

From the 1948 Nakba to the 1967 Naksa

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

National days, anniversaries, holidays usually celebrate positive events but each year Palestinians remember two dates symbolizing the rupture of Palestinian society and the exile of hundreds of thousands to the four corners of the world: May 15, Nakba Day, the 1948 catastrophe and June 6, Naksa Day, the 1967 catastrophe.

Naksa literally means 'setback' or 'relapse' and refers to the second Nakba—the expulsion of Palestinians from West Bank, eastern Jerusalem and Gaza during the 1967 war. It also marks the beginning of Israel's illegal military occupation of these territories. As with observance of Nakba Day, it is also a demand for respect of human rights and rule of law, especially the right of refugees and the internally displaced to return and repossess their homes, lands and properties.

For most Palestinians the Naksa is another stage in a continuing catastrophe with daily military attacks, house demolitions, land confiscation, expanding Jewish colonies, broken promises and make believe withdrawals from Palestinian territory.

Prelude to the Naksa

About 150,000 Arab Palestinians had remained within the area that became Israel in 1948. Hundreds of thousands of others had fled to Lebanon, Syria, Jordan and the parts of Palestine remaining under Arab control. Before 1948 Gaza had about 80,000 residents but the population almost tripled with an influx of more than 200,000 refugees mainly from the Jaffa and Beersheba districts. Palestinians from Haifa and the Galilee area fled north to Syria and Lebanon. Those from the coastal areas including some from Jaffa and Haifa as well as Ramleh and Jerusalem districts fled to what is now known as West Bank or across the Jordan River into the east bank of Jordan.

In 1950, the West Bank was formally annexed to Jordan and administered by Jordan until 1967. After the 1949 armistice, the Egyptian army had remained in Gaza and kept administrative control of the Strip until 1967 except for a brief period in 1956.

The distribution of Palestinian refugees registered with UNRWA in 1951 was: Gaza—199,789, Lebanon--106,753, Syria--80,499, Jordan (including West Bank)--465,450. Immediately after the 1948 conflict and war in Palestine, Israel established a military government in areas of the new Jewish state where Palestinian remained. Its aim was to prevent the return of Palestinian refugees. From the end of the 1948 war until the Suez crisis of 1956 Israeli forces killed some 5,000 Palestinian refugees trying to return to their homes inside Israel.

It is estimated that as of 1957, Israel had approved some 8,000 cases of Palestinians seeking reunification with relatives inside Israel. However, tens of thousands of applications were rejected because they were submitted, according to Israeli authorities, without valid proof of residency. In most cases, documents were lost or destroyed during the 1948 war; Israel did not accept this as a valid reason for lack of documents. The military government also controlled the Palestinian population remaining in Israel by policies of separation and isolation, policies not applied to the Jewish population. The military government was in place until 1966.

New Jewish towns and villages were established on land expropriated from Palestinian refugees and internally displaced Palestinians. From 1948-1967, Jewish settlements inside the boundaries of the new state more than doubled. No new Palestinian towns or villages were established. On the face of it, the new towns and villages provided homes for the hundreds of thousands of Jews arriving in the country from all over the world. The designers and builders of these towns, however, had other aims: prevent return of refugees, keep Jewish control of expropriated Arab land and break up concentrations of Palestinians in Israel.

The ceasefire between Israeli and Arab forces in 1949 did not end the cycle of Palestinian displacement and dispossession. Internally displaced Palestinians who became citizens of the new state were not allowed to return to their villages and farm their lands. Israel expelled Palestinians residing in border areas. The remaining inhabitants of villages partially depopulated during the war were also expelled. This included Iqrit, Bir'am, al-Faluja, Iraq al-Manshiya, Farraddiya, 'Inan, Saffurriya, al-Khisa, Qeitiya, Khirbet Muntar, Ghabsiyya and al-Hamma. By the mid-1950s some 15 per cent of the total Palestinian population inside Israel had been expelled.

A host of new land laws enabled the Israeli government to solidify control over most land in the new state. By the early 1960s Israel had expropriated half the land owned by Palestinians who remained within the territory that had become Israel. Expropriation of land affected three-quarters of all Palestinian landowners. Land classified as 'Israel Lands' under the 1960 Basic Law cannot be transferred either by sale or any other manner. A proposal to call 'Israel lands', 'people's lands' was rejected, as that would necessarily have included all residents of the state including non-Jews. Land expropriated from Palestinian citizens of Israel, moreover, was used primarily for the growth of the Jewish community in Israel and those from the diaspora.

Administration and regulation of planning and building also contained Palestinians by maintaining 'public' (i.e. Jewish) control over vast areas of land, limiting the expansion of existing Palestinian population centers, and settling Jews in border regions and 'internal frontiers' (i.e. areas of dense Palestinian population). So indigenous Palestinian communities had to grow inward and upward, or consider emigration. By 1967, 2.4 million Jews had access to some 18,000 sq. km of land, while the 390,000 Palestinians left had access to only 700 sq. km.

Mass displacement--ethnic cleansing

During the second Arab-Israeli war in June 1967 some 400,000 Palestinians were displaced. Half of them were refugees who had been displaced from the part of Palestine that became Israel during the 1948 war. This second displacement took less than a week. Ninety-five per cent fled to Jordan and small numbers to Lebanon and Syria. About one million Palestinians remained in the West Bank, eastern Jerusalem, and Gaza.

As in the 1948 Nakba, most refugees were displaced by Israeli military forces 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. In Jerusalem, Israeli forces rounded up Palestinian men, forced them onto buses and sent them to Jordan. Some were beaten and then forced to sign papers saying they left voluntarily. At the border, refugees trying to return were shot at.

Scope of Displacement

The Naksa altered the landscape of Palestine once again. About 1.4 million Palestinians lived in West Bank, eastern Jerusalem, and Gaza on the eve of the 1967 war between Israel and neighboring Arab states. Until then, the majority of Palestinians living in the central (except the Jerusalem district) and eastern interior of mandatory Palestine had escaped the large-scale displacement and dispossession of Palestinians living in other areas of the country. This

included Nablus and Ramallah districts and portions of Jenin, Tulkarem, Hebron, Jerusalem and Gaza districts.

More than a third of the Palestinian population of West Bank and Gaza was displaced during the war. By the end of 1967 the proportion of the indigenous Palestinian population outside its homeland had more than doubled. Nearly half of all Palestinians were now living in exile.

Seven villages in West Bank, several refugee camps in the Jericho area, half of the city of Qalqilya, and the Moroccan quarter of Jerusalem's Old City were destroyed. Depopulated and destroyed villages included Imwas, Yalu and Beit Nuba in the Latrun salient west of Jerusalem, and the villages of Beit Marsam, Beit Awa, Jiftlik, and al-Burj. In the period immediately after the 1967 war, Palestinian ownership and control of land fell by nearly 15 per cent in these areas.

Denationalized and Dispossessed

In September 1967 Israel conducted a census in West Bank, eastern Jerusalem and the Gaza Strip. Only Palestinians (and their offspring) registered in the census were considered by Israel to be legal residents of the occupied territories. It is estimated that 60,000 West Bank Palestinians were abroad at the time of the war and so were not included in the census nor were up to 30,000 Palestinian residents of Jerusalem. Administrative measure effectively prevented Palestinians abroad at the time of the war and Palestinian refugees displaced during the war from returning to their homes.

Israeli legislation and military orders in the West Bank and Gaza Strip applied many of the same property laws already in effect inside Israel. Military Order No. 58 Concerning Abandoned Property (Private Property) enabled the government to acquire control of refugee properties in the West Bank. Unlike the 1950 Absentees' Property Law applicable in Israel, the military order for West Bank has no time restrictions and thus enables Israel to continue to apply the Order subsequent to the original displacement of Palestinians from the occupied territories in 1967. Israel took control of state land under Military Order No. 59, Concerning Government Properties.

Israel did not apply these same military orders to eastern Jerusalem. Instead, it applied its own domestic law, under the 1968 Legal and Administrative Matters (Regulations) Law. This law also established procedures for Jews to reclaim lost property in eastern Jerusalem after the 1948 war. Under the same law Palestinian residents of eastern Jerusalem were exempt from the 1950 Absentees' Property Law; however, Palestinians living in eastern Jerusalem who lost properties in western Jerusalem or other areas inside Israel in 1948 were still considered as absentees in regard to their property in these other areas.

International Response

In June 1967 the United Nations Security Council adopted Resolution 237 calling on Israel to ensure the safety, welfare and security of the inhabitants of areas where military operations took place and facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities. This resolution is reaffirmed annually by the General Assembly. Several months later the Security Council adopted Resolution 242 calling for a just settlement of the refugee problem. In July 1967 the General Assembly also requested the UN Relief and Works Agency for Palestine Refugees (UNRWA), established in the aftermath of the 1948 war, to extend emergency relief and assistance to Palestinian refugees displaced in 1967.

During the summer of 1967 the International Committee of the Red Cross (ICRC) facilitated negotiations between Israel and Jordan which hosted the majority of the refugees. Palestinians themselves were not officially represented at these talks. Israel and Jordan agreed to a process whereby refugees could submit applications to return to their places of origin in the occupied territories. Israel, however, retained overall control on admission of the refugees. They were given only a few weeks to file applications. The ICRC asked Israel to extend the process after September 1967 but it refused. Few were able to return and re-establish residence under this short-lived process.

Since the Palestinian-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 of 1948 refugees has not been enforced nor have Security Council Resolutions 237 and 242 on the return of 1967 refugees and withdrawal of Israeli forces from the occupied territories. Resolutions calling on Israel to comply with international law have been vetoed more than 50 times by the United States.

Neither Palestinian refugees displaced in 1948, nor those displaced during the Naksa are protected by the UN High Commissioner for Refugees in areas where UNRWA operates even though no international body has such a mandate. Those in other areas are refugees under the 1951 Refugee Convention and thus under UNHCR's mandate. Protection is usually limited to help with travel documents, renewing 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 most remain in pre-1948 Palestine and neighboring nations. More than 1 million live in Israel, almost 20 per cent of Israel's population. This includes some 237,000 internally displaced Palestinians and their descendents displaced in 1948 and perhaps as many as 100,000 others displaced inside Israel between 1948 and 1967.

They are part of the indigenous inhabitants of British mandate Palestine now divided into Israel, and 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 1990s but the area 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 displaced in 1948 but not registered. It also includes some 750,000 refugees and their descendents displaced in 1967. The world-wide Palestinian population (refugee/non-refugee) is estimated at 9.3 million. The Palestinian refugee issue still seems far from resolution. Peacemaking to date ignores both human and refugee rights and excludes Palestinian participation. Recognition of refugee rights entails state obligations but Israel does not accept its obligation to grant equal rights to non-Jewish Palestinians.

Time Line – From the Nakba to the Naksa

- 1948 – Military government set up where Palestinians remained in Israel
- 1949 – Ceasefire between Israeli and Arab forces, Egypt takes control of Gaza Strip
- 1950 – Jordan takes administrative control of West Bank and eastern Jerusalem
- 1950 – Israel adopts the Law of Return enabling all Jews to live in Israel.
- 1950 – Israeli Foreign Ministry officials propose resettlement of refugees in Libya
- 1950s – Israeli officials call for resettlement of refugees through economic means under the slogan, "If you can't resolve it, dissolve it."
- 1952 – Israel adopts Nationality Law which prevents Palestinian refugees from returning to their homes of origin.
- 1956 – Israel massacres residents of Qalqilya, Kufr Qassem and Khan Younis
- 1956 – Israel occupies the Gaza Strip but forced to withdraw. During the short-lived occupation a committee of officials headed by PM Ben Gurion considers ideas for resettlement of hundreds of thousands of refugees outside Gaza.
- 1960 – Israel adopts Land Law effectively barring transfer of land held by the state to non-Jews.
- 1964 – Palestinian Liberation Organization (PLO) founded.
- 1966 – Israel ends military rule over Palestinians inside Israel.

1966 – Israeli massacre in as-Samu' village

1967 – Six-day June war, Israel occupies West Bank, Gaza, Sinai Peninsula

Population of Palestine/Israel

	<i>Arabs</i>	<i>Jews</i>
1890	530,000	43,000
1922	590,000	84,000
1931	760,000	174,000
1939	900,000	450,000
1948	980,000	650,000*
1954	192,000	1,530,000*
1969	423,000	2,500,000*

* In Israel

Jewish immigration to Israel

1948-51	687,000
1952-57	218,000
1958-63	247,000
1964-67	136,000
Total	1.28 million