

## **Al-Nakba: The Continuing Catastrophe**

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

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The following is the first of a three-part series on the Palestinian Nakba, the continuing catastrophe.

National days, anniversaries and holidays usually celebrate positive events--the end of a war, the signing of a peace treaty, the birth date of a famous historical figure. Palestine's day of commemoration, 15 May, observes the start of an on-going catastrophe, not a fixed, one-time event. On the same date, Israel celebrates its declaration of independence.

Al-Nakba day marks the mass expulsion and dispossession of the Palestinian people during the 1948 conflict and war in Palestine. It is also a demand for the respect of human rights and rule of law, especially the right of refugees and internally displaced Palestinians to return and repossess their homes, lands and properties.

For most Palestinians the Nakba is a continuing catastrophe with daily military attacks, house demolitions, land confiscation, expanding Jewish colonies, broken promises and make believe withdrawals from Palestinian territory. The following is a brief overview of the events leading up to the Nakba--the catastrophe--and the process and scope of displacement and dispossession.

### **Prelude to the Nakba**

In 1922 the League of Nations gave temporary administration of Palestine, formerly part of the Ottoman Empire, to Great Britain. The Mandate System was set up to facilitate the independence of indigenous peoples in non-self-governing territories. In Palestine, however, the Mandate had the objective of encouraging colonization through Jewish immigration and settlement "to secure the establishment of the Jewish national home".

Palestinian Arab opposition to the Mandate and foreign colonization led to a series of uprisings in the 1930s and 1940s. In response, the British administration brought in draconian laws to suppress the unrest. Thousands of homes were demolished. Thousands of Palestinians actively opposed to foreign rule and colonization were expelled or forced to seek refuge outside the country. Farmers, especially in areas targeted for intensive Jewish colonization, lost huge amounts of arable land.

By 1947, Britain had concluded that Palestine was ungovernable and told the United Nations it intended to leave. Rather than following established procedures for the future status of mandate territories, the UN General

Assembly convened a special committee to study the issue and make recommendations on the future of Palestine.

On 29 November 1947 the General Assembly adopted Resolution 181(II) calling for the division of Palestine into two states, against the wishes of the majority of the indigenous Palestinian Arabs. They wanted an independent and democratic state based on the rule of law. Due to the dispersion of both Arabs and Jews throughout the country, there was no way to make the division along strict demographic lines.

The proposed Jewish state had 498,000 Jews and 497,000 Palestinian Arabs, in effect, a bi-national state. The proposed Arab state had 725,000 Arabs and 10,000 Jews. Jerusalem, designated an international zone, had 105,000 Arabs and 100,000 Jews. The Jewish state had 56 percent of the territory of Palestine and most of the arable land but Arabs held ownership rights to approximately 90 percent of this land.

### **Mass displacement – ethnic cleansing**

Unveiling of the partition plan was followed by the immediate mobilization of Zionist armed militias and Palestinian Arab demonstrations against the plan. Almost a half million Palestinians were displaced between December 1947 and May 1948. The greatest outflow of refugees took place in April and early May 1948 coinciding with the start of operations by Zionist paramilitary organizations. Military operations also came as the United States, the principle backer of Resolution 181, was trying to shelve the partition plan and place Palestine under temporary UN trusteeship.

The Zionist movement declared the establishment of the state of Israel on 15 May 1948. Arab forces from Jordan, Iraq, Syria and Egypt subsequently entered Palestine to help defend the local Arab population. By the time the first Arab-Israeli war ended with the signing of Armistice in 1949, approximately 750,000 Palestinians had become refugees. Some 150,000 Palestinians remained in the areas that had become Israel and several tens of thousands were internally displaced.

Most refugees were displaced by Israeli military forces (including pre-state Zionist militia groups) using tactics violating basic principles of international humanitarian and human rights law: attacks on civilians, massacres and other atrocities; expulsion; and destruction and looting of property. Some 25 per cent of the Palestinians were expelled by Jewish forces; 54 per cent fled under military assault; 10 per cent fled because of psychological warfare, fear of Jewish attack and fear of being caught up in the fighting; 10 per cent from the influence of the fall of a neighboring town but only 1 percent fled on orders from Arab leaders.

### **Scope of Displacement and Destruction**

The Nakba fundamentally altered Palestine. Until 1948, nearly all of the 1.4 million indigenous Palestinian Arabs, the majority in the country, lived within

the borders of their historic homeland. From 1947-49 alone, their numbers were reduced by more than a fifth during armed conflict, the subsequent war and the takeover of land. In this area--78 percent of historic Palestine--the indigenous population was reduced by an estimated 85 per cent.

More than three-quarters of the Palestinian villages within the 1949 armistice lines were destroyed. In several of the districts wholly incorporated into Israel--Jaffa, Ramla, and Beersheba--no Palestinian village remained. From 1948 to the early 1950s the amount of land owned and controlled by Arabs was reduced by more than 70 per cent. Even before the war's end, Israel was distributing refugee homes, possessions and properties to Jewish individuals and organizations for settling Jewish immigrants and to reward prominent Zionists and Jewish military officials.

### **Denationalized and Dispossessed**

In June 1948, Israel blocked the return of refugees and internally displaced Palestinians (IDPs) and denied them housing and property restitution.

The Israeli Foreign Ministry observed that "the most adaptable and best survivors would 'manage' by a process of natural selection and others will waste away. Some will die but most will turn into human debris and social outcasts and probably join the poorest classes in the Arab countries." [State Archives, FM, 2444/19] Only a few Jewish groups and individuals supported refugee return as a key element in peace and reconciliation.

Discriminatory citizenship and nationality laws effectively denationalized Palestinian refugees and prevented their return to their places of origin. Indigenous Palestinian Arabs have to be able to prove (among a list of 5 conditions for those born before the establishment of the state of Israel and 3 conditions for those born after) that they were in Israel on or after 14 July 1952 or are offspring of a Palestinian who meets this condition. Since most Palestinian refugees were displaced outside Israel's borders at this time, they are unable to come back. Israeli laws, however, allow any Jewish person in any place in the world to acquire citizenship in the country. In practice, naturalization of non-Jews is rare.

Israel also adopted a series of discriminatory laws to expropriate and transfer the land and property of Arabs to the state and the Jewish National Fund (JNF). Refugee homes and entire villages were razed to prevent the return of refugees and IDPs. In many cases, forests were planted over village ruins. Land expropriated under these laws is held by the state of Israel and the JNF as the inalienable property of the Jewish people. Together, the state and the JNF have acquired and control 93 percent of the land inside Israel, most of it expropriated from Palestinian refugees.

*The 1950 Absentees Property Law classified Palestinian refugees as "absentees" and internally displaced Palestinians as "present absentees". The Law put properties of both refugees and IDPs under Jewish Israeli ownership through the Custodian of Absentee Properties that then transferred the properties to the Israeli Development Authority.*

## International Response

In December 1948, the UN General Assembly adopted Resolution 194(III) affirming the right of refugees displaced during the conflict and war in Palestine to return to their homes of origin. The resolution affirms three separate rights: right of return, right to housing and property restitution, and the right to compensation. It also proposed two distinct solutions: (1) return, restitution and compensation or (2) resettlement, restitution and compensation. The General Assembly emphasized that these solutions should be guided by the informed choice of each refugee. The resolution also established the UN Conciliation Commission for Palestine (UNCCP) to protect refugees and facilitate solutions for them, based on Res. 194 provisions.

The resolution aspired to remedy widespread violations of international law during the war. "There have been numerous reports from reliable sources of large-scale pillage and plundering, and of instances of destruction of villages without apparent necessity," wrote UN Mediator Count Folke Bernadotte. "It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes."

The resolution won wide support in the General Assembly except from states that had earlier lobbied against the partition of Palestine under Resolution 181. The United States, which had initially pushed for adoption of Res. 181, supported Resolution 194. Commenting on the paragraph on refugees, the US representative to the United Nations observed that the paragraph "endorsed a generally recognized principle and provided a means for implementing that principle." Israel's membership in the United Nations was later conditioned on implementation of Res.194.

With no foreseeable solution to the refugee problem, the General Assembly in late 1949 set up UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to provide basic services for the refugees. UNRWA, established as a temporary organization, still operates in Jordan, Syria, Lebanon, the West Bank and Gaza Strip but has no mandate to protect Palestinian refugees.

Since the Palestinian Arab-Israeli conflict began, the UN Security Council has passed more than 200 resolutions on the subject but the trail of unimplemented resolutions is long. They include Israel's failure to: rescind measures changing the status of Jerusalem; stop deporting Palestinians from the occupied territories; and abide by obligations and responsibilities in the 4th Geneva Convention. General Assembly Res. 194 on the right of return has not been enforced nor has Security Council Res. 242 on withdrawal of Israeli forces from 1967 occupied territories and asking for a just settlement of the refugee problem. Resolutions calling on Israel to comply with under international law have been vetoed more than 50 times by the United States.

**Palestinian refugees receive no protection from the UN High Commissioner for Refugees in areas where UNRWA operates even though neither UNRWA nor any other international body has such a mandate. Those in other areas are refugees under the 1951 Refugee Convention so fall**

under the UNHCR mandate. UNHCR protection is usually limited to help with travel documents, renewal of UNRWA registration cards and facilitation of interim solutions as in recent cases of forced departure from Arab countries. (See BADIL Brief No.7: UNHCR, Palestinian Refugees and Durable Solutions)

## Origin and Population

Palestinians live in all parts of the world but the majority remains in pre-1948 Palestine and neighboring nations. More than 1 million live in Israel, including some 237,000 internally displaced persons and their descendents, making up almost 20 per cent of Israel's population. They are part of the indigenous inhabitants of British mandate Palestine now divided into the state of Israel, and the West Bank, eastern Jerusalem and Gaza Strip occupied by Israel in 1967. Palestinian cities, villages and refugee camps in the latter areas were transferred to a self-governing Palestinian Authority in the middle 1990s. The area, however, remains under Israeli occupation with the bulk of the land under full Israeli military control.

Today there are some 7 million Palestinian refugees and displaced persons including more than 4 million registered with UNRWA and 1.5 million displaced in 1948 but not registered. The world-wide Palestinian population (refugee and non-refugee) is estimated at 9.3 million.

The Palestinian refugee issue still seems a long way from resolution. Peacemaking to date has ignored both human and refugee rights and has excluded Palestinian participation. Recognition of refugee rights entails state obligations but Israel does not accept its obligation to grant equal rights to non-Jewish Palestinians. Palestinian right of return challenges Israel's definition of itself as a Jewish state. But leaving refugee rights out of peace agreements, or subordinating them to political considerations, undermines the prospects for lasting peace and security.

## BADIL and Palestinian Residency and Refugee Rights

BADIL takes a rights-based approach and encourages an understanding of this by supporting research into residency and refugee rights and international law; through advocacy; and by promoting community participation.

### Time Line—To the Nakba and beyond

1878	First Zionist agricultural settlement in Palestine (Petah Tikva)
1882	25,000 Jewish immigrants, mainly from eastern Europe
1895	Theodore Herzl writes of removing Palestinian Arab population
	Jewish Colonization Assoc. (JCA), begins operations in Palestine
1896	Zionist Congress calls for home for Jewish people in Palestine

1897 says	Pamphlet by founder of socialist Zionism, Nahman Syrkin, Palestine "must be evacuated for the Jews".
1900 Palestine	Jewish National Fund (JNF) set up to acquire land in
1904 Tiberias area	Tensions between Zionists and Palestinian farmers in
1905 "grapple	Israel Zangwill states Jews must drive out the Arabs or with the problem of a large alien population..."
1907	First kibbutz established
1908	Tel Aviv founded north of Jaffa
1911 transfer".	Memo to Zionist Executive speaks of "limited population
1917	Balfour Declaration Ottoman forces in Jerusalem surrender to British General
Allenby	
1918	Palestine occupied by Allies under Allenby World War 1 over, Ottoman rule in Palestine ends
1919 independence	Palestinians reject Balfour declaration, demand
Peace	Chaim Weizmann, of the Zionist Commission at the Paris
English"	Conference calls for a Palestine "as Jewish as England is
possible	Other Commission members say "as many Arabs as should be persuaded to emigrate".
pledged to	Winston Churchill wrote "there are Jews, whom we are introduce into Palestine, and who take it for granted that the local population will be cleared out to suit their
convenience".	
1920 organization	Founding of Haganah, Zionist underground military
1922	Protests in Jaffa against large-scale Zionist immigration League of Nations gives Britain the Mandate for Palestine British census of Palestine: 78 per cent Muslim, 11 per cent
1924-28 per cent	Jewish, 9.6 per cent Christian, total population 757,182 67,000 Zionist immigrants, raising Jewish population to 16
1929 by British	Riots in Palestine with 133 Jews, 116 Arabs killed, mainly
1931 Arabs	Irgun (IZI) founded on basis of more militancy against
Jewish	Census shows total population of 1.03 million, 16.9 per cent
1935	Arms smuggling by Zionist groups discovered at Jaffa port
1937	Peel Commission recommends partition of Palestine

leaders, British dissolve all Palestinian political organizations, deport  
1938 establish military courts  
Irgun bombings kill 119 Palestinians  
British bring reinforcements to help suppress rebellion  
1939 Zionist leader Jabotinsky writes: "...the Arabs must make  
room for the Jews in Eretz Israel. If it was possible to transfer the  
Baltic peoples, it is also possible to move the Palestinian Arabs."  
1947 Britain tells newly formed UN that it will withdraw from  
Palestine UN adopts Resolution 181 on partition of Palestine  
Mass displacement of indigenous Palestinian Arabs begins  
1948 Israel declares independence  
First Arab-Israeli War  
UN adopts Resolution 194 on Palestinian refugee right of  
return