normalization policies between Israel and Arab states	37.3	25.9	48.2	79.3	32.0	42.1
Marginalization of the PLO in favor of the PA	44.1	42.4	50.9	63.3	19.7	40.8
The quota systems in place amongst Palestinian political parties and factions	28.0	40.6	50.1	65.5	18.5	39.5
The influence exerted by powerful states in international bodies and forums	24.6	37.6	48.1	75.7	19.3	38.6



Table 13: Percentage Distribution of Factors or Changes that may Contribute to Advancing Youth Political Participation by Region/State, March 2022

Possible Influential Factors/ Interventions	Country/Area					
	1948 Palestine	West Bank	Gaza Strip	Lebanon	Jordan	Total
Improving youth representation in PA institutions	91.1	80.9	70.7	85.3	90.8	79.6
Reforming the PLO with a new emphasis on a democratic-consensual scheme, as well as youth equity	75.6	82.4	69.9	84.0	90.4	78.4
Allocating a more representative share for young people within official political bodies, as well as in other participatory contexts as available in place of residence	96.9	72.6	64.6	88.5	95.6	77.6
Participation in public activities	65.7	76.9	65.2	85.3	88.5	74.6
Activation of informal organizations (unions, popular committees etc.)	96.5	66.6	65.3	73.2	85.9	73.5
Democratizing the organizational structures of political parties and factions	84.4	68.8	67.4	79.1	78.2	72.2
Reforming the PLO by way of National Council democratic elections in which Palestinians in all locations may participate	53.1	71.2	62.6	81.7	88.9	72.0
Social media activism	48.5	70.0	62.7	75.2	87.6	71.0
Participation through community movements	62.4	72.1	55.2	83.6	90.6	69.5
Creating new bodies more suitable for youth participation	84.3	72.2	57.3	83.5	76.7	67.5

In the three years since the last survey, the Palestinian people have experienced an ever more repressive and limited space within which to collectively demand and exercise their national and individual rights. This has been characterized principally by the rapid advancement of Israeli repressive colonial-apartheid policies throughout Mandatory Palestine, and coupled with the renewed attacks on the rights and capabilities of Palestinian refugees and political and human rights activists, particularly via the increase of conditional funding requirements placed on UNRWA and Palestinian civil society organizations (CSOs), along with the criminalization of six Palestinian CSOs and the aggressive escalation of murder, harassment, and arrest and torture of Palestinian youth. It is in this context that BADIL elected to focus this survey on one of the most essential tools used in the realization of Palestinian rights and in the struggle against Zionist-Israeli colonization: the political participation of Palestinian youth, particularly refugee youth.