

# PLO NEGOTIATIONS AFFAIRS DEPARTMENT

## PALESTINIAN REFUGEES

MAY 2003

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*“No settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged...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 while Jewish immigrants flow into Palestine, and indeed, offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries.” – UN Mediator for Palestine, Count Folk Bernadotte<sup>1</sup>*

### Frequently Asked Questions

#### 1. Who are the Palestinian refugees?

The Palestinian refugees are approximately 726,000 Christians and Muslims (amounting to 75% of the Arab population of Palestine) who resided in what is now Israel and who fled or were expelled prior to, during and after the 1948 War to create a state for Jews in Palestine. They and their descendents are often referred to as the “1948 refugees.” See map: *Population Movements, 1948-1951*, [www.nad-plo.org/maps/populationmovements.htm](http://www.nad-plo.org/maps/populationmovements.htm)

In 1967, an additional 200,000 Palestinians<sup>2</sup> fled their homes in the West Bank and the Gaza Strip when Israel launched a war against Jordan and Egypt, capturing and occupying the West Bank, including East Jerusalem, and the Gaza Strip (the Occupied Palestinian Territories). They and their descendents are often referred to as the “1967 displaced persons.”

Neither the 1948 refugees nor the 1967 displaced persons have been allowed by Israel to return to their homes in what is now Israel and the Occupied Palestinian Territories.

#### 2. How did they become refugees?

Like all refugees, the Palestinians left their homes out of fear for their safety due to the military conflict. Many fled due to direct military assaults on their towns and villages; others were forcibly expelled by Zionist forces. Massacres of Palestinian civilians created an atmosphere of fear that understandably caused many Palestinians to seek safety elsewhere. The most famous massacre occurred in Deir Yassin (not far from what is

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<sup>1</sup> *Progress Report of the United Nations Mediator on Palestine*, UN Doc. A/68, 16 September 1948. Count Bernadotte was assassinated on 17 September 1948 by Jewish terrorists. Yitzhak Shamir reputedly played a role in planning the assassination. He went on to become a Prime Minister of Israel.

<sup>2</sup> Approximately 175,000 of the 1948 refugees became refugees a second time in 1967: PALESTINIAN ACADEMIC SOCIETY FOR THE STUDY OF INTERNATIONAL AFFAIRS, *Palestinian Refugees 1* (2001).

now Israel's Holocaust Memorial) where, by most conservative estimates, Jews murdered more than 100 Palestinian men, women and children.<sup>3</sup>

Israelis understandably have a difficult time accepting that their independence came at the expense of the indigenous Palestinians, who were dispossessed of their homeland and property. Consequently, Israel perpetuates a number of mythologies with respect to the causes of the Palestinian refugee crisis, including: Arab armies ordered the Palestinian refugees to flee; Arab radio broadcasts ordered the Palestinians to leave; Palestinians do not originally come from Palestine, and that the refugee crisis was the result of a war started by Arabs (even though the New York Times documents thousands of Palestinian refugees prior to any Arab invasion). These mythologies have been debunked not only by newspaper reports, UN documents and Palestinian sources, but also by Israeli historians such as Ilan Pappé and Benny Morris.

Most importantly, even if such theories were true, none negates the Palestinian right of return: under international law, refugees have the right to return regardless of the circumstances by which they became refugees.

### **3. How many Palestinian refugees are there?**

Today, the original Palestinian refugees and their descendents are estimated to number more than 6.5 million<sup>4</sup> and constitute the world's oldest and largest refugee population, making up more than one-fourth of the entire refugee population in the world.<sup>5</sup> They include:

- 4 million 1948 refugees who are registered with the United Nations;
- 1.5 million 1948 refugees who are not registered by the United Nations either because they did not register or did not need assistance at the time they became refugees;
- 773,000 1967 displaced persons; and
- 263,000 internally displaced refugees (*see question 5 below for more on the internally displaced*).

See map: *Palestinian Refugees, 2001*, [www.nad-plo.org/maps/refugees6.htm](http://www.nad-plo.org/maps/refugees6.htm)

### **4. Where do the Palestinian refugees live?**

Palestinian refugees live around the world, though most live within 100 miles of Israel's border.<sup>6</sup> Half of the refugees live in Jordan, one-fourth in the Occupied Palestinian Territories, and approximately 15 percent live in Syria and Lebanon. An additional

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<sup>3</sup> BENNY MORRIS, *RIGHTEOUS VICTIMS* 209 (1999).

<sup>4</sup> BADIL, *SURVEY OF PALESTINIAN REFUGEES, 2001-2002* (forthcoming May 2003).

<sup>5</sup> Human Rights Watch, *Refugees and Displaced Persons* (visited 7 January 2003). [www.hrw.org/refugees](http://www.hrw.org/refugees)

<sup>6</sup> BADIL, *Questions and Answers: (Q&A): Palestinian Refugees*, [www.badil.org/Refugees/Answers/questions\\_and\\_answers.htm](http://www.badil.org/Refugees/Answers/questions_and_answers.htm)

263,000 live in Israel. The remainder live scattered around the world, primarily in the rest of the Arab world, Europe and the Americas.<sup>7</sup>

More than 1.3 million Palestinian refugees live in 59 UN-administered refugee camps in the Occupied Palestinian Territories, Jordan, Syria and Lebanon and 12 unrecognized refugee camps: 5 in the West Bank, 3 in Jordan and 4 in Syria.<sup>8</sup> See map: *The Palestinian Diaspora, 1958*, [www.nad-plo.org/maps/thepalestiniandiaspora.htm](http://www.nad-plo.org/maps/thepalestiniandiaspora.htm)

## **5. Why are there Palestinian refugees in Israel?**

In 1948, approximately 32,000 Palestinians left their homes but remained within the borders of what became Israel. These Palestinians have never been allowed to return to their homes and villages in Israel, despite the fact that they are Israeli citizens. Their homes, like the homes of other Palestinian refugees, were either demolished or given to Jews.

## **6. What happened to the property of the Palestinian refugees?**

Following the 1948 war, approximately 531 Palestinian villages and towns were destroyed or resettled by Jews in an attempt to erase any evidence of a non-Jewish history and attachment to Palestine. Many destroyed Palestinian villages were rebuilt as Jewish towns and given Hebrew names. See map: *Palestinian Villages Depopulated in 1948 and Razed by Israel*, [www.nad-plo.org/maps/palvildep.htm](http://www.nad-plo.org/maps/palvildep.htm)

## **7. Have the Palestinian refugees been compensated for their property losses?**

No. Conservative estimates of the current value of Palestinian property stolen or destroyed by Israel run well into billions of dollars, though estimates can vary based on whether non-material losses and compensation for host countries are included.

## **8. Do the Palestinian refugees have the right to return to their homes?**

Yes. Under international law, civilians fleeing a war are entitled to return to their homes. This right is embodied in:

- **UN Resolution 194** - (passed on 11 December 1948 and reaffirmed every year since 1948):<sup>9</sup>

“...the [Palestinian] 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

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<sup>7</sup> BADIL, SURVEY OF PALESTINIAN REFUGEES, 2001-2002 (forthcoming May 2003).

<sup>8</sup> *Id.*

<sup>9</sup> The declaration admitting Israel to the United Nations on 11 May 1949 expressly took note that Israel would implement UN Resolution 194.

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.”

- **Universal Declaration of Human Rights:**

“Everyone has the right to leave any country, including his own, and to return to his country.” (Article 13(2)).

- **International Convention on the Elimination of All Forms of Racial Discrimination:**

“...State Parties undertake to prohibit and to eliminate racial discrimination on all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of...[t]he right to leave any country, including one’s own, and to return to one’s country.” (Article 5(d)(ii)).

- **International Covenant on Civil and Political Rights:**

“No one shall be arbitrarily deprived of the right to enter his own country.” (Article 12(4)).

- **International Practice** - In Bosnia, East Timor, Kosovo, and Rwanda refugees have had their right of return honored. In Kosovo, the right of return was considered a “non-negotiable” issue. See PLO Negotiations Affairs Department, *Double Standards: How the International Community has Taught Israel that it is Above the Law*, [www.nad-plo.org/Double%20Standards%20Report.pdf](http://www.nad-plo.org/Double%20Standards%20Report.pdf)

## **9. Why haven’t the Palestinian refugees been able to return to their homes in Israel?**

Israel refuses to abide by international law with respect to the rights of the indigenous non-Jewish population. Israel defines itself as a “Jewish state” and Palestinian refugees are Christians and Muslims. Jews from all over the world, and even converts to Judaism, are allowed to immigrate to Israel under the “Law of Return,” but in a clear demonstration of religious/ ethnic discrimination, the indigenous Palestinian Muslim and Christian populations are banned from returning to their homes.

## **10. Doesn’t the right of return threaten Israel’s “Jewish character”?**

The end of religious/ ethnic discrimination with respect to the right of return threatens nothing other than discrimination itself. Allowing Christians and Muslims to return to their homes does not negate Jewish historical attachment to Israel nor does it deny the

rights of Jews to immigrate to Israel. The right of return seeks only to address historic injustices and affirm the rights of the indigenous non-Jewish population.

### **11. Why can't the host countries simply absorb the Palestinian refugees?**

The Palestinian refugees are not from the host countries: they are from what is now Israel and have the right to return to Israel. While many countries have granted Palestinian refugees full citizenship, acquiring rights in another country does not negate a refugee's right to return home.

### **12. What has the international community done about the Palestinian refugees?**

The international community has largely supported the Palestinian right of return and the United Nations Relief and Works Agency (UNRWA) which is the primary relief organization responsible for the welfare of the refugees. Nevertheless, the international community has failed to take any concrete measures to force Israel to abide by international law and allow the refugees to return.

### **13. Can't the Palestinian refugee crisis be resolved through financial compensation to alleviate the poverty?**

The term "refugee" does not refer to economic status – it is a legal status: financially successful refugees who have obtained citizenship in other countries are still refugees and still have the right to return. In addition to their right of return, all Palestinian refugees have a right to compensation for their losses.

### **14. How can the 55-year plight of the Palestinian refugees be resolved?**

There can be no comprehensive solution to the Palestinian-Israeli conflict without honoring the rights of Palestinian refugees. Palestinian refugees must be given the option to exercise their right of return, though refugees may prefer other options such as: (i) resettlement in third countries, (ii) resettlement in a newly independent Palestine (even though they originate from that part of Palestine which became Israel) or (iii) normalization of their legal status in the host country where they currently reside. What is important is that the refugees decide for themselves which option they prefer – a decision must not be imposed upon them.

### **15. How was the issue of refugees addressed in negotiations with Israel?**

At Camp David, Israel refused to discuss the issue of refugees, arguing that it bore no responsibility for the creation of the refugee problem or its solution. In December 2000, US President Clinton, through the "Clinton Parameters," adopted the concept of choice but by excluding the most fundamental option of allowing refugees to choose to return to Israel, the Clinton Parameters effectively negated the legal rights of Palestinian

refugees. At the Taba negotiations, Israel continued to press for an abandonment of the right of return. Palestinians should not be the first people in history forced to abandon their right of return.

For additional information on Palestinian refugees, please visit:

**BADIL** - A Bethlehem-based resource center for Palestinian refugee rights. [www.badil.org](http://www.badil.org)

**Shaml** - A refugee rights organization whose mandate is to create regional and global public awareness about the conditions of Palestinian refugees and strengthen links between Palestinian communities in the Diaspora and the homeland. [www.shaml.org](http://www.shaml.org)

**The Palestinian Return Centre** - An independent academic/ media consultancy specializing in research, analysis, and monitoring of issues pertaining to the dispersed Palestinians and their right to return. The site offers a monthly newsletter as well as photo, audio, and video galleries. [www.prc.org.uk](http://www.prc.org.uk)

**UNISPAL** - A searchable database that contains full-text documents of the United Nations relevant to the question of Palestine and the Arab-Israeli conflict, including refugees. [www.domino.org/unispal.nsf](http://www.domino.org/unispal.nsf)

**UNRWA** - The United Nations Relief and Works Agency is the main provider of basic services - education, health, relief and social services - to over 4 million registered Palestine refugees in the Middle East. [www.unrwa.org](http://www.unrwa.org)

**Al-Awda, The Palestine Right to Return Coalition** - A grassroots organization whose objective is to fulfill the right of Palestinians to return to their homeland and their right to full restitution of all their confiscated and destroyed property in accordance with international law. [www.al-awda.org](http://www.al-awda.org)

**Palestine Remembered** - A website created to highlight the towns and villages destroyed by Israel in 1948. [www.palestineremembered.com](http://www.palestineremembered.com)

**Deir Yassin Remembered** - A website created to highlight the Deir Yassin massacre. [www.deiryassin.org](http://www.deiryassin.org)

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