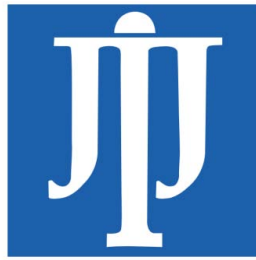


JERUSALEM  
INSTITUTE OF JUSTICE  
CORPORATION FOR THE BENEFIT OF THE PUBLIC

# **FOREVER REFUGEES?**

**A HUMAN RIGHTS-BASED APPROACH TO THE PERPETUATED PALESTINIAN REFUGEE CRISIS**



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## Table of Contents

Executive Summary .....	4
INTRODUCTION .....	5
UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINIAN REFUGEES IN THE NEAR EAST (UNRWA) .....	7
UNRWA & UNHCR.....	8
UNRWA & UNHCR FUNDING .....	9
UNRWA & UNHCR IN FIGURES .....	10
SELF INTEREST AND PERPETUATION .....	11
SECURITY.....	11
DE FACTO GOVERNMENT .....	13
THE POLITICIZATION OF UNRWA .....	13
THE ‘RIGHT OF RETURN’ .....	15
INTERNATIONAL LAW .....	16
LEBANON .....	19
Lebanon and UNRWA.....	19
JORDAN .....	22
Jordan and UNRWA.....	24
EGYPT.....	25
SYRIA.....	27
Syria and UNRWA .....	28
ISRAEL .....	29
Israel and UNRWA.....	30
PALESTINIAN AUTHORITY .....	31
CONCLUSION .....	33
A POSSIBLE SOLUTION .....	33

## EXECUTIVE SUMMARY

The tragic existence of Palestinian refugees continues to be a major obstacle to regional peace and stability. Best estimates approximate that between 700,000-720,000 Palestinian refugees<sup>1</sup> fled or were expelled from what became Israel in 1948 to other parts of the state and to neighbouring Arab countries. Disagreement regarding whether the mass exodus of Palestinians was a pre-meditated plan or an unintended consequence of war shapes the political dialogue. Arab officials have mostly asserted that the Jews forcibly expelled Palestinians to make room for more Jewish immigrants, claiming that it is a tenant of Zionism. Israeli officials maintain that, except for the occasional incident, the vast majority of Palestinian refugees either left their homes voluntarily in the midst of wartime uncertainty or heeded the advice of their local leadership who recommended that they flee.

What is undisputed, however, is that the 5-6 million individuals who have inherited the status of 'refugee' living today throughout the Middle East are, for the most part, condemned to living lives of abject poverty. The policies of the Arab nations discriminate against Palestinian refugees, unjustly trapping them in an economic and social underclass in which they do not enjoy equal access to civil rights, economic and social privileges.

For over 65 years, the Palestinian community has clung to the idea that they will someday be able to return to their homes (an idea that has often been encouraged by the international community). This proposition, known as the 'right of return', is not only a legally and politically unprecedented concept, but it is also logistically impossible. Yet, the idea that Palestinian refugees must be repatriated in Israel has become permanent leverage in the Israeli-Palestinian peace negotiations.

It is long overdue that the international community seriously looks into reforming the unsustainable future of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) and takes positive steps to improve the lives of Palestinian refugees, even in the absence of a long-term political solution. As long as Palestinian refugees are treated as pawns in the Middle East conflict, with their interests held hostage to distant promises of a permanent peace agreement, they will continue to pay the highest price.

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<sup>1</sup> Sela, Avraham. *The Continuum Political Encyclopaedia of the Middle East*. Continuum International Publishing Group, 2002.

## INTRODUCTION



The United Nations Special Committee on Palestine (UNSCOP) was created on May 15, 1947, in response to the British government's request to the General Assembly to "make recommendations under Article 10 of the charter, concerning the future government of Palestine."<sup>2</sup> UNSCOP consisted of representatives of 11 UN member nations to investigate the conflict in Palestine and, if possible, recommend a solution.<sup>3</sup>

UNSCOP's proposed recommendation, known as the *Partition Plan with Economic Union*, was adopted by the General Assembly Resolution 181 (II) on November 29, 1947.<sup>4</sup> Part 1 of the Plan outlined the provisions in which the British Mandate would dissolve when the United Kingdom withdrew from Palestine by the announced date of August 1, 1948. Part II of the Plan outlined the proposed boundaries for both Jewish and Arab states with Jerusalem as

an intentionally administered zone to be shared by both states due to its mutual religious significance.<sup>5</sup>

Jewish leadership in Palestine (through the Jewish Agency) accepted the Partition Plan. The Arab leadership, however, rejected it by way of the Arab Higher Committee and the Arab League.<sup>6</sup> The Arabs argued that it violated the rights of their majority in Palestine, which at the time was 65%, while the mostly European-born Jewish minority was 35%.<sup>7</sup> The Partition Plan was never implemented. Immediately after David Ben-Gurion declared the independence of Israel, war broke out between five Arab nations and the newly declared Jewish state.<sup>8</sup> Between December 1947 and March 1948, approximately 100,000 Arabs

<sup>2</sup> United Nations. (1947, December 31). *Yearbook of the United Nations 1946-47*. Accessed March 20, 2013. Retrieved from <http://unispal.un.org/UNISPAL.NSF/0/6199D7529E2481A385256299006E8E4F>

<sup>3</sup> United Nations. (1947, July 16). Official Records of the Second Session of the General Assembly Supplement No. 11: United Nations Special Committee on Palestine: Report of the General Assembly Volume III Oral Evidence Presented at Public Meeting Lake Success, New York. Accessed March 20, 2013. Retrieved from <http://unispal.un.org/UNISPAL.NSF/0/F8467BB39088EAD085256E9900513CC2>

<sup>4</sup> United Nations. (1947, December 31). *Yearbook of the United Nations 1946-47*. Accessed March 20, 2013. Retrieved from <http://unispal.un.org/UNISPAL.NSF/0/6199D7529E2481A385256299006E8E4F>

<sup>5</sup> Morris, Benny (2003). *The Birth of the Palestinian Refugee Problem Revisited*. Cambridge: Cambridge University Press.

<sup>6</sup> "THE ARAB HIGHER COMMITTEE IS DETERMINED PERSIST [PERSIST] IN REJECTION PARTITION AND IN REFUSAL RECOGNIZE UN[O] RESOLUTION THIS RESPECT AND ANYTHING DERIVING THEREFROM [THERE FROM]. FOR THESE REASONS IT IS UNABLE [TO] ACCEPT [THE] INVITATION."

United Nations Palestine Commission. First Monthly Progress Report to the Security Council, a/ac.21/7, January 29, 1948.

see also

Sela, Avraham. *The Continuum Political Encyclopaedia of the Middle East*. Continuum International Publishing Group 2002.

<sup>7</sup> United Nations. (1947, September 1). *United Nations Special Committee on Palestine*. Retrieved March 12, 2013, from <http://unispal.un.org/UNISPAL.NSF/0/07175DE9FA2DE563852568D3006E10F3>

<sup>8</sup> U.S. Department of State. *History.state.gov/milestones/1945-1952/ArabiIsraeliWar*

(most of whom were upper-middle class) left their homes voluntarily, expecting to return when the Arab armies would become victorious in war.<sup>9</sup>

By the Israeli Declaration of Independence in May 1948, nearly 175,000 Arab residents of Palestine had left their homes. This was primarily due to Jewish attacks on Arab towns and the fear of an impending attack rather than an organized Jewish strategy to expel local residents.<sup>10</sup>

When one Jewish militia, the Hagana, went on the offensive between April and July of 1948, an additional 250,000-300,000 Palestinian Arabs left voluntarily, fled or were encouraged to leave by the Arab Higher Committee (so as not to get in the way of Arab armies).<sup>11</sup> These were mainly residents of Haifa, Tiberius, Beit-Shan, Safed, Jaffa and Akko.<sup>12</sup> The Israeli military offensive, known as Operation Danny, was launched on July 9, 1948, to relieve the Jewish forces in Jerusalem by capturing territory east of Tel Aviv. Between 50,000-70,000 Palestinian Arabs were expelled from the towns of Ramle and Lydda, and pushed towards Ramallah.<sup>13</sup>

The largest military offensive launched by the Jewish militias was Operation Dekel, commencing on July 8 with the objective to capture Nazareth and the lower Galilee. The bombing of the village of Saffuria resulted in widespread panic amongst the villagers, causing the vast majority to flee to Lebanon. After a minor battle, the Arab Liberation Army<sup>14</sup> retreated into the mountains. The inhabitants of Nazareth and surrounding areas were allowed to remain in their homes. Today, they form the core of the Israeli-Arab population.<sup>15</sup> From October to November 1948, Jewish forces launched Operation Yoav to push out the Egyptian Army from the Negev desert, successfully securing Beer Sheva, Hebron and Jerusalem. Operation Hiram was the final military offensive launched by Israel. The operation, aimed at removing the Arab Liberation Army, triggered the flight of 200,000-230,000 Palestinian Arabs.<sup>16</sup>

Folke Bernadotte, the UN mediator in Palestine in 1948, reported that the Palestinian flight "resulted from panic caused by fighting in their own communities, by rumours concerning real or alleged acts of terrorism, or expulsion."<sup>17</sup> Recent studies from some Israeli government declassified archives support Bernadotte's statement; documents show that there was no official policy for the expulsion of Palestinian Arabs, and that those who became refugees (especially in the first months of fighting) did so on their own initiative.<sup>18</sup> It was not until later that Israeli forces became more coercive to get Arabs to leave and to

<sup>9</sup> Morris, Benny (2003). *The Birth of the Palestinian Refugee Problem Revisited*. Cambridge University Press.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid, 590-592.

<sup>12</sup> Ibid, 252.

<sup>13</sup> Ibid, 429-438.

<sup>14</sup> An Arab volunteer army under the command of Fauzi al- Aqwuqji. The aim of this irregular army was to fight the Jewish population in Palestine and to prevent other Arab states from sending their regular armies to the conflict zone. Yitzhak, Ronen. (2008) "Fauzi al-Qawuqji and the Arab Liberation Army in the 1948 War Toward the Attainment of King Abdallah's Political Ambitions in Palestine". In *Comparative Studies of South Asia, Africa and the Middle East* 28(3): 459-466.

<sup>15</sup> Morris (2003) 415-423.

<sup>16</sup> Ibid, 490.

<sup>17</sup> United Nations. (1948, September 16). Progress Report of the United Nations Mediator in Palestine Submitted to the Secretary-General for Transmission to the Members of the United Nations. Accessed March 20, 2013. Retrieved from <http://unispal.un.org/UNISPAL.NSF/0/AB14D4AAFC4E1BB985256204004F55FA>

<sup>18</sup> Sela, p727.

prevent their return. It should be noted that these decisions were not uniformly implemented in the various sectors of the newly formed military.

## UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINIAN REFUGEES IN THE NEAR EAST (UNRWA)

In May 1950, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) began operations as an organ of the United Nations, specifically mandated by Resolution 302 (IV) of the UN General Assembly to, inter alia:

- Carry out direct relief and works programs in collaboration with local governments,
- Consult with the Near East governments concerning measures to be taken preparatory to the time when international assistance for the relief and works projects is no longer available, and
- Plan for the time when relief was no longer needed.<sup>19</sup>

Resolution 393 (V) of 1950 further outlines the General Assembly's expectations concerning the UNRWA's mission among Palestine refugees in the Near East. Paragraph four of the resolution states:

*"The reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available, and for the realization of peace and stability in the area"*

Paragraph five of Resolution 393 (V) calls for the UNRWA to:

*"Establish a reintegration fund which shall be utilized for projects requested... or the permanent re-establishment of refugees and their removal from relief"*<sup>20</sup>

However, UNRWA's modern mandate has changed considerably from its original mission, and today reads as the following:

*"UNRWA's contemporary mandate is to provide relief, human development and protection services to Palestine refugees and persons displaced by the 1967 hostilities in its fields of operation: Jordan, Lebanon, the Syrian Arab Republic, West Bank and the Gaza Strip."*<sup>21</sup>

The modern mandate drops all language that referred to working toward a time when international assistance and relief are either no longer available, or needed. By removing any timeframe for relief efforts, the very purpose of aiding any refugee community is undermined. Despite UNRWA's failure to fulfil its mandate following its inception, the United Nations General Assembly continues to approve UNRWA's revised mandate on a regular

<sup>19</sup> UNRWA. <http://www.unrwa.org/etemplate.php?id=87>

<sup>20</sup> U.N. General Assembly (UNGA) 315<sup>th</sup> plenary meeting. Res. 393 (V). (1950, December 2). New York. *Assistance to Palestine Refugees*.

<sup>21</sup> UNRWA. *Frequently Asked Questions*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=87>.

basis, without the original intention to resettle the refugees. In 2010, the General Assembly voted to extend UNRWA's mandate until June 30, 2014.<sup>22</sup>

## UNRWA & UNHCR

Although UNRWA is an agency specifically dedicated to Palestinian refugees, there is an organization within the UN that is responsible for the remainder of the refugees worldwide. The UN General Assembly established the United Nations High Commissioner for Refugees (UNHCR) on December 14, 1950. The resolution concerning the establishment of a specific UN body that would provide a solution to the large amount of refugees throughout Europe, resulting from World War II, was passed in 1949 in Resolution 319 (IV) A of the UN General Assembly.<sup>23</sup>

The work of UNHCR is founded on several normative frameworks of international law-standards, regional treaties and declarations relative to the needs of refugees worldwide, such as the 1948 Universal Declaration of Human Rights and the Geneva Conventions. The 1951 Convention Relating to the Status of Refugees underpins international refugee law, by re-defining the term 'refugee'.<sup>24</sup>

The fundamental rights included in the 1948 Universal Declaration are applicable to the protection of refugees worldwide. These include the right to life, liberty and security of person and the right to seek and enjoy asylum.<sup>25</sup> By 1950, the General Assembly outlined the work of the UNHCR as a statute in Resolution 428 (V). The Assembly called on the newly formed UNHCR to "provide international protection for refugees" and to "seek permanent solutions to the problem of refugees," also calling for the cooperation of the international community with the office of the High Commissioner.<sup>26</sup> The UNHCR provides support to some 33.9 million refugees throughout the world.<sup>27</sup> This does not include the 4.8 million Palestinian refugees registered with UNRWA. For the purposes of defining who is a refugee, the UNHCR uses the 1951 Convention Relating to the Status of Refugees:

*"Someone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality. And is unable to, or owing to fear is unwilling to avail himself of the protection of that country".<sup>28</sup>*

Resolution 428 (V) of the UN General Assembly clearly depicts what the goals of the UNHCR should be with regards to the world's refugee population. Listed within the resolution are the following:

<sup>22</sup> American Friends of UNRWA. <http://www.unrwausa.org/page.aspx?pid=392>

<sup>23</sup> UNHCR (The UN Refugee Agency). *History of UNHCR: A Global Humanitarian Organization of Humble Origins*. Accessed March 20, 2013. Retrieved from <http://www.unhcr.org/pages/49c3646cbc.html>

<sup>24</sup> <http://www.unhcr.org/3d4aba564.html>

<sup>25</sup> Ibid.

<sup>26</sup> UNGA 325<sup>th</sup> Plenary meeting. Res. 428 (V). (1950, December 14). Statute of the Office of the UNHCR.

<sup>27</sup> UNHCR (The UN Refugee Agency). *Figures at a glance: Know Your Numbers*. Accessed March 20, 2013. Retrieved from <http://www.unhcr.org/pages/49c3646c11.html>

<sup>28</sup> UNHCR (The UN Refugee Agency). *Refugees: Flowing Across Borders*. Accessed March 20, 2013. Retrieved from <http://www.unhcr.org/pages/49c3646c125.html>



*“The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities”.*<sup>29</sup>

The resolution lists several situations in which a person may no longer be considered by the UNHCR as a refugee. A person may no longer hold refugee status if “he has acquired a new nationality, and enjoys the protection of the country of his new nationality”. The resolution also states that refugee status ceases to apply to any person if “he has voluntarily re-availed himself of the protection of the country of his nationality.”

Unlike UNHCR, UNRWA allows the descendants of Palestinian males to be classified as refugees. These refugees were not born in what was known as Palestine before 1948 but the Agency continues to accept new applications from persons who fulfil their criteria.<sup>30</sup> Most Palestinian refugees were born in Jordan, the West Bank, Gaza, Lebanon, Syria and elsewhere. There is no limit to the number of generations who will be eligible for UNRWA assistance:

*“Persons who meet UNRWA’s Palestinian Refugee criteria... are persons whose normal place of residence was Palestine during the period of 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict. Palestinian refugees and descendants of Palestinian refugee males, including legally adopted children are eligible to register for UNRWA services... Once they are registered with UNRWA, persons in this category are referred to as Registered Refugees or as Registered Palestine refugees”.*<sup>31</sup>

Although their mandates were similar to one another at inception, UNRWA’s revised mandate and definition of ‘refugee’ perpetuates aid dependency and promotes a future in which the current conflict cannot be mitigated.<sup>32</sup> While there is always the possibility and expectation of the number of refugees worldwide to diminish, there is no similar possibility for Palestinian refugees based on the current UNRWA’s definition - their numbers will only increase exponentially.

## UNRWA & UNHCR FUNDING

The United States and the European Commission are the largest contributors to both UNRWA and the UNHCR. In 2011, the US contributed over US\$239 million to UNRWA, while the European Commission contributed over US\$175 million. Together, these top donors provided 42% of the income applied to UNRWA’s program budget. UNRWA’s budget for 2011 was US\$1.23 billion for a refugee population of roughly 5 million.<sup>33</sup> By contrast,

<sup>29</sup> UNGA 325<sup>th</sup> plenary meeting. Res 428 (V). (1950, December 14). Statute of the Office of the United Nations High Commissioner for Refugees.

<sup>30</sup> Steven, J.R. (2012). *Why a special issue on UNRWA?* Middle East Quarterly, 19(4), 3-10. Accessed March 20, 2013. Retrieved from <http://search.proquest.com/docview/1081202861?accountid=147304>. (Barcode required).

<sup>31</sup> UNRWA. *United Nations Relief and Works Agency for Palestine Refugees in the Near East*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/userfiles/2010011995652.pdf>

<sup>32</sup> Steven, J.R. (2012). *Why a special issue on UNRWA?* Middle East Quarterly, 19(4), 3-10. Accessed March 20, 2013. Retrieved from <http://search.proquest.com/docview/1081202861?accountid=147304>. (Barcode required).

<sup>33</sup> UNRWA. *About UNRWA*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=47>.

UNHCR's budget for 2012 was US\$3.59 billion for a refugee population of 10.5 million, with contributions from the US and the European Commission respectively at US\$510 million and \$130 million.<sup>34</sup> While the UNHCR employs approximately 7,753 staff members who work in 126 different countries, UNRWA employs 29,000 people, most of whom are refugees themselves.

Despite the establishment of UNRWA as a temporary agency, its evolving mandate and continually-changing purpose and functions, has ensured the renewed endorsement by the UN every three years.<sup>35</sup> While the original mandate focused on reintegration and resettlement as a cooperative endeavour between Western powers and various Arab States, years of disputes and conflicting agendas have kept the Palestinian refugees powerless within their countries of residency, and pushing back the original vision of reintegration, resettlement and peace. The result is that millions of people are taught not to focus on a tangible peace, but rather on the goal of repatriation as citizens within the state of Israel.

### UNRWA & UNHCR IN FIGURES<sup>36</sup>

	UNRWA <sup>37</sup>	UNHCR <sup>38</sup>
<b>Number of refugees served</b>	4.8 million	33.9 million
<b>2012 Budget</b>	1.3 billion USD	3.59 billion USD
<b>Countries of Operation</b>	5	126
<b>Staff Members</b>	28,000	7,685
<b>Staff/Refugee Ratio</b>	1 staff member for every 165 refugees	1 staff member for every 4,411 refugees
<b>\$ per refugee p/a</b>	271 USD	106 USD
<b>Refugee Definition</b>	Anyone who lost their place of residence and means of livelihood as a result of the 1948 war. Any descendants of male Palestinian refugees.	Anyone who is outside his/her country of habitual residence due to a fear of persecution.
<b>Intergenerational Refugee Status?</b>	Yes, indefinitely, through patrilineal descent.	No.
<b>Mandate</b>	To provide humanitarian services to Palestinian refugees.	To protect and resolve refugee problems.
<b>Education/Healthcare Provided?</b>	Yes, UNRWA runs services such as schools, clinics.	Only in certain cases. Countries of refuge are expected to assist.

<sup>34</sup> UNHCR. *Financial Figures*. Accessed March 20, 2013. Retrieved from <http://www.unhcr.org/pages/49c3646c1a.html>

<sup>35</sup> Turkmen, I. (1996). *UNRWA forty-five years later*. UN Chronicle, 33(1), 86-86. Accessed March 20, 2013. Retrieved from <http://search.proquest.com/docview/21815556?accountid=147304>. Barcode required.

<sup>36</sup> The Center for Near East Policy Research Ltd. *Comparative Chart 2011: Palestinian vs. other refugees*. Retrieved March 15, 2013 from <http://israelbehindthenews.com/library/pdfs/UNRWAAchartcomparison.pdf>

<sup>37</sup> UNRWA. About UNRWA. Retrieved March 12, 2013 from <http://www.unrwa.org/etemplate.php?id=248>

<sup>38</sup> UNHCR. (2011). Figures at a Glance. *The UN Refugee Agency*. Retrieved March 12, 2013 from <http://www.unhcr.org/pages/49c3646c2.html>

## SELF INTEREST AND PERPETUATION

Following the assassination of UN mediator Folke Bernadotte, the United Nations General Assembly passed Resolution 194 on December 11, 1948. This resolution instructed the establishment of a Conciliation Commission to achieve a final settlement of all issues in the conflict and facilitate the repatriation, resettlement and rehabilitation of all refugees.<sup>39</sup> The significance of the decision is the interpretation of this resolution as permitting the 'right of return' of Palestinian refugees to their former homes.

As early as the 1950s, however, it became evident that the repatriation of Palestinian refugees was not possible. The only feasible solution was the resettlement of the refugees in the surrounding countries where they resided. Accordingly, measures followed to prepare for transition, which, if accomplished, would include the reform of aid to those countries where the refugees would settle. With the goal of resettlement in mind, and not repatriation, UNRWA set out to train refugees as the Agency planned to introduce various projects that would support resettlement. However, these plans were never implemented as Palestinian refugees were denied citizenship by the countries they resided in, and the Arab League began to demand that the Palestinian refugees be repatriated in Israel.<sup>40</sup>

With the shift in tide, UNRWA became a considerable bureaucracy in the Middle East with an ever-growing budget - financial gain in aid to those countries housing refugees - despite the fact that the Arab nations (with the exception of Jordan) continue to deny Palestinian refugees citizenship. After more than 60 years of operation, UNRWA is now an agency staffed almost entirely by Palestinians. Its services benefit both Palestinian communities and the Arab countries in which they live, making UNRWA a source of financial and socioeconomic support to both refugees and their host countries.<sup>41</sup>

## SECURITY

UNRWA lacks the appropriate accountability that would reduce the possibility of the misappropriation of funds and links to terrorist groups, which undermines its primary role as an aid agency.

The United States Government Accountability Office (GAO) conducted its own assessment of UNRWA based on concern over the agency's cited misuse of US funding. After an audit of UNRWA's operations, a 2009 GAO report found that UNRWA contained key weaknesses. One considerable weakness was its porous vetting system: UNRWA claims to screen staff, contractors and beneficiaries to prevent employing or supporting those with direct links to terror organizations. However, the vetting procedures have proven to be insufficient as they do not take into account major regional organizations like Hamas and Hezbollah (both of whom are classified by the US as terrorist organizations) but focused instead on global groups such as Al-Qaida and the Taliban. The GAO report also found that the Department of State had not yet come up with appropriate criteria to ensure UNRWA's complete

<sup>40</sup> Nachmias, N. (2012). *UNRWA betrays its mission*. Middle East Quarterly, 19(4), 27-35. Accessed March 20, 2013. Retrieved from <http://search.proquest.com/docview/1081202877?accountid=147304>. (Barcode required).

<sup>41</sup> Husseini, J.A. (2010). *UNRWA and the refugees: A difficult but lasting marriage*. Journal of Palestine Studies, 40(1), 6-26. Doi. Accessed March 20, 2013. Retrieved from <http://dx.doi.org/10.1525/jps.2010.xl.1.006>

compliance with its standards.<sup>42</sup> Any violation to this extent by the Agency put it in violation with the Foreign Assistance Act of 1961 which provides in section 301(c) that:

*“No contributions by the United States shall be made to the UNRWA except on the condition that the UNRWA take all possible measures to ensure 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 Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.”*<sup>43</sup>

The GAO’s report lists several situations that have severely compromised the Foreign Assistance Act, including incidents in which the Agency had employed persons directly linked to terrorist groups and activities. Staff affiliation with political parties that espouse anti-Israel and anti-American propaganda compromises UNRWA’s role, furthering doubt as to whether UNRWA seeks to diffuse the historically volatile paradigm that is the Arab-Israeli conflict.<sup>44</sup> During a 2004 interview with the Canadian Broadcasting Corporation, UNRWA’s Commissioner at the time, General Peter Hansen, openly admitted to having Hamas members on UNRWA’s payroll:

*“Oh I am sure that there are Hamas members on the UNRWA payroll and I don’t see that as a crime. Hamas as a political organization does not mean that every member is a militant and we do not do political vetting and exclude people from one persuasion as against another. We demand of our staff, whatever their political persuasion is, that they behave in accordance with UN standards and norms for neutrality.”*<sup>45</sup>

In recent years, numerous cases of UNRWA employees with direct links to terrorist organizations have emerged. Between 2000 and 2004, 13 Palestinians employed by UNRWA were arrested by Israel for direct involvement in terror-related activities. Nahed Rashid Ahmed Attalah was the Director of UNRWA food supply for the Gaza Strip. In 2002, he admitted to using a UN vehicle to transport arms and explosives to members of various terrorist organizations in Gaza. Attalah also admitted to using his *laissez passer* (UN-issued travel document) to travel to Egypt, Jordan, Lebanon and Syria on behalf of the Popular Resistance Committees (PRC), an organization made up of various terrorist cells to collect money from members of the Popular Front for the Liberation of Palestine (PFLP)<sup>46</sup>. Nidal Abd al-Fattah Abdallah Nazzal, an UNRWA ambulance driver, arrested by Israel in 2002, admitted to being a Hamas activist and using his ambulance to transport weapons to terrorists.<sup>47</sup>

<sup>42</sup> U.S. GAO (2009, May). Measures to Prevent Inadvertent Payments to Terrorists under Palestinian Aid Programs Have Been Strengthened, but Some Weaknesses Remain (GAO-09-622). Accessed March 20, 2013. Retrieved from <http://www.gao.gov/assets/290/289897.pdf>

<sup>43</sup> US House of Representatives, US Senate. *Foreign Assistance Act of 1961*. (P.L. 87-195) 75 stat 474.

<sup>44</sup> Romirowsky, Asaf. (2007, Fall). *How UNRWA Supports Hamas*. In Focus Quarterly. Accessed March 20, 2013. Retrieved from <http://www.jewishpolicycenter.org/53/how-unrwa-supports-hamas>

<sup>45</sup> Levitt, M. *Hamas: Politics, Charity, And Terrorism in the Service of Jihad*. Yale University Press, 2007.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

## DE FACTO GOVERNMENT

UNRWA provides education, health care, social services, micro-finance loans, infrastructure, and emergency programs for its five million registered refugees.

*“The core services UNRWA provides are comparable in nature and scope to those provided by a local or national government. With around 29,000 staff, most of whom are Palestine refugees themselves, UNRWA is one of the largest employers in the Middle East. Over 480,000 children go to UNRWA schools, run by around 22,000 Education staff. UNRWA’s 137 Health Centers across the region received over 10 million patient visits last year. The Agency also assists close to 280,000 of the poorest and most vulnerable refugees with additional assistance provided by a reformed Society Safety Net (SSN) programme targeting the poorest of the poor... UNRWA’s direct services are critical for the wellbeing of Palestine refugees throughout the region”.*<sup>48</sup>

According to UNRWA, approximately 53% of its core budget is spent on education and the remainder is divided out among its other programs.<sup>49</sup> Although Palestinians in the West Bank and Gaza have been striving for autonomy, the services provided by UNRWA make the Agency a *de facto* government. This functional sovereignty undermines the role of Palestinian governing authorities in the West Bank and Gaza to create jobs, provide health services and facilitate social programs.

## THE POLITICIZATION OF UNRWA

UNRWA claims to be solely a humanitarian agency that is not involved in Middle East peace negotiations, yet the Agency continues to be vocal regarding Israel’s policies in the West Bank and Gaza, and often reports that Israel is the only cause of Palestinian suffering:

*“The deepening humanitarian need and increasing vulnerability of a large portion of the refugee population are fuelled by the on-going Israeli occupation... The population in the Gaza Strip continues to suffer from the effects of the blockade in effect since 2007, which the International Committee of the Red Cross and UN human rights bodies have referred to as collective punishment of the whole of Gaza’s civilian population”.*<sup>50</sup>

UNRWA’s demands of Israel are political; the organization repeatedly calls on the nation to abandon its policies against the Hamas authority in favour of a policy that poses direct threats to Israel’s security. In a statement made to the UN General Assembly, UNRWA’s Commissioner General, Filippo Grandi, made the following statement:

*“True, the limited easing of some of the blockade restrictions, as previously reported, has helped with reconstruction projects. However, the task of rebuilding the Gaza Strip is made more difficult for UNRWA and other agencies by Israel’s delays in approving projects and complex import and monitoring requirements. Clearly, violence has to end – including rockets launched against civilian communities in southern Israel, which violate international law and*

<sup>48</sup> UNRWA. (2011, August). *Program Budget for 2012-2013*. Accessed March 20, 2013. Retrieved from [http://www.unrwa.org/userfiles/file/financial\\_updates/2011/Blue%20Book%202012-2013.pdf](http://www.unrwa.org/userfiles/file/financial_updates/2011/Blue%20Book%202012-2013.pdf)

<sup>49</sup> UNRWA. *Core Programme Budget*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=248>

<sup>50</sup> UNRWA. *Emergency Appeal 2013*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/userfiles/2013012971846.pdf>

*contribute to instability. The blockade, however, must be lifted, and this does not simply mean easing restrictions to importing building materials, welcome as that has been - but resuming investments, farming, trade and free movement, and especially allowing exports to Gaza's traditional markets of Israel and the West Bank, just to mention a few.*"<sup>51</sup>

Grandi is advocating Israel completely abandon its mechanisms of defense against Hamas, whose founding charter is openly devoted to the destruction Israel, without regard as to whether Hamas chooses to continue the on-going violent aggression towards Israel's civilian population.<sup>5253</sup>

In May 2010, activists boarded vessels bound for Gaza in an attempt to smuggle supplies by circumventing Israel's security blockade. Though Israel previously warned against such measures, John Ging – the then head of UNRWA – encouraged more ships to breach the blockade:

*"We believe that Israel would not stop the vessels because the sea is open, and many human rights organizations have been successful in previous similar steps, and proved that breaking the siege on Gaza is possible."*<sup>54</sup>

The event became an international incident when the passengers aboard the *Mavi Marmara* ship confronted the Israeli Navy.<sup>55</sup> UNRWA's leader encouraged civilians to defy the military of a sovereign state, the consequences of which have had far-reaching effects in the conflict.

Even in the implementation of UNRWA's many services, such as education, there is a distinct lack of neutrality. The children in UNRWA schools follow the host countries' curricula and textbooks. UNRWA claims to supplement these with its own materials on human rights.<sup>56</sup> However, documents presented by the Centre for Monitoring the Impact on Peace (CMIP) exposed considerable incitement to hatred, including anti-Semitism and calls for the destruction of the State of Israel, within textbooks supplied by the Palestinian Authority. The politicization of education of refugees is not limited to school textbooks. In April 2011, the UNRWA Workers' Union made clear their 'adamant opposition' to teaching the Holocaust as part of the human rights education within UNRWA schools in order to prevent 'confusing the thinking' of their students.<sup>57</sup> An UNRWA educational program named a football tournament in February 2010 in honor of terrorist leader Abu Jihad, responsible for the murders of many

<sup>51</sup> UNRWA. (2012, November). *Commissioner-General's statement to the UN's Special Political and Decolonisation Committee*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=1490>.

<sup>52</sup> Hamas Covenant 1988 *"Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it"*. [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp)

<sup>53</sup> Israel Ministry of Foreign Affairs. (2013, July 25). *Rocket fire from Gaza and Palestinian ceasefire violations after Operation Cast Lead*. [http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/Palestinian\\_ceasefire\\_violations\\_since\\_end\\_of\\_Operation\\_Cast\\_Lead.aspx](http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/Palestinian_ceasefire_violations_since_end_of_Operation_Cast_Lead.aspx)

<sup>54</sup> Sherwood, Harriet. (2010, May 25). *Gaza Aid Flotilla to Set Sail for Confrontation with Israel*. The Guardian. Accessed March 20, 2013

<sup>55</sup> Report of the Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla Incident, September 2011 [http://www.un.org/News/dh/infocus/middle\\_east/Gaza\\_Flotilla\\_Panel\\_Report.pdf](http://www.un.org/News/dh/infocus/middle_east/Gaza_Flotilla_Panel_Report.pdf)

<sup>56</sup> [www.unrwa.org/etemplate.php?id=250](http://www.unrwa.org/etemplate.php?id=250)

<sup>57</sup> Marcus, Itamar. (2011, April 27). UNRWA workers "adamantly opposed" to Holocaust education that will "confuse the thinking" of children. *Palestinian Media Watch*. Accessed July 16, 2013. Retrieved from [http://palwatch.org/main.aspx?fi=157&doc\\_id=4937](http://palwatch.org/main.aspx?fi=157&doc_id=4937)

civilians.<sup>58</sup> Other UN programs, such as UNICEF, have also sponsored summer camps glorifying the memory of terrorists.<sup>59</sup>

A US State Department funded study in 2013 criticized both Israel and the Palestinians for the portrayal of the other side in their respective textbooks. In both cases, the study suggested that there exist "unilateral national narratives" and inaccurate geographical representations of their homelands.<sup>60</sup> Both U.S. and Israeli officials, however, subsequently distanced themselves from the report.<sup>61</sup>

## THE 'RIGHT OF RETURN'

The proposition that Palestinian refugees should be able to return to their homes and properties in Israel today is known as the 'right of return'. The argument that Israel must recognise this right is often promoted within international political and public discourse<sup>62</sup>. This concept, however, is not only legally and politically unprecedented, but is also logistically impossible.

According to UNRWA, the number of refugees at the start of their operations in 1950 was 750,000, but due to the unique definition of Palestinian refugees, there are currently approximately 5 million.<sup>63</sup> The demanded 'right of return' does not only call for the recognition of the initial refugees' right to return to their homes but also the right for their descendants to return to a country in which they have never lived.

### Legally and politically unprecedented

The concept of populations shifting to other places *en masse* is not a new one, therefore the Palestinian Right of Return must be examined in the context of the larger, worldwide movement of over 40 million refugees in the years following World War II. This period of time is considered to be the one of the largest population movements in history, where the vast majority of European soldiers, prisoners of war, survivors of the Holocaust and other displaced persons never returned home or reclaimed their property. During the time that Palestinian refugees were departing from Palestine/Israel there was a large influx of Jewish refugees from Europe, Asia and Africa who were fleeing persecution and discrimination.<sup>64</sup> This is not an attempt to directly compare between refugee movements, but rather an attempt to re-evaluate the feasibility of refugees returning to their homes and property in the context of displaced persons in the 20<sup>th</sup> century. The right of return is an post-conflict

<sup>58</sup> Marcus, Itamar & Zilberdik, Nan Jacques (2010, February 18). UNRWA football tournament named after terrorist Abu Jihad. *Palestinian Media Watch*. Accessed July 16, 2013. Retrieved from [http://palwatch.org/main.aspx?fi=157&doc\\_id=1660](http://palwatch.org/main.aspx?fi=157&doc_id=1660)

<sup>59</sup> *Camps named after terrorists*. (2013, 07 23). Retrieved from <http://palwatch.org/main.aspx?fi=362>

<sup>60</sup> Harriet, S. (2013, 02 04). *Israeli and palestinian textbooks omit borders*. Retrieved from <http://www.guardian.co.uk/world/2013/feb/04/israeli-palestinian-textbooks-borders>

<sup>61</sup> Or, K., & Barak, R. (2013, 02 03). *Both israel and palestinians demonize other side in school textbooks, study finds*. Retrieved from <http://www.haaretz.com/news/diplomacy-defense/both-israel-and-palestinians-demonize-other-side-in-school-textbooks-study-finds.premium-1.501166>

<sup>62</sup> Lazaroff, Tovah. (2013, June 11). *Palestinians call for right of return at UNHRC*. The Jerusalem Post. Accessed July 17, 2013.

<sup>63</sup> UNRWA <http://www.unrwa.org/etemplate.php?id=86>

<sup>64</sup> Knell, Yolande. (2012, September 28). *Israel campaign throws spotlight on Jewish refugees from Arab lands*. BBC. <http://www.bbc.co.uk/news/world-middle-east-19714796> Accessed July 17, 2013.

scenario that attempts to ensure that no one profits from the outcome of the conflict. The reality is that conflicts are extremely transformative, and returning to the pre-conflict status quo is impossible.

Practically, the right of return for Palestinian refugees would mean the integration of approximately 5 million refugees within Israel's borders, nearly doubling the population, and completely changing the character of the state. The insistence by both international and Palestinian negotiators that Israel recognise the 'right to return' presents a constant barrier to any possible solution to the Israeli-Palestinian conflict.<sup>65</sup>

## INTERNATIONAL LAW

Despite being legally required to integrate the Palestinian refugees residing in their countries as stated in UN conventions and according to International Law, Arab states repeatedly disregarded this obligation. According to the UN Convention Relating to the Status of Refugees, "the Contracting States shall as far as possible facilitate the assimilation and naturalisation of refugees," and must "make every effort to expedite naturalisation proceedings." With the exception of Jordan, the obligations of assimilation and naturalisation of refugees have not been fulfilled.

This obligation has been continually rejected by Arab states in the region.<sup>66</sup> The League of Arab States' Casablanca Protocol of 1965 sanctions the policy of not integrating the Palestinian refugees into their respective countries of residency. The Arab states agreed to grant Palestinian refugees full citizenship rights but deny them naturalization in their host countries, instead issuing them with refugee travel documents in order to maintain their status as refugees.<sup>67</sup>

The refusal to settle the Palestinian refugees has been stated on the most public platforms. In his speech at the United Nations General Assembly in 2010, Lebanon's President Michel Sleiman rejected the idea of settlement as it would "undermine security and stability" in the country.<sup>68</sup> Lebanese MP Ghassan Moukheiber stated Lebanon's "official policy is to maintain Palestinians in a vulnerable, precarious situation to diminish prospects for their naturalisation or permanent settlement".<sup>69</sup> Egypt recently decided to permit citizenship to some Palestinian refugees, but only those born to Egyptian mothers and Palestinian fathers.<sup>70</sup> These policies

<sup>65</sup> Sabel, Robbie. Manipulating International Law as Part of Anti-Israel "Lawfare", JCPA, 2 June 2013. Retrieved from <http://jcpa.org/article/manipulating-international-law-as-part-of-anti-israeli-lawfare/>

<sup>66</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 11.

<sup>67</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 15.

<sup>68</sup> Mroueh, W., & Nafez, K. (2010, 09 25). *Lebanon news sleiman reiterates refusal to settle palestinian refugees in lebanon*. Retrieved from <http://www.dailystar.com.lb/News/Politics/Sep/25/Sleiman-reiterates-refusal-to-settle-Palestinian-refugees-in-Lebanon.ashx>

<sup>69</sup> Miller, J., & Samuels, D. (2009, 10 22). *No way home: The tragedy of the palestinian diaspora*. Retrieved from <http://www.independent.co.uk/news/world/middle-east/no-way-home-the-tragedy-of-the-palestinian-diaspora-1806790.html>

<sup>70</sup> Abu Tomeh, K. (2011, 12 23). *Arab apartheid*. Retrieved from <http://www.gatestoneinstitute.org/2695/arab-apartheid>



contrast sharply with Jordan, where the majority of Palestinian refugees have been granted citizenship.<sup>71</sup>

UN General Assembly Resolution (UNGAR) 194 and UN Security Council Resolution (UNSCR) 242 have served as the foundations for discussion on settlement of the Arab-Israeli conflict. UNGAR 194 was passed by the General Assembly on December 11, 1948, towards the end of the 1948 war, despite its rejection by the Arab states. It defines principles for solving the refugee crisis by acknowledging the right of return for Palestinian refugees and for reaching a final peace settlement.

Clause 11 of the Resolution states, “*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...*” The Palestinians understood this to mean that any future peace plan must include the comprehensive right of return for all refugees, while Israel disagreed, claiming that the Resolution did not guarantee the unconditional return of refugees. What is often forgotten, however, is that Resolution 194’s call for the resettlement of refugees is not a stand-alone paragraph. The text also calls on parties to protect and allow free access to holy places, the demilitarization of towns and villages surrounding Jerusalem, as well as creating an area of international jurisdiction for Jerusalem.

UN General Assembly resolutions are not legally binding; there can be no obligation or reinforcement of either resolution. Though at first all Arab states rejected UNGAR 194, later they realized its potential and vote for Clause 11 annually.

UNSCR Resolution 242 requires both parties to negotiate and reach an agreement that will resolve the following issues:

- An Israeli withdrawal from territories it had occupied
- New borders would be secure and recognized
- The termination of claims of belligerency by the Arab states and the recognition by all parties of each other’s independence
- Freedom to all nations to access the region’s waterways
- A just and agreed solution to the refugee problem
- The adoption of measures that will guarantee the boundaries established in the agreements<sup>72</sup>

In Resolution 242 the Security Council called on Israel to withdraw to the 1949 Armistice Line. Resolution 242 was not (at first) a binding decision, but due to its acceptance by all relevant parties and its incorporation to all future bilateral regional agreements, it had become binding. It was created to help move the combating parties toward a future long-term ceasefire and eventual agreements.<sup>73</sup> Resolution 242 denounces the “acquisition of territory by war” but does not state that Israel’s possession of land, resulting from the Arab-Israeli 1967 war, is in violation of the aforementioned UN policy.<sup>74</sup> The Resolution calls for a

<sup>71</sup> <http://www.unrwa.org/etemplate.php?id=66>

<sup>72</sup> UNSCR 242, <http://unispal.un.org/UNISPAL.NSF/0/7D35E1F729DF491C85256EE700686136>

For interpretation, see Lapidot, Ruth. Security Council Resolution 242: An Analysis of its Main Provisions, JCPA, 4 June 2007, retrieved on 25 February 2013, <http://jcpa.org/article/security-council-resolution-242-an-analysis-of-its-...>

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

just settlement of the refugee problem but does not define this as the mass return of all refugees to their previous homes.

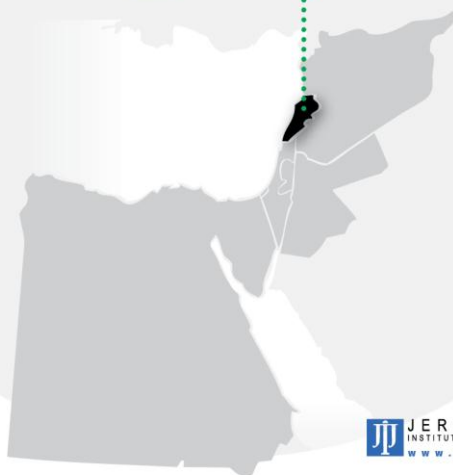
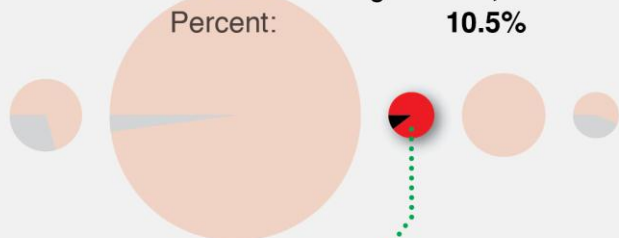
There is no legal status of the 'right of return', based on current international law and UN resolutions. Some would claim this is a matter of deeper discussion and interpretation, but there are no viable examples or existing cases of unequivocal proof. It *is* certain, however, that the countries hosting Palestinian refugees are failing to fulfil their obligations under international law.



General Population: **4,140,000**

Palestinian Refugees: **436,000**

Percent: **10.5%**



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## LEBANON

In the last six decades, Lebanon's native population has grown to over 4 million<sup>75</sup> while its refugee population has expanded to 436,154,<sup>76</sup> roughly accounting for 10% of the general population.

It's estimated that 3,000-5,000 Palestinian refugees in Lebanon have never received any form of legal status. The rest are divided between those registered with UNRWA (416,608) and those who have the same identity cards as UNRWA refugees (10-40,000).<sup>77</sup> Palestinian refugees in Lebanon are eligible for an identity card and a renewable travel document. However, their right to residency and travel is subject to the arbitrary actions of the Lebanese government.<sup>78</sup> Decree No. 17561 of September 1962 incorporated three restrictive principles limiting the refugees' right to work, employment and social security in Lebanon. This ban on Palestinians seeking professional employment continues to this day.<sup>79</sup>

## Lebanon and UNRWA

Unless refugees are registered with UNRWA in Lebanon, they cannot receive government assistance or rations and cannot apply for refugee status.<sup>80</sup> According to UNRWA statistics, by the end of 2009, the number of Palestinian refugees in Lebanon was 425,640, approximately 9% of the total numbers of registered refugees in UNRWA's five fields of operation: Jordan, Lebanon, Gaza Strip, Syria and the West Bank.<sup>81</sup> More than half of the Palestinian refugees registered with UNRWA in Lebanon (53.2%) live in 12 refugee camps, while the rest reside in major towns and settlements outside the camps.<sup>82</sup>

<sup>75</sup> Lebanon (2013, February 5). In *The World Factbook*, Central Intelligence Agency. Accessed Feb 20, 2013. Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/le.html>.

<sup>76</sup> UNRWA. *Lebanon*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=65>

<sup>77</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 24

<sup>78</sup> Refugee Studies Centre, University of Oxford (2010, June). *No Refuge: Palestinians in Lebanon*. Accessed Feb 20, 2013, Retrieved from [http://www.rsc.ox.ac.uk/publications/working-papers-folder\\_contents/RSCworkingpaper64.pdf](http://www.rsc.ox.ac.uk/publications/working-papers-folder_contents/RSCworkingpaper64.pdf)

<sup>79</sup> Ibid.

<sup>80</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 36.

<sup>81</sup> UNRWA. Overview. Accessed Feb 19, 2013. Retrieved from [http://www.rsc.ox.ac.uk/publications/working-papers-folder\\_contents/RSCworkingpaper64.pdf](http://www.rsc.ox.ac.uk/publications/working-papers-folder_contents/RSCworkingpaper64.pdf)

<sup>82</sup> Refugee Studies Centre, University of Oxford (2010, June). *No Refuge: Palestinians in Lebanon*. Accessed Feb 20, 2013, Retrieved from [http://www.rsc.ox.ac.uk/publications/working-papers-folder\\_contents/RSCworkingpaper64.pdf](http://www.rsc.ox.ac.uk/publications/working-papers-folder_contents/RSCworkingpaper64.pdf)

Palestinian refugees residing in refugee camps must submit a written request for permission to move to another camp.<sup>83</sup> The camps are now extremely overcrowded due to the flood of refugees fleeing the violence in Syria. UNRWA plans to “*enhance the environmental health and sanitation systems in camps of host communities where there is severe overcrowding.*”<sup>84</sup>

After 60 years of residing in Lebanon, refugees should have equal rights as Lebanese citizens. In reality their quality of life is significantly worse. The refugee camps in Lebanon “*are considered the worst of the region’s refugee camps in terms of poverty, health, education and living conditions.*”<sup>85</sup> American Relief and Refugee Aid reported that two out of three refugees subsist on less than \$6 per day and that anti-Palestinian discrimination is rampant in areas ranging from healthcare access to housing.<sup>86</sup> 56% of Palestinian refugees residing in Lebanon are unemployed, compared to 14% of Lebanese citizens.<sup>8788</sup> Literacy among refugees is also less than Lebanese citizens (approximately 82%, as compared to 87.4%).<sup>8990</sup>

In 2001, the Lebanese Parliament passed statutes prohibiting Palestinian refugees from owning property – a right they formerly held for decades. This new law not only prevents Palestinians from acquiring new property, but also prevents them from inheriting real estate bought previously.<sup>91</sup> In 2005, Lebanon repealed a ban on Palestinians holding most clerical and technical positions, provided that they obtain temporary work permits from the Labour Ministry. However, more than 20 high-level professions remain off-limits. The Lebanese authorities prohibit Palestinian refugees from working as doctors, dentists, lawyers, engineers or accounts,<sup>92</sup> and in 2009 only 261 of 145,679 of the permits issued to non-Lebanese citizens were granted to Palestinians.<sup>93</sup> This constitutes 0.18% of the work permits, creating *de facto* bar from the national labour force.

In Lebanon, most Palestinian refugees live in sub-standard physical, social and economic conditions and lack basic social and civil rights. The majority are housed in overcrowded (predominantly UNRWA) camps with little or no infrastructure. Refugees have no access to public or social services and have grossly inadequate access to health or educational facilities. With access blocked to Lebanese government hospitals and other health-related

<sup>83</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 38.

<sup>84</sup> UNRWA. (2013, February 22). *UNRWA Syria Crisis Situation Update* (Issue 35). Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=1643>.

<sup>85</sup> UNRWA. *Lebanon*. Accessed Feb 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=65>

<sup>86</sup> Baroud, Ramzy. (2012, June 30). *The Predicament of Palestinian Refugees in Lebanon*. *Foreign Policy Journal*. Accessed Feb 20, 2013. Retrieved from <http://www.foreignpolicyjournal.com/2012/06/30/the-predicament-of-palestinian-refugees-in-lebanon>

<sup>87</sup> Anera, Anera Reports (2012, June). *Palestinian Refugees in Lebanon*. Accessed Feb 12, 2012. Retrieved from <http://www.anera.org/documents/Refugees.pdf>

<sup>88</sup> United Nations. (1949, November 16). *First Interim Report of the United Nations Economic Survey Mission for the Middle East*. Accessed February 20, 2013. Retrieved from <http://unispal.un.org/UNISPAL.NSF/0/3B693EFF5F4E4D4B852577D60051EF13>.

<sup>89</sup> Tiltne, Åge A. (ed.) (2006). *Palestinian Refugees in Syria: Human Capital, Economic Resources and Living Conditions*. Fafo, 2006. Accessed Feb 20, 2013. Retrieved from <http://www.faf.no/pub/rapp/514/514.pdf>

<sup>90</sup> United Nations. (1949, November 16). *First Interim Report of the United Nations Economic Survey Mission for the Middle East*. Accessed February 20, 2013. Retrieved from <http://unispal.un.org/UNISPAL.NSF/0/3B693EFF5F4E4D4B852577D60051EF13>.

<sup>91</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 49.

<sup>92</sup> UNRWA. *Lebanon*. Accessed Feb 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=65>.

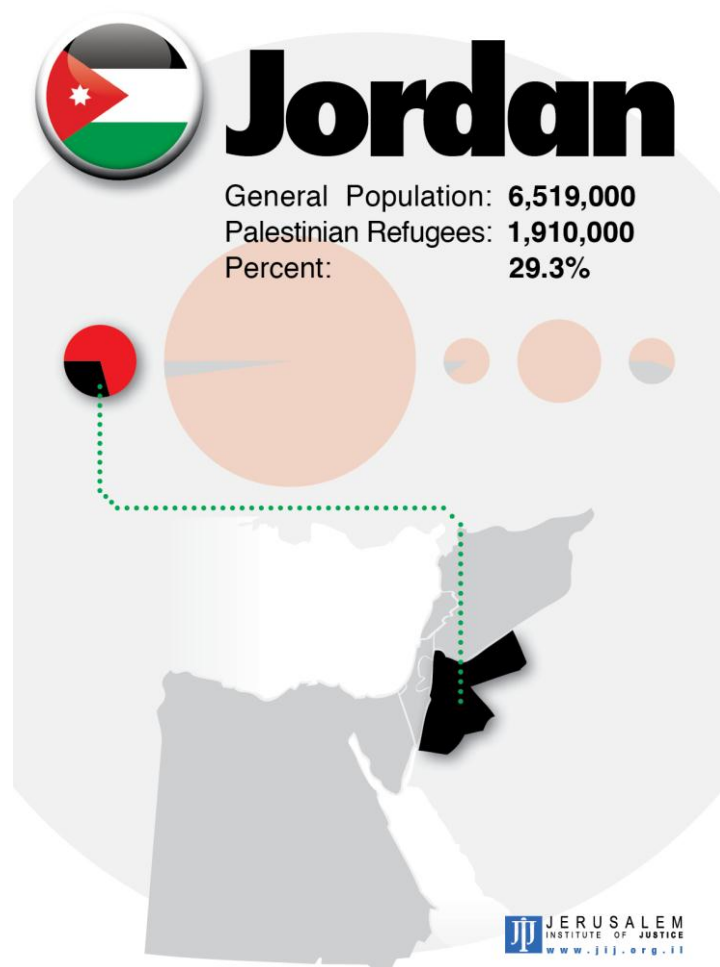
<sup>93</sup> Human Rights Watch. (2010, June 18). *Lebanon: Seize Opportunity to End Discrimination Against Palestinians*. Accessed Feb 20, 2013. Retrieved from <http://www.hrw.org/en/news/2010/06/17/lebanon-seize-opportunity-end-discrimination-against-palestinians>.

services, UNRWA, the Palestinian Red Cross Society (PRCS) and NGOs serve as the main providers of health services for the Palestinian refugees.<sup>94</sup> Only 68 UNRWA schools provide education for over 32,213 Palestinian pupils, only two of which are vocational or technical. There are only 28 primary health care centers, nine women's program centers and one community rehabilitation center serving the nearly half a million refugees (all of which are facilitated by UNRWA). Additionally, approximately 100,000 Palestinian refugees holding Lebanese travel documents, who are outside of the country, now need a visa to re-enter. They are effectively expelled and left homeless and stateless.<sup>95</sup>

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<sup>94</sup> Refugee Studies Centre, University of Oxford (2010, June). *No Refuge: Palestinians in Lebanon*. Accessed Feb 20, 2013. Retrieved from [http://www.rsc.ox.ac.uk/publications/working-papers-folder\\_contents/RSCworkingpaper64.pdf](http://www.rsc.ox.ac.uk/publications/working-papers-folder_contents/RSCworkingpaper64.pdf)

<sup>95</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 38.



## JORDAN

Nealy half - 40% - of all Palestinian refugees reside in Jordan. Jordan was the only Arab country to grant citizenship to Palestinian refugees following the 1948 Arab-Israeli war. A 1954 Jordanian statute granted citizenship to each Palestinian refugee living in the state between 1948 and 1954 with full political rights and access to government services. The integration of Palestinian refugees into Jordanian society was the most thorough and successful of any Arab nation absorbing Palestinian refugees after 1948.

Ethnic tensions between the Hashemite ruling minority and the Palestinian majority existed from the outset, and were amplified in the wake of the 1967 Six Day War, which saw additional refugees (also offered citizenship) entering Jordan from the West Bank. The defining moment in the relationship between Jordan and the Palestinian refugees occurred in September 1970, when the

Palestinian Liberation Organization (PLO) and other Palestinian terrorist groups took deliberate and open action against the Jordanian government. The pinnacle of their hostilities was the attempted assassination of King Hussein and a botched territorial takeover attempt in northern Jordan. Concerned that a Palestinian revolt would dethrone the (Hashemite-minority led) government, Jordanians responded with extreme violence, systematically bombing the headquarters of each terrorist group involved (primarily the PLO and other armed militias). A full-scale war ensued.

This fighting that occurred in the civil war of September 1970, is known in the Arab world as Black September. It was a direct attempt by the PLO and the more radical popular front for the liberation of Palestine to seize control of Jordan. Up to 15,000 Palestinian militants and civilians were killed as a result. In addition, PLO leadership decimated swaths of Palestinian towns and refugee camps, where the PLO has massed weapons, and this led to between 50,000 and 100,000 people whom were left homeless.<sup>96</sup> Swaths of Palestinian towns and refugee camps, where the PLO had massed weapons, levelled, the PLO leadership decimated, and between 50,000 and 100,000 people were left homeless. Arab regimes criticized Hussein for what they

<sup>96</sup> Tristam, Pierre. "What Was the 1970 Jordanian - Palestinian Conflict Known as "Black September?" *ProCon.org*. 22 Feb. 2012. Web. 09 Mar. 2014. <<http://israelipalestinian.procon.org/view.answers.php?questionID=000435>>.

called 'overkill'.<sup>97</sup> In the aftermath, it was understood that King Hussein had saved his administration from a revolution. The Palestinian terrorist groups fled to Lebanon.

In 1988 King Hussein severed all ties between the West Bank and Jordan, thus revoking Jordanian citizenship from Palestinians living in the West Bank. Jordan went on to create a dual card system, categorizing the refugees as Palestinian, rather than Jordanian. The immediate result was that the Palestinians lost their citizenship, without gaining one in its place (the Palestinian legal entity did not yet exist).

Today, Palestinian refugees from 1948 and the 1967 wars comprise 44% of the total Jordanian population.<sup>98</sup> Some reports estimate that this figure is closer to 50%. Those from 1967 are defined as 'internally displaced', as they moved from one part of the country to another.<sup>99</sup> By 1995, 81% of the refugees had dispersed from the camps and integrated into Jordanian society (compared to 35% in 1949). The overwhelming majority of Palestinian refugees (95%) hold Jordanian citizenship. However, Jordan denies citizenship to about 150,000 Palestinians, primarily from Gaza, and others who remained in the West Bank after 1967 and only later came to Jordan. The government issues them temporary passports unless they possess travel documents issued by the Palestinian Authority.<sup>100</sup> Gazan refugees in Jordan, numbering approximately 150,000, have residency status which does not entitle them to any social services that Jordanian citizens are entitled to, such as healthcare, education and the acquisition of a profession.<sup>101</sup> Palestinian refugees who are Jordanian citizens comprise nearly half of Jordan's total population but fill only 18 of 110 seats in the Jordanian parliament and hold only 9 of the 55 Senatorial seats assigned by the King. The UNHCR reports "*although most Palestinians have Jordanian citizenship and many have integrated, Jordan still considers them refugees with a right of return to Palestine.*"<sup>102</sup>

Discrimination against Palestinians in private and public sector employment and education is prevalent. A quota system freezes Palestinian youth out of Jordanian universities and colleges. One in four Palestinian refugees in Jordan (residing both in and out of camps) is unemployed compared to 16% unemployment within the general population. Labor statistics in Jordan reveal that unemployment among Palestinian refugees in 2000 reached about 12% for males and 23.2% for females.<sup>103</sup>

Government security operations disproportionately target Palestinians, particularly operations conducted in the name of fighting terrorism. Amnesty International reported in July 2006 that Jordanian security services were more likely to torture detainees if they were

<sup>97</sup> Ibid.

<sup>98</sup> Arneberg, Marie. (1997). *Living Conditions Among Palestinian And Displaced in Jordan*. Fafo Institute for Applied Social Science. Accessed Feb 20, 2013. Retrieved from <http://almashriq.hiof.no/general/300/320/327/fafo/reports/237.pdf>.

<sup>99</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 22

<sup>100</sup> Minority Rights Group International (2008). *World Directory of Minorities and Indigenous Peoples - Jordan: Palestinians*. Accessed Dec 12, 2012. Retrieved from <http://www.unhcr.org/refworld/docid/49749cfcc.html>

<sup>101</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 23

<sup>102</sup> Minority Rights Group International (2008). *World Directory of Minorities and Indigenous Peoples - Jordan: Palestinians*. Accessed Dec 12, 2012. Retrieved from <http://www.unhcr.org/refworld/docid/49749cfcc.html>.

<sup>103</sup> Palestinian National Authority and Palestinian Central Bureau of Statistics. (2008, June). *The Demographic Characteristics of the Palestinian Refugees*. Accessed Feb 20, 2013. Retrieved from [http://82.213.38.42/Portals/\\_pcbs/PressRelease/FINAL%20COPY%20REFUGEE%20DAY%20Edit.pdf](http://82.213.38.42/Portals/_pcbs/PressRelease/FINAL%20COPY%20REFUGEE%20DAY%20Edit.pdf).

Palestinian.<sup>104</sup> Human Rights Watch reported that thousands of Palestinian refugees in Jordan suffer from arbitrary actions by the Jordanian authorities depriving them of basic human rights, such as revocation of citizenship without warning or due process.<sup>105</sup>

## Jordan and UNRWA

More than two million Palestinian refugees residing in Jordan are registered with UNRWA. Jordan's 10 official UNRWA refugee camps house 359,419 of these refugees, about 17.4% of the total number of Jordan's Palestinian refugees.<sup>106</sup> UNRWA camps in Jordan also house individuals who are not *registered* Palestinian refugees. Of those living in the UNRWA camps in Jordan, 86% are registered with UNRWA. In other words, UNRWA houses individuals both recognized and not recognized as refugees or displaced in Jordan. Camp refugees are comprised of the original refugee descendants from 1948 and displaced persons from Gaza; 15% are displaced persons, 5% are neither refugees nor displaced persons, and 10% of both the refugees and displaced persons are returnees from the Gulf War. UNRWA runs 172 schools with over 115,000 students.<sup>107</sup> School enrolment among the youngest children in the camps is nearly as high as that of other children in Jordan.<sup>108</sup> UNRWA students' results are well above the average at both the elementary and collegiate levels.<sup>109</sup> UNRWA also operates two vocational and technical training centers, providing training to more than 1,300 students.<sup>110111</sup>

Refugees in the camps receive access to basic utilities, health care services and school registration. Within Jordan, UNRWA runs 24 primary health centers, addressing over 50,000 financial hardship cases.<sup>112113</sup> Nevertheless, the quality of life for those residing in the UNRWA refugee camps and those residing outside of the camps is vastly different. Major medical issues, both physical and mental, run rampant inside the camps due to the severe living conditions. Of the men living in the camps, 18% report physical disabilities, a significantly larger number than the 3-4% of men who report the same problems within the population living outside the camps.

<sup>104</sup> Minority Rights Group International (2008). *World Directory of Minorities and Indigenous Peoples -Jordan: Palestinians*. Accessed Dec 12, 2012. Retrieved from <http://www.unhcr.org/refworld/docid/49749cfc.html>

<sup>105</sup> Human Rights Watch. (2010, February). *Stateless Again*. Accessed Feb 19, 2013. Retrieved from <http://www.hrw.org/sites/default/files/reports/jordan0210webwcover.pdf>

<sup>106</sup> Palestinian National Authority and Palestinian Central Bureau of Statistics (2008, June). *The Demographic Characteristics of the Palestinian Refugees*. Accessed Feb 20, 2013. Retrieved from [http://82.213.38.42/Portals/\\_pcbs/PressRelease/FINAL%20COPY%20REFUGEE%20DAY%20Edit.pdf](http://82.213.38.42/Portals/_pcbs/PressRelease/FINAL%20COPY%20REFUGEE%20DAY%20Edit.pdf).

<sup>107</sup> UNRWA. *Jordan*. Accessed Feb 12, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=66>.

<sup>108</sup> Arneberg, Marie. (1997). *Living Conditions Among Palestinian Displaced in Jordan*. Fafo Institute for Applied Social Science. Accessed Feb 20, 2013. Retrieved from <http://almashriq.hiof.no/general/300/320/327/fafo/reports/237.pdf>.

<sup>109</sup> UNRWA. *Jordan*. Accessed Feb 12, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=66>

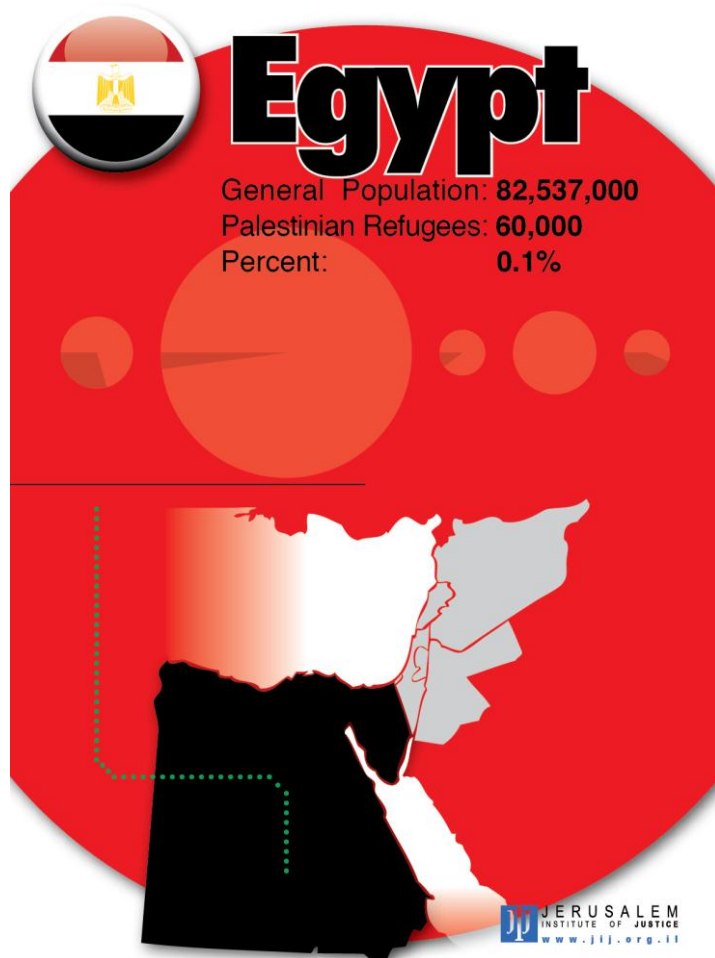
<sup>110</sup> Ibid.

<sup>111</sup> UNRWA. *In Figures*. Accessed Feb 12, 2013. Retrieved from <http://www.unrwa.org/userfiles/20120317152850.pdf>.

<sup>112</sup> Ibid.

<sup>113</sup> UNRWA. *Jordan*. Accessed Feb 12, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=66>.





## EGYPT

Recent research estimates that after the 1948 war, approximately 70,000 Palestinian refugees entered Egypt.<sup>114</sup> This was equal to roughly 1% of Egypt's overall population.<sup>115</sup> Today, the Palestinian refugees in Egypt number between 50,000-70,000, none of which are registered with UNRWA.<sup>116</sup> Under a 1954 agreement between UNHCR and the Egyptian government, UNHCR assumed responsibility for refugee status determination in Egypt. The organization provides protection and assistance to registered refugees.<sup>117</sup> Nevertheless, only a small number of Palestinian refugees in Egypt are registered with UNHCR or UNRWA (which is largely inactive in Egypt).<sup>118</sup> There are no functioning refugee camps in the country.

The majority of Palestinian refugees are considered foreign nationals in terms of rights and benefits, and live unassisted.<sup>119</sup> This is the result of an ongoing series of laws that were passed in Egypt which, though not overtly stated, remove rights from the Palestinian refugees in the country.<sup>120</sup>

A series of laws were passed in 1954 that allowed Palestinians to practice professions under the same standards and regulations as Egyptians. Palestinian refugees who possessed an official Egyptian travel document were formally exempt from the requirement that native workers be given employment priority.<sup>121</sup> Egyptian Law No.66 (1962) was issued to permit Palestinians to work in government and public-sector jobs, and to be treated as nations of the United Arab Republic.

However, Presidential decrees No.47 and 48 (July 1978) negated previous decisions giving Palestinian refugees equal employment status as Egyptian citizens.<sup>122</sup> These laws stipulated that the employment of Arab nations was to be conducted on a reciprocal basis, a condition that stateless Palestinians cannot satisfy.<sup>123</sup> Decree No.43 (1988) determined conditions for

<sup>114</sup> USCRI. *World Refugee Survey 2009: Egypt*. Accessed March 20, 2013. Retrieved from <http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-wrs-country-updates/egypt.html>.

<sup>115</sup> El-Abed, Oroub. (2011, June 8). Al Shabaka The Palestinian Policy Network. *Refugee Issues: The Invisible Community: Egypt's Palestinians: Al-Shabaka Policy Brief*. Accessed March 20, 2013. Retrieved from <http://al-shabaka.org/policy-brief/refugee-issues/invisible-community-egypts-palestinians?page=3>

<sup>116</sup> Khalil, Asem (2009/08). *Palestinian Refugees in Arab States: A Rights-Based Approach*. *CARIM Research Reports*, 20

<sup>117</sup> Grabska 2006, 25

<sup>118</sup> UNRWA (The UN Refugee Agency). *Financial Figures*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/userfiles/20120317152850.pdf>

<sup>119</sup> Grabska 2006, 26-27, <http://www.aucegypt.edu/gapp/cmrs/reports/documents/khalil.pdf>

<sup>120</sup> Asem Khalil, *Palestinian Refugees in Arab States: A Rights-Based Approach* (CARIM Research Reports 2009/08), 37

<sup>121</sup> Takkenberg 1998, 153

<sup>122</sup> Khalil, Asem (2009/08). *Palestinian Refugees in Arab States: A Rights-Based Approach*. *CARIM Research Reports* 39

<sup>123</sup> Khalil, Asem. (2010). *Socio Economic Rights of Refugees: The Case of Palestinian Refugees in Egypt, Jordan, Lebanon, and Syria*. Accessed March 20, 2013. Retrieved from <http://www.aucegypt.edu/gapp/cmrs/reports/documents/khalil.pdf>

granting work permits to foreign nationals.<sup>124</sup> The decree provides special concessions to foreign nationals married to Egyptians for more than five years, anyone of undetermined nationality who has been continuously residing in Egypt for at least 15 years, and political refugees holding a certificate from the Political Refugees Office of the President. Special considerations are also given to foreign nationals who were born in Egypt and who have remained residents in the country.

From the mid-1950s to the mid-1970s, Egypt offered Palestinian refugees access to all levels of public education. However, in 1978, the Sadat government “*cancelled the Nasser-era privileges for Palestinians, and a ministerial decision (from the Ministry of Education) decreed that Palestinian children be transferred from public to private (i.e. fee-paying) schools.*”<sup>125</sup>

Since the early 1980s, new restrictions have been imposed on Palestinian refugees in Egypt with regards to their right to own property.<sup>126</sup> New regulations, with retroactive effect, ended previous ownership of agricultural land.<sup>127</sup> Those who owned land were required by law to terminate their rights within five years or face seizure of the land by the government.<sup>128</sup>

As foreign nationals under the law, Palestinian refugees in Egypt do not have access to medical care or social benefits provided to Egyptian citizens.<sup>129</sup> Recognized refugees are referred by UNHCR to Caritas, where they receive subsidized treatment. However, in February 2005, the Minister of Health issued a new regulation allowing access to public primary and preventive healthcare services for all foreign nationals residing in Egypt.<sup>130</sup>

Many Palestinian refugees who travel outside of Egypt are not allowed to re-enter, as their travel documents require a visa to re-enter (which is often denied).<sup>131</sup> Since 1990, the Egyptian government has implemented a series of restrictions on Palestinian refugees, including refusal to renew citizenship or travel documents and prevention of Palestinian refugees from enrolling in public schools (or overcharging them for educational costs).<sup>132</sup>

Egyptian law grants permanent residency status only to those who can prove a reason for remaining in the country, such as education, employment, business or marriage to an Egyptian. This leaves many Palestinians without any status in Egypt and under threat of imminent expulsion.<sup>133</sup>

<sup>124</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 39

<sup>125</sup> El-Abed, Oroub. (2009). *Unprotected Palestinians in Egypt since 1948*. Accessed March 20, 2013. Retrieved from [http://web.idrc.ca/openebooks/443-7/#page\\_104](http://web.idrc.ca/openebooks/443-7/#page_104)

<sup>126</sup> Reeds 2006, 373

<sup>127</sup> Shiblak 1996, 44-45, <http://www.aucegypt.edu/gapp/cmrs/reports/documents/khalil.pdf>

<sup>128</sup> Shiblak 1996, 44-45, <http://www.aucegypt.edu/gapp/cmrs/reports/documents/khalil.pdf>

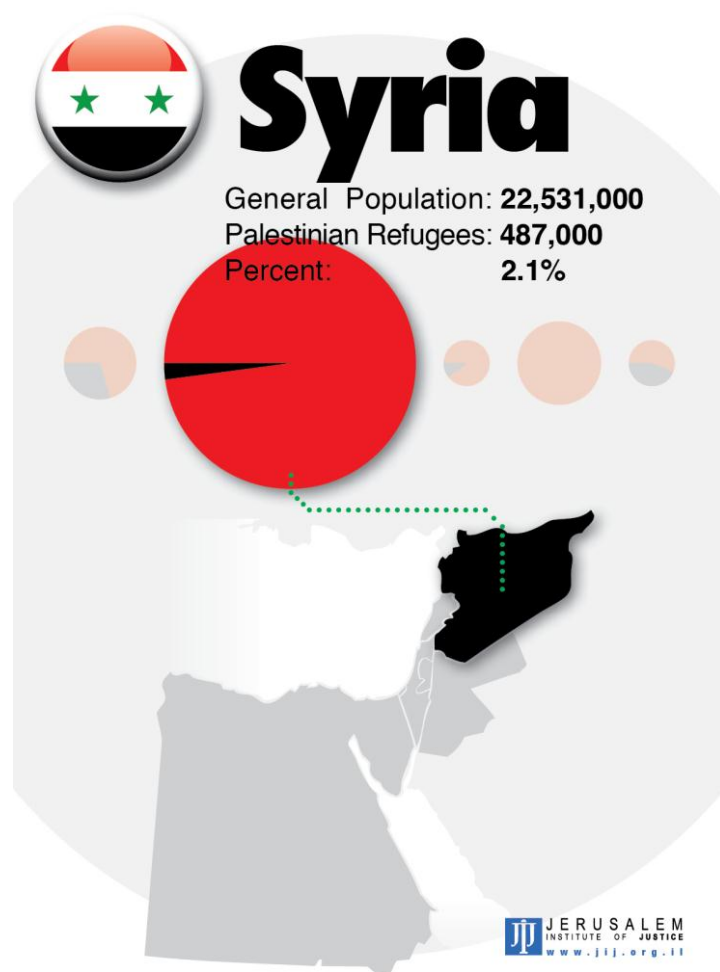
<sup>129</sup> Reeds 2006, 373

<sup>130</sup> Grabska 2006, 23 <http://www.aucegypt.edu/gapp/cmrs/reports/documents/khalil.pdf>

<sup>131</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 39

<sup>132</sup> Ibid, 20.

<sup>133</sup> Ibid, 37.



## SYRIA

Syria has suffered under several dictatorial regimes since its creation in 1946 (predominantly under control of the El-Assad family since 1971).<sup>134</sup> In 1948, Syria's population numbered approximately 3,536,100.<sup>135</sup> Between 85,000 and 90,000 Palestinian refugees sought asylum in Syria.<sup>136137</sup>

Syrian law facilitated the integration of Palestinian refugees in social and economic life, and they continue to enjoy equal status to Syrian citizens.<sup>138</sup> Syrian law technically permits the issuance of national identity cards to Palestinian refugees and access to basic civil rights and social services provided to Syrian citizens including healthcare, education, and the right to purchase land and travel freely. Nevertheless, the reality is that these civil rights and entitlements are severely limited within Syria's restrictive legal scheme.<sup>139</sup> Like other Syrians, Palestinian refugees in Syria are forced into military service, yet cannot vote, nor are they allowed to own multiple homes.<sup>140</sup> Syrian law does not explicitly grant refugees a right to

work but Palestinian refugees can be granted work permits. And while refugees are provided the same social services as Syrian citizens, they suffer from high infant mortality rates and low school enrollment rates.<sup>141</sup> Today, Syria's population has grown to 22,530,746.<sup>142</sup> The Palestinian refugees in Syria now number over 486,000.<sup>143</sup>

A series of anti-governmental demonstrations shook Syria during March of 2011.<sup>144</sup> The result

<sup>134</sup> U.S. Department of State. Diplomacy in Action (2012, May 24). *2011 Human Rights Reports: Syria*. Accessed March 20, 2013. Retrieved from <http://www.state.gov/j/drl/rls/hrrpt/2011/nea/186449.htm#>.

<sup>135</sup> Kettani, Houssain. (2010, June). *World Muslim Population: 1950-2020*. Accessed March 20, 2013. Retrieved from <http://www.pupr.edu/hkettani/papers/WMP.pdf>.

<sup>136</sup> Al-Mawed, Dr. Hamad Said (1999). *The Palestinian Refugees In Syria Their Past, Present and Future*: prepared for the Expert and Advisory Services Fund International Development Research Centre. Accessed March 20, 2013. Retrieved from <http://prrn.mcgill.ca/research/papers/al-mawed.pdf>

<sup>137</sup> United Nations, (1949). *First interim report of the United Nations economic survey mission for the Middle East*. Retrieved from website: <http://unispal.un.org/UNISPAL.NSF/0/3B693EFF5F4E4D4B852577D60051EF13>

<sup>138</sup> Khalil, Asem (2009/08). *Palestinian Refugees in Arab States: A Rights-Based Approach*. *CARIM Research Reports*, 26

<sup>139</sup> Bröning, Michael (2011, March7). *The Sturdy House That Assad Built*. *The Foreign Affairs*. Accessed March 20, 2013.

Retrieved from <http://www.foreignaffairs.com/articles/67561/michael-broening/the-sturdy-house-that-assad-built>

<sup>140</sup> Khalil, Asem (2009/08). *Palestinian Refugees in Arab States: A Rights-Based Approach*. *CARIM Research Reports*.

Accessed March 20, 2013. Retrieved from

[http://cadmus.eui.eu/bitstream/handle/1814/10792/CARIM\\_RR\\_2009\\_08REV.pdf?sequence=3](http://cadmus.eui.eu/bitstream/handle/1814/10792/CARIM_RR_2009_08REV.pdf?sequence=3)

<sup>141</sup> UNRWA. *Syria*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=55>.

<sup>142</sup> Syria (2013, February 20). In *The World Factbook, Central Intelligence Agency*. Accessed March 20, 2013. Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/sy.html>.

<sup>143</sup> UNRWA. *Syria*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=55>.

<sup>144</sup> Razek, Raja and Watson, Ivan. (2012, July). *Syria's Uprising: From Rocks to RPGs*. *CNN*. Accessed July 29, 2012. Retrieved from <http://edition.cnn.com/2012/07/29/world/meast/syria-watson-aleppo>

was an armed conflict between the Syrian military and loyal militiamen with Syrian dissidents demanding wholesale changes to the government.<sup>145</sup> Hundreds of thousands of Syrians have been killed, wounded and displaced since the beginning of the violence. These demonstrations were part of the wider phenomenon now referred to as the *Arab Spring*. This phenomenon consists of citizens in various Arab nations protesting against their quality of life, tethered, in most cases, to an unmet demand for democratization in their respective countries, ruled primarily by autocracies, quasi-democracies and military dictatorships during the last 60 years.

In August 2012, Syrian military forces swept through the al-Ramel Palestinian refugee camp in Latakia, forcing approximately 5,000-10,000 Palestinian refugees to flee to the coast and a nearby stadium while the military terrorized the remaining residents in the camp. As well, 85,000 Syrian Palestinians have crossed over into Lebanon<sup>146</sup>, and 8,000 into Jordan,<sup>147</sup> in an effort to escape the widespread violence and fighting that has engulfed Syria for the last two years.<sup>148</sup> Approximately 235,000 Palestinian refugees are displaced within Syria.<sup>149</sup>

## Syria and UNRWA

UNRWA runs nine official and three unofficial Palestinian refugee camps. Refugees are provided with 188 schools, with 66,586 pupils enrolled in total (with one vocational school in Damascus). There are 23 primary health care centers, five community rehabilitation centers, five women's program centers and five microfinance offices designed to provide small business loans to refugees.<sup>150</sup> Half of the health care centers have been closed due to the conflict.<sup>151</sup>

UNRWA is currently focused on bringing aid to more than 400,000 Palestinians and Syrians in need due to the current upheaval and violence.<sup>152</sup>

<sup>145</sup> Koelbl, Susanne. (2011, March 28). It Will Not Stop. Syrian Uprising Continues Despite Crackdown. *Der Spiegel*. Archived from the original on 10 June 2011. Accessed June 12, 2011. Retrieved from <http://web.archive.org/web/20110430135536/http://www.spiegel.de/international/world/0,1518,753517,00.html>

<sup>146</sup> UNRWA. (2013, July 25). [www.unrwa.org/etemplate.php?id=1832](http://www.unrwa.org/etemplate.php?id=1832)

<sup>147</sup> UNRWA. (2013, July 25). [www.unrwa.org/etemplate.php?id=1832](http://www.unrwa.org/etemplate.php?id=1832)

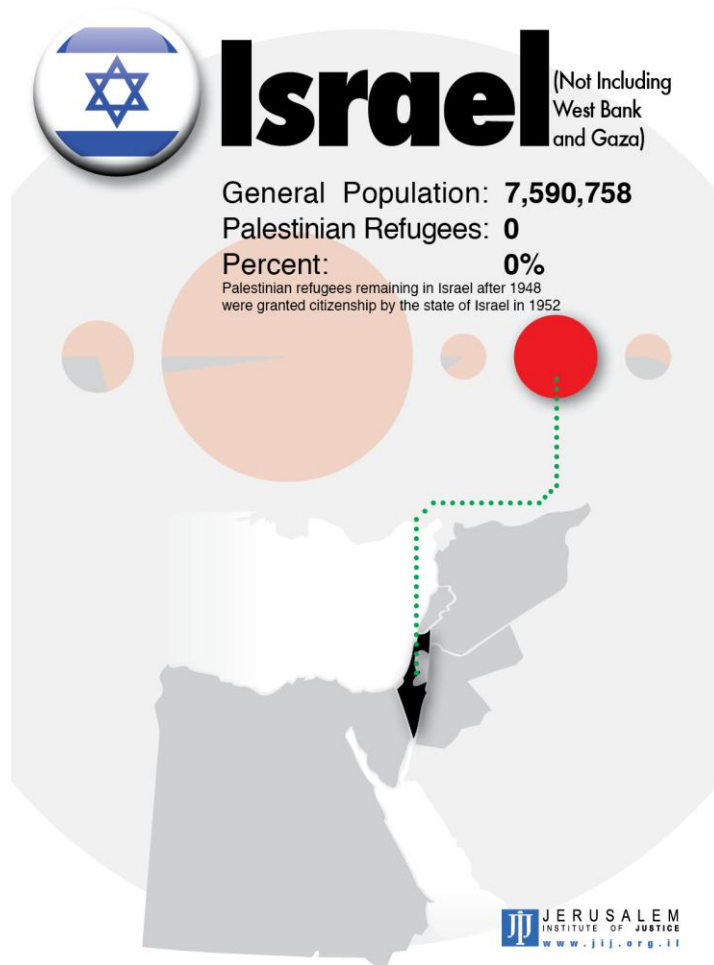
<sup>148</sup> UNRWA. (2013, February 22). *UNRWA Syria Crisis Situation Update* (Issue 35). Accessed March 20, 2013. Retrieved from [www.unrwa.org/etemplate.php?id=1643](http://www.unrwa.org/etemplate.php?id=1643)

<sup>149</sup> UNRWA. (2013, July 25). [www.unrwa.org/etemplate.php?id=1832](http://www.unrwa.org/etemplate.php?id=1832)

<sup>150</sup> UNRWA. *Syria*. Accessed March 20, 2013. Retrieved from <http://www.unrwa.org/etemplate.php?id=55>.

<sup>151</sup> UNRWA. *UNRWA health programme hard hit in Syria but the UN agency's work is having an impact*. [www.unrwa.org/etemplate.php?id=1754](http://www.unrwa.org/etemplate.php?id=1754)

<sup>152</sup> UNRWA. (2013, February 22). *UNRWA Syria Crisis Situation Update* (Issue 35). Accessed March 20, 2013. Retrieved from [www.unrwa.org/etemplate.php?id=1643](http://www.unrwa.org/etemplate.php?id=1643)



## ISRAEL

The issue of Palestinian refugees was a concern to Israel's new government from the very beginning. An ordinance was passed creating a Custodian of Abandoned Property in an effort to "prevent unlawful occupation of empty houses and business premises to administer ownerless property and also to secure tilling of deserted fields, and save the crops..."

David Ben-Gurion expressed Israel's position:

*"When the Arab states are ready to conclude a peace treaty with Israel this question will come up for constructive solution as part of the general settlement, and with due regard to our counter-claims in respect of the destruction of Jewish life and property, the long-term interest of the Jewish and Arab populations, the stability of the State of Israel and the durability of the basis of peace between it and its neighbors, the actual position and fate of the Jewish communities in the*

*Arab countries, the responsibilities of the Arab governments for their war of aggression and their liability for reparation, will all be relevant in the question whether, to what extent, and under what conditions, the former Arab residents of the territory of Israel should be allowed to return."*<sup>153</sup>

The Israeli government proposed the repatriation of 100,000 refugees, what it referred to as a goodwill gesture prior to peace negotiations, as a solution for the refugee population during the 1949 Lausanne Conference. The proposal would not necessarily have returned refugees to their original homes, and included the recognition of 25,000 Palestinian refugees who had already illegally returned to Israel and 10,000 family reunification cases. The offer also agreed to release refugee accounts in 1953 that were previously frozen in Israeli banks, totaling over \$10 million, and to pay compensation for abandoned lands.<sup>154</sup> The offer was conditional upon a peace treaty that would allow Israel to keep all of the land that it had acquired, and require Arab states to absorb the remaining refugees. The Arab states rejected the proposal on both moral and political grounds.<sup>155</sup> Unwilling to accept any compromise that would recognize the state of Israel, they insisted that the repatriation of Palestinian refugees was to precede any negotiations. Israel rejected the demand,<sup>156</sup> and the result was the confinement of the displaced Palestinian Arabs into refugee camps.

<sup>153</sup> Bard, Mitchell. *The Palestinian Refugees*. Jewish Virtual Library. Retrieved March 20, 2013, from <http://www.jewishvirtuallibrary.org/jsourc/History/refugees.html>

<sup>154</sup> Morris, Benny. *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge Middle East Library). Cambridge University Press, 1988

<sup>155</sup> Sela, Avraham. *The Continuum Political Encyclopedia of the Middle East*. Continuum International Publishing Group, 2002

<sup>156</sup> Bard, Mitchell. *The Palestinian Refugees*. Jewish Virtual Library. Retrieved March 20, 2013, from

In 1952, the Israeli government took responsibility for 17,000 displaced Palestinian living inside Israeli territory, granting them citizenship or residency. Between 1967 and 1971, Israel readmitted some 40,000 Palestinian refugees, reuniting 9,000 families.<sup>157</sup> Stereotypes and bias towards Palestinians are prevalent in Israeli society today and there is little, if any, cognitive differentiation between Palestinian refugees and Palestinian residents of the West Bank and Israel.

## Israel and UNRWA

Israel's official working relationship with UNRWA began in 1967 after a formal agreement was signed between Israel's UN ambassador Michael Comway and UNRWA Commissioner General Lawrence Michelmore. In the Comay-Michelmore exchange of letters, Israel promised "*the full cooperation of the Israeli authorities... [to] facilitate the task of UNRWA.*"

The official cooperation was reiterated in 2009 when an Israeli official stated that a "continued commitment to the understandings of the 1967 letters and support for UNRWA's important humanitarian mission," committed to "nonintervention" and further guaranteed to maintain "close coordination with the agency."<sup>158</sup> During the late 1980s and early 1990s, Israel-UNRWA relations suffered significantly when violence from the First Intifada was traced back to UNRWA refugee camps.<sup>159</sup> Israel denounced UNRWA's increasing politicization for that reason and demanded the right to stop, search and arrest UNRWA employees who were involved with terror related activities. UNRWA insisted that their employees were entitled to diplomatic immunity and filed a complaint with the Security Council.

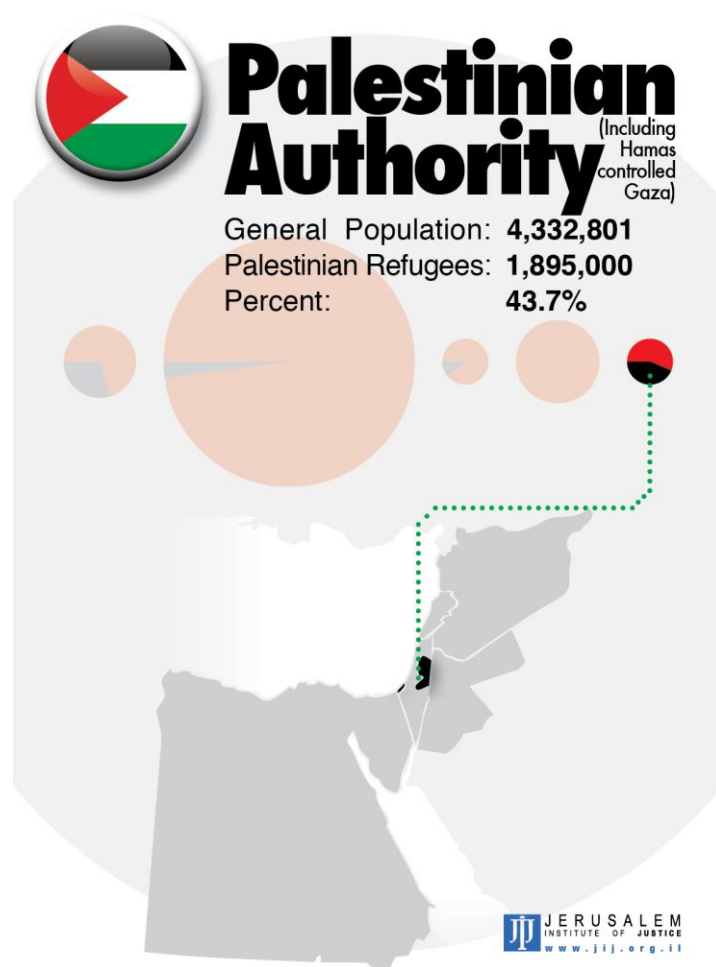
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<http://www.jewishvirtuallibrary.org/jsourc/History/refugees.html>

<sup>157</sup> Ibid.

<sup>158</sup> Israel Ministry of Foreign Affairs, (1967). *Exchange of letters constituting a provisional agreement concerning assistance to palestine refugees*. Retrieved from website: [http://www.mfa.gov.il/MFA/Foreign Relations/Israels Foreign Relations since 1947/1947-1974/Exchange of letters constituting a provisional agreement concerning assistance to Palestine Refugees.htm?DisplayMode=print](http://www.mfa.gov.il/MFA/Foreign%20Relations/Israels%20Foreign%20Relations%20since%201947/1947-1974/Exchange%20of%20letters%20constituting%20a%20provisional%20agreement%20concerning%20assistance%20to%20Palestine%20Refugees.htm?DisplayMode=print)

<sup>159</sup> Congressional Bills 111th Congress, (2009). *H. con. res. 29 introduced in house (ih)*. Retrieved from website: <http://www.gpo.gov/fdsys/pkg/BILLS-111hconres29ih/html/BILLS-111hconres29ih.htm>



## PALESTINIAN AUTHORITY

Today, the West Bank and Gaza Strip accommodate approximately 2.9 – 3.8 million people (1.4 – 2.3 million in the West Bank and 1.5 million in the Gaza Strip).<sup>160</sup> Residents of the West Bank have experienced a number of shifts in power within the local government. Since the mid-20<sup>th</sup> century, administrative and governmental responsibilities within Palestinian affairs in the West Bank and Gaza have been divided and transferred among several different organizations.

A short review of the 20<sup>th</sup> century offers crucial context, highlighting the present day situation, which is the Palestinian Authority as the governing body in the West Bank and the Hamas government in Gaza, which continue to sustain the status-quo of Palestinian refugees.

Following the end of the First Intifada, the Oslo Accords (1993-1995) established the Palestinian Authority. Led by Yasser Arafat, the PA was established as a semi-autonomous entity in the West Bank and Gaza.

The Oslo Accords divided the West Bank into three sub-areas as the first step of a phased process of transferring control of the West Bank from the IDF to the PA.

Area A (initially 2.7% of the area) came under complete PA control in civil and security matters. Area B (initially 25.1% of the area) came under Palestinian civil control, including police control. The main roads were left under joint security control by Israel and the PA. Area C (initially 72.2% of the area) remained under complete Israeli control.<sup>161</sup> Although Israel gradually transferred control of the West Bank to the PA after signing the Oslo Accords, Israel froze the transfer process in 2000 due to the outbreak of the Second Intifada. The Second Intifada led to a blurring of the boundaries between areas A, B and C, and a restriction of PA control of areas A and B. In 2010, the United Nations reported that areas A and B make up 38% of the combined land area in the West Bank, and Area C consists of the remaining 62%.<sup>162</sup> IDF presence is still felt in each of the West Bank sub-areas.

Approximately one quarter of the 727,471 West Bank refugees live in the 19 refugee camps across the West Bank, almost exclusively in areas A and B, under full Palestinian Authority control. UNRWA camps in the West Bank are characterized by extreme unemployment (in some

<sup>160</sup> CIA, (2013). *World factbook*. Retrieved from website: <https://www.cia.gov/library/publications/the-world-factbook/geos/gz.html>

<sup>161</sup> Declaration of Principles On Interim Self-Government Arrangements, The Oslo Accords Between Israel and Palestine, Sept. 13, 1993. <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20principles.aspx>

For further interpretation see Gvirtzman, Haim. *Maps of Israeli Interests in Judea and Samaria Determining the Extent of the Additional Withdrawals*. Accessed August 11, 2012. Retrieved from <http://www.biu.ac.il/Besa/books/maps.htm>.

<sup>162</sup> UN Office for the Coordination of Humanitarian Affairs. (2010, August). *Area C Humanitarian Response Plan Fact Sheet*. Accessed August 11, 2012. Retrieved from <http://unispal.un.org/UNISPAL.NSF/0/59AE27FDECB034BD85257793004D5541>.

camps reaching almost 40%),<sup>163</sup> overcrowding in schools and an increasingly strained infrastructure.

More than half of the 1.1 million refugees in Gaza live in eight refugee camps, many of which are amongst the highest densely populated areas in the world. Years of conflict, followed by Israel's closure of the region after Hamas' election victory in 2007, have resulted in a severe decline in the standard of living for all Gazans, where over 80% of residents are dependent on international aid. Conditions in Gaza refugee camps are especially dire; severe overpopulation, overstretched facilities, untreated raw sewage, and unfit drinking water have resulted in unprecedented poverty and unemployment. Unemployment has reached almost 43%, and 94% of Gaza's schools operate on a double shift basis, as they are unable to cope with the growing population.<sup>164</sup>

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<sup>163</sup> UNRWA, (2012). *West bank*. Retrieved from website: <http://www.unrwa.org/etemplate.php?id=67>

<sup>164</sup> UNRWA, (2012). *Health*. Retrieved from website: <http://www.unrwa.org/etemplate.php?id=70>



## CONCLUSION

Arab states using the 'right of return' as an excuse to prevent the Palestinian refugees from gaining citizenship or basic human rights is a violation of international law.<sup>165</sup> There is no precedent to mass repatriation prior to a political agreement, or any positive examples of a mass population displacement and subsequent return that has not resulted in full-scale war. In other words, the global Palestinian refugee population has no successful model that they can rely on to return to Israel peacefully, with minimal bloodshed.

It is unfair to dangle the hope of a peaceful or successful return when realistically, the mass return of Palestinian refugees is impossible. Furthermore, a Palestinian state does not solve the immediate issues of Palestinian refugees spread out across different Arab countries. Their basic human rights need to be protected in the interim period until the establishment of such a state.<sup>166</sup>

Although the humanitarian work of UNRWA is admirable and undoubtedly providing needed services, it has become an open-ended educational and social welfare system for millions of Palestinians in Jordan, Lebanon, Syria, Gaza and the West Bank. UNRWA's evolution into a *de facto* government has perpetuated a system of dependence and the organization's original mandate of resettlement has been abandoned in favor of human development and relief.

Virtually every Palestinian born since the establishment of the state of Israel is categorized as a refugee. There is no historical precedent where a group's refugee status is expanded to include subsequent generations. The insistence of the right of return of Palestinian refugees by their host countries, alongside the constantly increasing number of Palestinian refugees, does little to improve the prospects of reaching a satisfactory solution to this complex conflict. The return of such a number of refugees into the small nation of Israel would be logistically impossible.

## A POSSIBLE SOLUTION

Change is possible when we repeal the offending statutes and regulations, and pass new legislation affirmatively guaranteeing access and rights to the Palestinian refugees that align with the Universal Declaration of Human Rights. The terms used in the present discourse must be redefined, both within the international community, and within the specific Arab nations involved. This is guaranteed to be a challenge.

The Jerusalem Institute of Justice (JIJ) believes that it is the international community's responsibility to create a mechanism that will ease the current standard of living for the Palestinian refugees in a way that will promote a long-term resolution and solution to their standard of living by:

- Encouraging UNRWA to adopt a policy of rehabilitation and resettlement
- Naturalizing all Palestinian refugees born in the various host countries
- Limiting the transfer of refugee status only to people who were born in Palestine
- Providing Palestinian refugees with economic support by their respective host countries
- Providing incentives for settlement of refugees in non-neighboring states.

The Jerusalem Institute of Justice is aware that these changes will not come without a vast

<sup>165</sup> Khalil, Asem (2009/08). Palestinian Refugees in Arab States: A Rights-Based Approach. *CARIM Research Reports*, 51

<sup>166</sup> *Ibid*, 51.

deal of political negotiation and international dialogue. Nor will they solve the overarching problems facing the Palestinian refugees. However, we believe that these suggestions provide a framework for achieving and sustaining equitable living conditions among the Palestinian refugees in the short-term.

The international community, Arab nations and Israel must focus on the core human values of justice, equality, charity and ultimately the freedom to pursue happiness and a better life. Religious, political and ethnic differences must be set aside in light of the fact that millions of Palestinian refugees are living a sub-standard existence. The real human suffering demands a swift and unified approach to ensure that the refugees are guaranteed their legal rights and status as described by the Universal Declaration of Human Rights.