



SPECIAL BULLETIN

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HISTORICAL BACKGROUND

The Palestinian refugee problem was created by Zionist colonization of Palestine and two wars, the War of 1948 and the June 1967 War. The War of 1948 (An-Nakba) was triggered by the UN General Assembly (UNGA) Res. 181 of 29 Nov. 1947 ('Partition Plan') that allocated 56,47% of Palestine to the Jewish state, at a time when Jews were less than one-third of the population and owned no more than 7% of the land. The war resulted in the creation of the state of Israel in 78% of Palestine, and the uprooting of the indigenous Palestinian population from their homeland by military force, expulsion or fear of massacres, and other attacks perpetrated by Jewish underground and militant groups such as Haganah, Irgun, and Stern Gang.

After the war, the newly established UN Conciliation Commission for Palestine (UNCCP) estimated that 726,000 Palestinians had fled - to neighboring Arab countries and elsewhere - while some 32,000 had become refugees within the armistice lines (the 'internally displaced') when their lands, homes and villages were seized and often destroyed by the Israeli forces. Of the 800,000 Arabs originally living in the area that became Israel, only some 100,000 remained, becoming an Arab minority in the Jewish state. Some 531 Arab villages and towns were destroyed or resettled by Jews. Today only a tiny number of Palestinian refugees have been allowed to come back under family reunification arrangements and the vast majority is still awaiting justice.

Until this day, and despite the fact that much of the material Israeli "revisionist" or "new" historians have presented on the 1948 War and the origins of the Palestinian refugee problem has revealed that the expulsion of the Palestinians was a clear goal pursued by the founders of the Jewish state, Israel's official position remains one of rejecting any responsibility.

In Dec. 1949, the UN recognized the plight of the refugees and established with Res. 302-IV the UN Relief and Works Agency for Palestine Refugees in the Near East - UNRWA - to provide humanitarian aid. By 1950, 914,221 refugees were registered with UNRWA.

In the course of the June War of 1967 (An-Nagsa), the remaining parts of Arab Palestine (along with the Syrian Golan Heights and Egypt's Sinai Peninsula) came under Israeli occupation, and some 300,000 Palestinians were displaced from the West Bank and Gaza Strip (WBGS), including around 175,000 UNRWAregistered refugees who were forced to flee for a second time. To accommodate the new wave of displaced persons UNRWA established ten more refugee camps.

Throughout the occupation, Israeli policies have followed a systematic pattern of land confiscation and other discriminatory measures aimed at forcing even more Palestinians to leave their homeland. The seizure of land and property and their transferal to Jewish settlers is backed by a series of "laws" enacted to prevent the return and resettlement of the rightful owners (e.g., Absentee Property Law). More recently, Israel has even taken advantage of the interim character of the Oslo process and made every possible attempt to create more facts on the ground to further preclude a return of Palestinian refugees.



The overall fate of the refugees remains one of the most complex issues still awaiting a "just" solution. PASSIA's Bulletin aims to present the basic facts and figures relating to the Palestinian refugee question.



THE REFUGEE OUESTION AND INTERNATIONAL LAW

The refugee question - specifically the right of return - is one of the most controversial issues in the ongoing Arab-Israeli conflict. International law and resolutions (see box overleaf), however, leave no doubt that Israel is legally and morally required to permit the repatriation of the Palestinians displaced in 1948 and that Palestinian refugees are entitled to **full restitution**, including the right of return, the right of return of properties, and the right to compensation for material and moral losses.

The most famous source of reference in this regard is UN General Assembly Resolution 194 of 1948 (see Box), which has been affirmed by the UNGA over 110 times so far. However, Israel continues to dispute the legality of the Palestinian claim based on Res. 194 and refuses to repatriate refugees, even though Israel's admission to the UN in 1949 was conditional upon accepting UN resolutions, including 194.

No settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged (...) It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes, while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries.

UN Mediator Count Folke Bernadotte, Report (UN Doc Al 648), 1948

REFUGEES TODAY

Palestinian refugees are the indigenous Arab inhabitants of historic Palestine (today's WBGS and Israel). The Palestinian refugee problem is the oldest refugee problem in the world. Today, there are over 5.5 million Palestinian refugees, constituting two-thirds of the total Palestinian population and making Palestinians the largest single group of refugees in the world (with a 3%-increase annually).

Three different groups of 'refugees' are differentiated: **refugees** who fled the country during the 1947-1949 period and internally displaced persons who fled their homes but remained within what became Israel; **displaced persons** as a result of the 1967 War; and **expired permit-holders** (or "latecomers"), i.e., residents of the WBGS who overstayed their permits while abroad and were denied re-entry.

Over 4.1 million of the total refugees are registered with UNRWA, and about a third of these live inside one of the 59 UNRWA camps (see maps below), most of which were established between 1948-1953. It should be noted that because of UNRWA's narrow refugee definition (=only persons - and their descendants - whose normal place of residence was Palestine between 1 June 1946 and 15 May 1948, who lost their homes and means of livelihood as a result of the War of 1948, and who took refuge in Jordan, Lebanon, Syria, the Jordanian-ruled West Bank or the Egyptian-administered Gaza Strip) some 48% of Palestinian refugees in the Diaspora are not registered. The definition does not cover refugees who fled elsewhere, those who fled but did not need assistance, those displaced in 1967 (at least 325,000) unless they were already registered with UNRWA, or those who were outside the WBGS in 1967. Also not included are the 'latecomers', numbering at least 50,000 cases.

UNRWA REGISTERED REFUGEES (as of Dec. 2003)

RR= Registered Refugees	West Bank	Gaza Strip	Jordan	Syria	Lebanon	Total
RRs 1950	_1	198,227	506,200 ¹	82,194	127,600	914,2212
RRs 1975	292,922	333,031	625,857	184,042	196,855	1,632,707
RRs 2003	665,246	922,674	1,740,170	413,827	394,532	4,136,449
Increase over 2002	4%	3.3%	2.5%	2.0%	1.4%	2.8%
% of total population ³	32.6	84.5	34.8	2.7	11.5	33.2
% of total RRs	16	22	42	10	10	100
No. of refugee camps	19	8	104	10	12	59
RR living in camps	179,541	484,563	307,785	120,865	223,956	1,316,710
(in % of RR)	(27)	(53)	(18)	(29)	(57)	(32)
RR outside camps	485,705	438,111	1,432,385	292,962	170,576	2,819,739
Average family size ⁵	4.56	4.66	5.42	4.31	4.06	4.82

¹ West Bank figures included in Jordan until 1967.



² Excl. 45,800 people receiving relief in Israel under UNRWA responsibility until 1952.

³ These numbers refer to 2002; see UNRWA in Figures, Dec. 2002.

⁴Three additional neighborhoods in Amman, Zarqa and Madaba are considered 'unofficial' camps by UNRWA. (*UNRWA in Figures*, UNRWA Headquarters, March 2004.)

⁵ UNRWA in Figures, June 2003.



BOX: THE REFUGEE ISSUE IN INTERNATIONAL LAW AND UN RESOLUTIONS

Constitution of the International Refugee Organization, Preamble (15 Dec. 1946) (Based on Res. A/45 adopted by UNGA in its first ever session on 12 Feb. 1946, mandating, inter alia, the Economic and Social Council to establish the International Refugee Organization (IRO) -a predecessor of today's UNHCR): "The Governments accepting this Constitution, Recognizing: (...) that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin."

The Universal Declaration of Human Rights, Art. 13 (2) (1948): "Everyone has the right to leave any country, including his own, and to return to his country;" and Art. 17 (2): "[n]o one shall be arbitrarily deprived of his property."

UN General Assembly Resolution 194 III, Para. 11 (11 Dec. 1948): "Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible; Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation (...)".

Fourth Geneva Convention, Art. 49 (12 Aug. 1949): "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." And Art. 53: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

European Convention for the Protection of Human Rights and Fundamental Freedoms, Protocol 4, Art. 3, 1&2 (16 Sept. 1963) "No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national" and "No one shall be deprived of the right to enter the territory of the State of which he is a national."

International Convention on the Elimination of All Forms of Racial Discrimination, Art. 5 d (7 March 1966): (...) State Parties undertake to ... guarantee the right to everyone ..., in particular: "(i) The right to freedom of movement and residence within the border of the State; (ii) The right to leave any country, including one's own, and to return to one's country."

The International Covenant on Civil and Political Rights, Part III, Art. 12 (16 Dec. 1966): "1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. ... 3. No one shall be arbitrarily deprived of the right to enter his own country."

UNSC Res. 237 (14 June 1967): "1. Calls upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities."

American Convention on Human Rights, Art. 22.2 (adopted on 22 Nov. 1969, entered into force 18 July 1978): "No one can be expelled from the territory of the State of which he is a national or be deprived of the right to enter it."

UNGA Res. 2672 D (8 Dec. 1970): "1. Considers that the plight of the displaced persons continues since they have not been able to return to their homes and camps; 2. Calls once more upon the Government of Israel to take immediately and without any further delay effective steps for the return of the displaced persons."

African Charter on Human and Peoples' Rights, Art. 12, 2 (adopted 27 June 1981): "Every individual (...) is entitled to return to his country."

Convention Concerning Indigenous and Tribal Peoples in Independent Countries Art. 16 (7 June 1989): "1) ... The peoples concerned shall not be removed from the lands, which they occupy. (...). 3) Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist. 4) When such return is not possible, (...) these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees. 5) Persons thus relocated shall be fully compensated for any resulting loss or injury."



For over 50 years UNRWA has been responsible for providing health, rehabilitation, schooling, training, and other services to the camp population; in 2004, its general budget amounted to US\$350.9 million.

UNRWA REGISTERED REFUGEES IN THE WBGS BY DISTRICT AND CAMPS (RC)

GAZA STRIP Camp

(year of est.)

Shati (Beach) (1949)

Khan Younis (1949)

Deir Balah (1949)

Nuseirat (1948/49)

Al-Maghazi (1949)

Rafah (1949)

Bureij (1949)

Jabalia (1948/49)

Popu-

lation

106.113

77,358

61.989

92,736

20,863

66,099

30,563

23,133

Name of the		-19100-0	
-cut Week	WEST BANK		
District	Camp (year of est.)	Popu- lation	Distric
Nablus	Askar (1950) Balata (1950) Camp No. 1 (1950)	14,450 21,183 6,310	Gaza North
Jenin	Far'a (1949) Jenin (1953)	7,094 14,799	Gaza City
Tulkarm	Nur Shams (1952) Tulkarm (1950)	8,442 16,933	Gaza South
Ramallah	Ama'ri (1949) Deir Ammar (1949) Jalazon (1949) Qalandia (1949)	8,549 2,311 10,052 9,566	Gaza Centra
Jerusalem	Shu'fat (1965/66)	10,557*	×.
Jericho	Aqabat Jaber (1948) Ein Sultan (1948)	5,500 1,696	×.
Bethlehem	Dheisheh (1949) Aida (1950) Beit Jibrin (1950)	11,749 4,400 1,956	$\hat{\Sigma}$
Hebron	Fawwar (1949) Arroub (1950)	7,330 9.527	5

(Source: UNRWA, 30 June 2003.



Caption: "No alternative to the right of return"

I swear by my religion,
I swear by my religion,
I know in which land
I will die,
and in which land
I will be resurrected

Mahmoud Darwish,

Palestinian Poet

LIVING CONDITIONS AND THE STATUS OF REFUGEES IN THE CAMPS

Common characteristics of camp life include overcrowded housing conditions, poor infrastructure and environmental health (open sewers and unpaved streets), poverty and unemployment. Schools often run on double shifts with an average of 50 pupils per classroom. Some 6% of all registered refugees are considered special hardship cases, with the largest shares in Lebanon (11.4%) and Gaza (9.4%).

WEST BANK - GAZA STRIP

Most of the refugees in the West Bank stem from areas of Jerusalem, Ramallah, Hebron and the northern West Bank (Nablus, Jenin and Tulkarem), lesser numbers are from the Lydda-Ramle-Jaffa triangle or the Tiberias region. Most of Gaza's refugees fled in 1948 from the areas of Jaffa, Al-Majdal and Beersheba. According to UNRWA, there were 1,587,920 registered refugees in the WBGS as of Dec. 2003. The Palestinian Central Bureau of Statistics (PCBS), numbered 1,592,189 refugees at the end of 2003, of which 37,619 were not registered. Thus, some refugees made up 42.6% of the WBGS population (29.4% in the West Bank and 65.5% in Gaza), and almost half of them were younger than 15 years.

Since Oslo (1994), all camps except Shu'fat Camp in Jerusalem are under the control of the Palestinian Authority (PA), but daily life - like in the rest of the WBGS - is still deeply affected by the Israeli occupation as the camps were largely invisible during the Oslo process. In addition, the PA differentiates between refugee and non-refugee areas, whereby the refugee camps are excluded from any urban or infrastructural project, including all planning on municipal level. This has mainly to do with the refugees' concerns about getting involved in developmental or planning



^{*} The de facto camp population is much higher as many refugees and non-refugees have moved into the camp in the past years to avoid losing their residency rights in Jerusalem.

REFUGEES



processes as this could be interpreted as an acceptance of the *status quo* and equated with the resettlement option and thus as an implicit erasure of their right of return claims. However there is increasing evidence that the latest generation of Palestinians does not regard the improvement of the material conditions in the camp as surrendering their identity.

The overall **living conditions** of refugees in the WBGS are substandard compared to that of non-refugees. According to the PCBS (2002), for instance, camp dwellers possessed far fewer durable goods (such as private cars, washing machines and microwaves) than their counterparts in rural and urban areas, had less rooms per housing unit, and a higher housing density. Furthermore, in 2002, three-quarters of the refugee population lived under the poverty line in 2002 as opposed to two-thirds of the non-refugees. Refugees in the West Bank camps are still better off than those in Gaza, where poverty and unemployment levels are much higher, mainly due to the comparatively stronger West Bank economy, the lack of workable agricultural land in Gaza, and the possibility for West Bankers to "sneak" into Israel to work "illegally".

Gaza refugee camps suffer from tremendous overcrowding; having doubled their population since the 1950s without being allowed to expand their area, the **population density** is among the highest in the world. Expansion is difficult as the areas designated for refugee camps are limited and usually surrounded by urban areas. Housing in Gaza camps is very simple, while West Bank camps often resemble regular (lower-class) neighborhoods for the urban poor.

The refugee camps in the West Bank and Gaza Strip have repeatedly been the target of aggression by the Israeli army, who claim that they are "hotbeds of terrorist activity." Raids into the camps (often described in the Israeli media as "operations to dismantle the infrastructure of terror") regularly result in Palestinian deaths and injuries, in addition to the large-scale destruction of property, a hallmark of Israeli operations. In April 2002, a major incursion into the Jenin RC, condemned internationally as a serious violation of international law, left scores of Palestinians dead and the center of the camp completely in ruins. Throughout 2003 and again in May 2004, the major target has been Rafah RC, located near the Egyptian border in the Gaza Strip, where Israeli forces have destroyed or damaged beyond repair thousands of houses, rendering over 12,000 people homeless.



Above: Destruction in Rafah RC, October 2003; right: Jenin RC after the Israeli raid, April 2004.



Refugees with an improved household income and economic status tend to **move out** of camps but problems remain with the fact that most refugees cannot afford the much higher housing prices prevailing in the towns, especially for houses big enough to accommodate their extended family, and the difficulty of adapting to a new neighborhood.

ARAB HOST COUNTRIES

In 1965, the Arab League's Casablanca Treaty obliged Arab states to preserve Palestinians' refugee status by not granting them citizenship, but also stipulated that the refugees be given the same rights as nationals. This, however, is hardly the case. One of the main problems Palestinian refugees face remains that they are not granted full residency status and civil rights, and their hosts' attitude towards them is mainly characterized by considerations of state security. It must be said in this regard that Arab governments have often been utilizing the Palestinian plight for their own political aims and alliances in the region. Because of their problematic citizenship status, Palestinian refugees are particularly vulnerable to expulsion. Two examples are the over 300,000 Palestinians who were forced to leave Kuwait and other Gulf states during the 1990-1991 Gulf Crisis, and the 30,000 Palestinians in Libya, who were expelled in 1995 in response to the PLO-Israeli accords.

UNRWA's area of operation embraces Lebanon, Syria, Jordan, and the WBGS. Outside this are, the United Nations High Commissioner for Refugees (UNHCR) is expected to protect Palestinians but its activities are limited to assistance concerning travel documents, renewal of registration cards, and facilitation of interim solutions for Palestinian refugees in cases of forced departure.

In **Egypt**, there are no refugee camps and the over 50,000 Palestinians living there have not enjoyed any international or national assistance or protection. Until 1978, they were treated like nationals but since then laws and regulations were amended to treat them just like other foreigners, limiting their rights to education, employment and residency, and ending



the possibility of being employed in government positions. Recently, they were granted the right of owning property. Those several thousand Palestinians who live (again) in **Kuwait**, are under strict surveillance and enjoy only very limited rights; the same goes in general for the Palestinians in **Saudi Arabia**. In **Iraq**, the government provided in-kind assistance to Palestinians until 1958, followed by financial support plus health and other benefits; Palestinians, who numbered some 14,000 in 1969 and over 30,000 in 1998, have social, but no political rights, are treated equally in terms of education and employment (excl. retirement payment), and naturalization is provided. (Following the 2003 US-led invasion and occupation of Iraq, the Palestinian refugees in the country were again displaced into camps on the Jordanian border).

JORDAN

After the 1948 War, when an estimated 100,000 refugees, mostly from the Lydda-Ramle-Jaffa triangle, crossed the Jordan River, five refugee camps were set up in Jordan, followed by another eight after the 1967 War, to accommodate additional refugees, this time mainly from the West Bank. Of the 13 camps, UNRWA recognizes 10, while the other three are taken care of by the government. The governmental Department of Palestinian Affairs works hand in hand with UNRWA to provide the needed services of the camps, especially infrastructure.

Palestinians in Jordan make up some 60% of the population; they are granted citizenship (since the 1954 Nationalities Act, stating that "Any person with previous Palestinian nationality except the Jews before the date of May 14, 1948 residing in the Kingdom during the period



from December 20, 1949 and February 16, 1954 is a Jordanian citizen") and carry regular Jordanian passports. As of October 1995, most Palestinian refugees became eligible to receive 5-year passports, but the government has stressed that these are for travel only and do not connote nationality. Palestinians are entitled to vote and to hold office, enjoy full rights to public services, and can work in the government sector. An exception are the ca. 100,000 stateless 1967 refugees from Gaza, and the 'latecomers', whose entry permits have expired; both groups are only eligible for temporary Jordanian passports. However, it should also be noted that especially since the armed clashes between the Jordanian army and the PLO in 1970 ('Black September'), Palestinian refugees are perceived as a potentially destabilizing factor in Jordan's national politics and thus kept under the special scrutiny of state intelligence. In addition, they suffer discrimination in the award of university scholarships and appointments to senior positions in the Government and the military.

LEBANON

The second largest Palestinian Diaspora community lives in Lebanon, mostly originating from the Galilee and coastal towns. The refugees in Lebanon are stateless and face the harshest conditions; the majority of them live in one of the 12 UNRWA-administered camps, but there are thousands also living in "unofficial" camps. A hostile attitude towards them prevails since the 1975 civil war and although they have been allowed to stay on a non-permanent basis they are denied any social rights and in many regards their treatment violates international human rights law. Lebanese authorities restrict construction in refu-



gee camps and no building and other materials needed for repairing and improving housing and sanitation facilities are allowed entry without prior military approval, which is often not granted. Housing conditions are accordingly poor. Their Lebanese travel documents are not recognized by most countries in the world, they must obtain work permits issued by the Lebanese authorities and are not allowed to work in the public sector at all, nor in over 70 other professions. Poverty and unemployment is consequently very high and aggravated by the fact that job-seekers have to compete with Syrian guest workers, who do not need to apply for residence or work permits. Since 1982 there have also been attempts to retroactively annul the Lebanese nationality obtained by certain refugees in 1994. Furthermore, refugees cannot own and inherit property without special permission, nor open any business or invest. In 2002, the Lebanese parliament passed an amendment to the National Property Law, which forbids "non-Lebanese persons, who do not possess citizenship issued by a state recognized by Lebanon, to inherit or buy property." Consequently, refugees cannot

pass ownership of housing within the camps to their children; instead, the property is handed over to the Lebanese authorities. Any hopes of ever

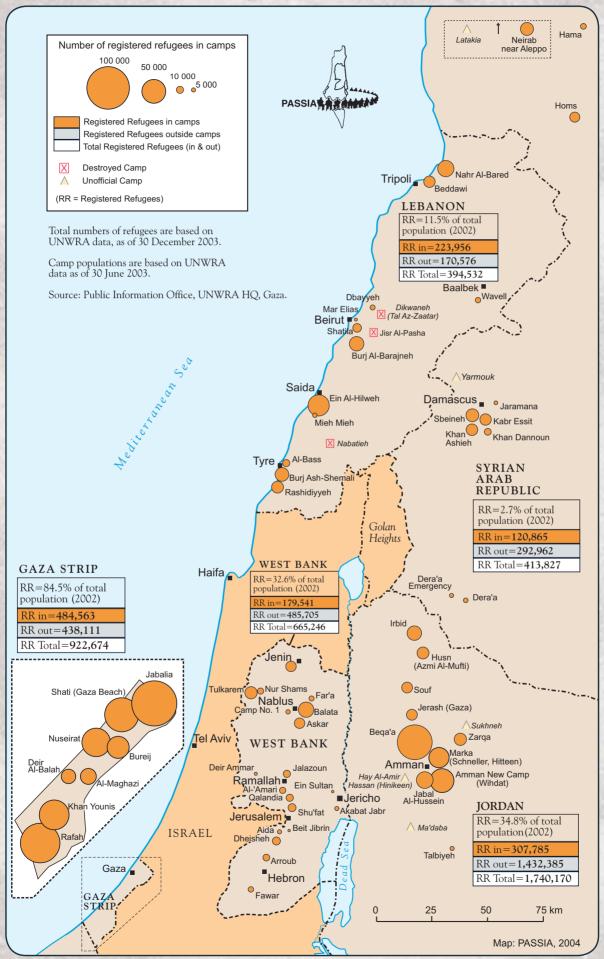
changing this situation were dashed when Lebanese parliament speaker Nabih Berri withdrew a draft legislation in Oct. 2003 that would have lifted the ban on refugees from owning property in Lebanon.

So far, the Lebanese government, which has declined to participate in the multilateral talks on refugees, has made it abundantly clear that it opposes any settlement and/or naturalization of Palestinians in its territory, mainly because of the fragile balance of the Muslim and Christian populations.





Palestinian Refugees - Area of UNRWA Operations





SYRIA

Most of the Palestine refugees who fled to Syria in 1948 were from the northern cities of Palestine, such as Safad and Haifa, and the Galilee, while most 1967 refugees fled from the Golan Heights. Some 70% if the refugees - about 2.7% of Syria's total population - live outside the 10 UNRWA camps. The legal status of Palestinian refugees is regulated by the Syrian Arab Republic Law No. 260 of 1957, which gives them the same duties and responsibilities as Syrian citizens with the exception of the right to vote, hold office, and possess Syrian passports (the latter in order to preserve their Palestinian identity/nationality). Instead, they hold travel documents, which, however, are not recognized by many governments and thus limit their freedom of movement, but otherwise Palestinians are integrated, allowed to own certain kinds of property (such as businesses or one house per person but not arable land), have equal access to educational



facilities as well as to government services, and men must undertake military service (in the Palestine Liberation Army under Syrian Command). They do not require work permits and may even work in the government; this economic stabil-



ity is reflected in the high number of refugees who were able to move out of the camps and take up residence elsewhere. Syria, like Lebanon, has refused to participate in the multilateral talks.

OTHER COUNTRIES

There are almost a million Palestinians in Israel, including the 'internal refugees', who remained in the country after fleeing their homes in 1948, and the tiny number of refugees who have been allowed to return to places in Israel other than their original homes, on condition that it is made clear that the decision to grant these permits does not constitute a recognition of a 'right of return'. Palestinians in Israel are treated as second-class citizens.

Over the past decades almost half a million Palestinian refugees have, individually, been granted asylum in the **US**, **Canada** and **Europe**, where they are generally treated in the same way as any other refugees.

DISTRIBUTION OF THE PALESTINIAN PEOPLE WORLDWIDE

Inside (mid-2003)		Outside	 2	 3	III ⁴
	PLUE D	Jordan	2,797,674	2,472,501	2,626,000
	MEC. I. C.	Lebanon	415,066	456,824	463,000
West Bank &	3,364,495	Syria	436,157	494,501	411,000
Gaza Strip ^{1a}		Egypt	61,917	51,805	48,000
	No. of the last	Saudi Arabia	309,582	291,778	299,000
Areas Occupied in		Kuwait & other Gulf	163,632	149,786	135,000
1948 ^{1b}	1,259,890	Libya and Iraq	115,542	78,884	79,000
	140913	Other Arab countries	6,523	5,887	-
	63 F	The Americas	236,357 (only USA)	216,196	A
		Other Countries	300,977	275,303	606,000
Total Inside	4,642,385	Total Outside	4,843,427	4,493,465	4,667,000

^{1a} PCBS, Demographic Statistics.

⁴ Justin McCarthy. "Population", entry in *Encyclopedia of the Palestinians*, ed. By Philip Mattar. New York, 2000.



Cartoon by Baha Bukhari, www.baha-cartoon.net

¹b Israeli CBS.

²PCBS, end of 2003.

³ Salman Abu Sitta. Palestine 1948 - Commemoration of Al-Nagba. London: Palestinian Return Center, May 2000.



THE PEACE PROCESS AND NEGOTIATIONS

The question of Palestinian refugees has been a core issue in the Arab-Israeli conflict since 1948, and yet a just solution remains distant. Since the Madrid Middle East Peace Conference in 1991 the approach was to tackle the issue of the 1967 displaced people first, while deferring that of the 1948 refugees until the 'permanent status' talks, as it was considered easier to resolve the question of people displaced from 'Occupied Territory' than from what became Israel in 1948.

In 1992, the Refugee Working Group (RWG) was formally initiated in Moscow as part of the multilateral track to look into ways of improving the living conditions of the refugees; chaired by Canada, it was to focus on themes such as human resources development, health, welfare and infrastructure. To date, eight plenary sessions have been held, the last in Geneva in Dec. 1995.



Madrid Middle East Peace Conference, October 1991

In 1993, the Declaration of Principles on Interim Self-Government Arrangements (DoP), stated as its intention the reaching of a permanent settlement based on UN Res. 242 and 338, while Res. 194 was not mentioned. Finding a solution for "persons displaced from the West Bank and Gaza Strip in 1967" was to be addressed in quadripartite talks (Israel, Palestinians, Egypt and Jordan), while the issue of (1948) refugees was postponed to the "permanent status" talks.

Likewise, the **Gaza-Jericho Autonomy Agreement** of 4 May **1994** only referred to the 1967 displaced persons (Art. XVI); to discuss their issue, a "Continuing (Quadripartite) Committee" was established, which failed to achieve much (due to major differences over definitions and numbers) and ceased to meet in 1997, when the peace process as a whole deteriorated.

The **Jordanian-Israeli Peace Treaty** of 26 Oct. **1994** (Art. 8), recognized "the massive human problems" the refugee question poses and reiterated that finding a solution lies with a quadripartite committee (in the case of displaced persons), and with the RWG and the permanent status negotiations (in the case of refugees).

Again, the **Oslo II Accord** of 25 Sept. **1995** failed to explicitly mention the right of return, while Art. VII of the **Abu Mazen-Beilin Agreement** of 31 Oct. 1995 (the existence of which had been denied and was only exposed in Sept. 2000) acknowledged the right of return as just and lawful, but stated that in light of the realities "that have been created on the ground since 1948" its execution is not viable. It also called for the creation of an "International Commission for Palestinian Refugees" to define criteria and develop programs for compensation (for moral and material losses), resettlement and rehabilitation of refugees.

In May 1996, the final status negotiations were formally opened, but substantial negotiations never took place and the parties have as yet come no closer to an agreement.

The exclusion of UN Res. 194 from the Oslo framework along with the fact that the Palestinian side agreed to defer the difficult issues – refugees, borders, Jerusalem, settlements and water – to a later stage led to a deep sense of marginalization among Palestinian refugees. The three **key concepts** that have shaped discussion so far are as follows:

- Repatriation (implementation of UN Res. 194, i.e., the right of return)
- Compensation (various scenarios for financial reparation)
- Resettlement (either in the Palestinian state, as naturalization in host counties with improved living conditions, or in third countries)

In **July 2000**, a US-sponsored summit took place at **Camp David** with the intention of reaching an Israeli-Palestinian agreement on final status issues, but it ended on 26 July 2000, after 15 days of negotiations, without success. Regarding refugees, Israel only accepted of a one-time 'family-reunification' of some 100,000 Palestinian refugees and the establishment of an international body deal with compensation and resettlement issues. The Palestinians insisted on the 'right of return' for all Palestinian refugees, incl. to inside Israeli borders.



At the beginning of **Jan. 2001**, the Palestinian negotiating team rejected the so-called **US bridging proposal** (or **Clinton parameters**), which was a last attempt by the outgoing Clinton administration to secure a peace deal. On the refugee issue, recognition of the right of return was proposed while stressing that there is no such specific right with regard to today's Israel, but rather to the Palestinian state, or rehabilitation in Arab states, or resettlement in third countries. All refugees were to receive compensation from the international community for their losses and assistance in building their new lives. The Palestinians refused, saying the proposal "fails to provide any assurance that refugee's rights to restitution and compensation will be fulfilled" and neither secures "the establishment of a viable Palestinian state nor the right of Palestinian refugees to return to their homes."



In late **Jan. 2001**, Israeli and Palestinian negotiators met once more at **Taba**, Sinai, trying to draft a final status agreement before the upcoming Israeli elections in Feb.; the talks discussed the practicalities of resolving the refugee problem but collapsed after one week without agreement. The Palestinian side reiterated Israel's responsibility for the refugee problem and the refugees' right of return to their homes in accordance with UN Res. 194 as well as a free choice regarding the options put before them. The Israeli side expressed its understanding that the wish to return shall be implemented within the framework of return and repatriation (to either Israel or the Palestinian state) or rehabilitation and relocation (in host or third countries).

The **People's Voice Initiative (Nusseibeh-Ayalon Principles)** – launched in Sept. 2002 - is a campaign to collect signatures in support of a set of general principles, rather than a detailed plan. Sari Nusseibeh was roundly condemned by refugee groups for conceding the right of return, as the document states that "Palestinian refugees will return only to the state of Palestine." The document was one of the first to openly abrogate the right of return and to accept the Israeli view that a two-state solution would be undermined by a mass return of refugees to the Jewish state.

The US-sponsored 'road map' – officially launched in April 2003 - is a multi-stage plan for achieving peace between Israe-lis and Palestinians. On refugees it says very little, calling for an "agreed, just, fair, and realistic solution to the refugee issue," which should be solved as part of final status negotiations. As the refugees expert Rex Brynen points out, the inclusion of the word "realistic" suggests that as in the past, there will be no acceptance of the "right of return" in its fullest sense, and indeed the Israeli government lobbied (unsuccessfully) to have all mention of the refugees removed from the road map.

The **Geneva Accord** was negotiated between independent Palestinians and Israelis and launched at a ceremony in Geneva in **Dec. 2003**. It offers a detailed solution to the conflict based on the idea of two states for two people. The proposed solution to the refugee issue is largely in line with that offered as part of the Dec. 2000 Clinton Parameters, presenting the following five options to refugees: return to the Palestinian state, return to land included in the "land swap" with Israel, integration into present host countries, admission into a third country (e.g. US, Germany) or return to Israel. With regards to the latter, it is up to Israel to decide how many refugees it will accept. Relinquishing the right of return for the refugees was one of the major concessions on the part of the Palestinian negotiators in the Geneva Accord. There is disagreement over the degree to which the Accord would oblige Israel to accept Palestinian refugees. The relevant text of the Accord is Article 7, section 4.c:

Option iv [Israel as a permanent place of residence] shall be at the sovereign discretion of Israel and will be in accordance with a number that Israel will submit to the International Commission. This number shall represent the total number of Palestinian refugees that Israel shall accept. As a basis, Israel will consider the average of the total numbers submitted by the different third countries to the International Commission.

POSITIONS

Before looking at the official positions, it should be noted that the Palestinian refugees themselves believe that their inalienable *rights* per se cannot be negotiated between Israel and the PA. With reference to International Law they stress that agreements, which deprive civilians of recognized human rights, including the right to repatriation and restitution, are null and void. The concept and vision of "returning home" is still at the very core of the Palestinian national identity and is one of the reasons why criticism of the Oslo Accords has been very much related to the abandonment of the refugee question. To date, no serious progress has been made in the negotiations on the rights and the future of the refugees and it has become amply clear that there can be no peace in the region without an accepted solution to the refugee question.

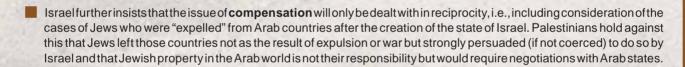


REFUGEES



- With regard to the **1948 refugees** Israel rejects **UN Res. 194** as a basis for talks on the grounds that the responsibility for the refugee tragedy lies with the Arab governments, who started the war and who asked the Palestinians to leave to make way for the liberation of Palestine from the Zionists, and that the **right of return** would be a direct demographic and security threat to Israel's statehood. The Palestinians, conversely, insist on the implementation of UN Res. 194, and demand the absolute and unconditional 'right of return' to the area of Mandatory Palestine for all Palestinian refugees of 1948, saying the refugee tragedy was a direct result of expulsion and fear based on military attacks and massacres of Jewish forces upon Palestinians.
- While Israel only counts those refugees who fled during the **War of 1967**, numbering them between 200,000 and 300,000, Palestinians and Arab countries include those who became refugees in 1947-49 and 1967 and put their original number at around one million. However, the numbers are estimated and disputed, especially by the Israelis, and the matter is further complicated by the question of 'who is a refugee'. In Lebanon, for example, UNRWA counts over 370,000 registered refugees, while the PLO cites figures as low as around 150,000 (mainly in an effort not to interfere with the country's religious and ethnic divisions), while other observers average them around 200,000.
- On the issue of **repatriation**, Israel rejects the notion of refugees returning to their original homes and is only willing to admit a small number of refugees (Camp David 2000: 5-10,000 over a 5-10-year period) under "family reunification" schemes. Contrarily, Palestinians demand the unconditional return of all persons regardless of what caused their displacement. It must be said, however, that there are Palestinian voices suggesting that one must distinguish between the essential principle and the problematic practicality of exercising that right, as a mass return to homes and lands in pre-1948 Palestine is idealistic and the ability of the PA to absorb huge numbers of people limited.

Israel further argues that besides everything else there is no space for refugee repatriation due to overcrowded conditions. Palestinians counter that this argument has no basis, since Israel has had no problems absorbing about a million new immigrants over the past decade. One of the injustices perceived is that Russian immigrants can claim to be Jewish and live on Palestinian land, while its rightful owners - Palestinian refugees - are denied the right to return.



Israel is also only willing to contribute an unspecified lump sum into a yet to be established international fund to compensate refugees and oversee compensation and resettlement issues. Palestinians, in turn, insist on direct reparation or compensation to individual refugees based on refugee's rights to restitution and compensation. The total losses in destroyed or confiscated Palestinian property is estimated at US\$250 billion at today's worth, and double this sum if non-material losses are included (BADIL Center, Bethlehem). Such calculation still does not include the billions to be claimed by host countries like Jordan.

- What Israel advocates instead is **resettlement** in host countries, improving the quality of camp life, and restricted readmissions based on humanitarian considerations. Palestinians reject all attempts leading to re-settlement unless based on the refugees' choice.
- Backing the Israeli position and breaking with decades of US Middle East policy, Pres. Bush, in April 2004, coupled his endorsement of Israeli PM Sharon's unilateral Gaza pullout plan, with support for Israel to retain parts of the occupied West Bank and a negation of any right of return of Palestinian refugees to what is now Israel, stating in a letter handed to Sharon that "an agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel.



Cartoon by Omayya Joha, http://omayya.com//

<u>Caption</u>: Writing on the scroll: "Title deeds;" writing on the ground: "American Proposals."



BOX: SELECTED POLLS / SURVEYS

JMCC, Opinion Poll #34, Part 2, December 1999

- 82.9% of Gazans, 77.7% of West Bankers and 82.2% of Arab Israelis believe that any refugee wishing to return should be allowed to do so.
- 54% of WBGS Palestinians and 58.2% of Arab Israelis believe that refugees should mainly be permanently settled in their original homes inside Israel, followed by the option 'within the Palestinian state'.
- As for compensation, 69% of Arab Israelis, 25.3% of West Bankers and 13.5% of Gazans think Israel should be solely responsible. The preferred option among WBGS Palestinians is a combination of Israel, international bodies and Arab governments.
- As for responsibility in creating the refugee problem, 73.6% of Arab Israelis blame only or mostly Israel, as do 51.4% of West Bankers and 47.5% of Gazans.

PCBS, May 2003

- 72.4% of WBGS refugees prefer to solve the refugee question by allowing the refugees to return to their original villages and towns, but only 20.2% expect this to be the solution. The majority of refugees (41.3%) expect a continuation of the status quo while 19.2% expect an improvement to the housing conditions inside the camps.
- With regard to the refugees outside the WBGS, 71.2% of the WBGS refugees prefer them to return to their original villages and towns, with 23.5% expect this to be happening, and 14% prefer relocation outside the camps. Some 31.6%, however, expect the status quo to continue.

Palestinian Center for Policy and Survey Research (PCPSR), Poll on Refugees, Jan.-June 2003

- 10% of the refugees questioned (WBGS: 12%, Jordan: 5%, Lebanon: 23%) named the option to return to Israel in accordance with an annual quota and become an Israeli citizen as their first choice; 31% preferred to stay in the Palestinian state that will be established in the WBGS and receive fair compensation for the property taken over by Israel and for other losses and suffering (WBGS: 38%, Jordan: 27%, Lebanon: 19%); 23% opted for receiving Palestinian citizenship, returning to designated areas inside Israel that would be swapped later on with Palestinian areas as part of a territorial exchange and receive compensation (WBGS: 37%, Jordan: 10%, Lebanon: 21%), whereby that figure increased in a scenario where the refugees' original homes and villages were found to be demolished (WBGS: 47%, Jordan: 52%, Lebanon: 45%); 17% preferred to receive fair compensation for their property, losses, and suffering and to stay in the host country receiving its or Palestinian citizenship (Jordan: 33%, Lebanon: 11%); and 2% preferred to receive fair compensation for the property, losses, and suffering and emigrate to a European country or the US, Australia, or Canada and obtain citizenship of that country or Palestinian citizenship (WBGS: 1%, Jordan: 2%, Lebanon:
- A majority of Lebanon's refugees believe that the WBGS is unable to absorb refugees from other countries, while only 27% in the WBGS and 26% in Jordan believe so.
- While a two-third majority of refugees in WBGS supported the reference in the 'road map' to "an agreed, fair, and realistic" solution to the refugee problem, it was only 46% among refugees in Jordan and 45% in Lebanon.
- The option to leave the refugee question unresolved and postponed while all other issues would be permanently settled was supported by a majority of refugees in the WBGS, but rejected by most refugees in Lebanon and Jordan. Support increased when refugees were told they would be provided housing projects meanwhile. Two-thirds of refugees in Lebanon and Jordan preferred to stay where they are over moving to the Palestinian state under such settlement, while 25% of Jordan's and 31% of Lebanon's refugees were willing to move temporarily to the Palestinian state and wait there for a solution.
- Refugees were asked about the side they would choose over the refugee problem. The majority of refugees in Lebanon (86%) and the WBGS (73%) choose the PLO to represent them in negotiations but only 40% in Jordan, where 28% choose the government of Jordan.

Palestinian Center for Policy and Survey Research (PCPSR), Opinion Poll #10, Dec. 2003

- Of those who had heard about the "Geneva Accord", 61% opposed (65% refugees and 57% non-refugees) and 25% (23% refugees and 28% non-refugees) supported the document.
- The Accord's components of a refugee solution were opposed by 72% and supported by 25%, with no difference between refugees and non-refugees



THE FEASIBILITY OF RETURN

Recent research by **Salman Abu Sitta** (*Palestinian Right of Return - Sacred, Legal and Possible.* London: Palestinian Return Center, 1999) divided Israel into three demographic areas - A, B and C – and demonstrated that the majority of Israeli Jews (68%) is concentrated in **Area A** – 8% of Israel – which is largely the same area in size and location as the land which the Jews had purchased or acquired in 1948. Area A is mainly urban centers, many of which have grown out of originally Palestinian towns. In **Area B** - 6% of Israel with a largely mixed population – another 10% of Israeli Jews live. In other words, 78% of Israeli Jews live in 14% of Israel, while **Area C** - 86% of Israel - is home to the remaining 20% of Israeli Jews, and comprises by and large the area (by size and location) of Palestinian refugee homelands.



Abu Sitta's study shows then that the argument that Israel is already too populated and has no 'spare' space is but a myth, stating, for example, that of the Jews living in Area C, less than 200,000 reside in rural areas, while some 5 million refugees are crammed into hopelessly overcrowded refugee camps, often only a few kilometers away beyond the Green Line. Area C is thus the perfect area for any future absorption of returning Palestinian refugees. The scenarios Abu Sitta is drawing on include the following:

If all registered refugees in Lebanon were allowed to return to their homes in Galilee, which is still largely Arab, it would only be felt in Area B, while there would be almost no impact on Area A (Jewish concentration) and Area C (least populated). The same is true for the refugees in Gaza: if they were allowed to return to their homes mostly in the – rather empty – south, the Jewish majority in Area A would drop by only 6%. According to Abu Sitta, the number of rural Jews in the south who may be affected by the return of Gaza refugees does not exceed 78,000 or the size of a single refugee camp.



Another approach was formulated by **Nasser Abu Farha** from the Alternative Palestinian Agenda (for more details see www.ap-agenda.org), whose proposal allows for the return of significant numbers of refugees. The overall idea is based on a variation of UN Partition Plan of 1947, which envisaged the establishment of two states in historical Palestine, one Palestinian (encompassing land in the Galilee and northern Negev along with the West Bank and Gaza) and one Jewish. With regard to the refugee issue the plan firstly calculates a figure of around 2 million refugees who will want to return. This includes the combined populations of all the refugee camps in the region (1.3 million according to UNRWA) plus a certain percentage (roughly 25%) of refugees living outside camps, based on the assumption that not all of them will want to return having achieved greater stability and prosperity than the former in their respective host countries.

Returnees would be absorbed in two ways. Firstly, 1.3 million refugees would be accommodated in rural areas, partly by rebuilding some 62 villages that were destroyed by Zionist militias in 1948 and which fall under the sovereignty of the new Palestinian state, and partly by constructing new cities and towns in the proposed Palestinian state, which would encompass sparsely populated areas of what is now Israel. The remaining 700,000 refugees would return to cities such as Haifa, Jaffa and Tiberias, where many of the neighborhoods that Palestinians were forced from in 1948 remain abandoned, as well as to a new city of 200,000 residents that is to be constructed in the Jordan Valley. The plan allows for the return of refugees to areas in what will be Israel providing it will not create civil unrest.

In addition, compensation will be paid to the refugees in line with the provisions of UNGA Res. 194, which states that the "parties responsible" for the expulsion of the Palestinians are liable. According to Abu Farha the three parties who should pay compensation are Israel, Britain and the UN as they committed or aided ethnic cleansing (in the case of the former two) or failed to prevent it (in the case of the UN).

Dutch geographer **Jan de Jong** made a study on practical and realistic steps that could be taken to solve the refugee question according to the principle of equitably respecting the rights of both peoples and upholding the Palestinian right of return. In acknowledgement of two separate nationalities de Jong has formulated a 'Palestinian-Israeli Adapted Partition Plan' guided by the 1947 UN Partition Plan and based on a division of the land into areas where both populations, including **up to two million** returning refugees, could enjoy their national rights to the maximal extent in what was and is, or has become their home.



Estimates of the number of Palestinian refugees wishing to return differ, but the main question is what would be needed to reconcile Israel's established national rights with a restoration of the Palestinian rights that were alienated after 1947?

There is little dispute amongst geographers that the West Bank and the Gaza Strip, even when constituted as an independent Palestinian state, are in no condition to accommodate an additional two million refugees, not least because its high current and projected population growth rates. Accordingly, the feasibility of refugee-return is intimately linked to the equally urgent issue of the Palestinian state's overall viability.

Quite substantial areas in Israel are scarcely inhabited by Jewish citizens, due to their remoteness and a shortage of jobs and services. These include areas that Israel conquered in the final stages of the 1948-49 War, where most indigenous Palestinians managed to stay put, and where today they still make up the overwhelming majority of the local population. While marginal on these accounts for Israel, de Jong argues that such areas are crucial to make the return of Palestinian refugees feasible, while at the same time decisively improving the prospects for Palestine's development, at little to no cost for Israel, which would even benefit from a greatly expanded consumer market.

The map shows two areas (light orange) with a negligible Jewish population, that if opened up to a Palestinian state in the West Bank and Gaza would improve economic viability by creating conditions and areas capable of accommodating up to two million returning refugees. It is crucial to emphasize that the issue of living conditions is no less, and is in fact more, important than the issue of space in this regard.

The area in the north comprises the core of the Galilee and the Wadi Ara region, which in the south links the West Bank with Gaza. In each area one large and several smaller cities could be constructed. De Jong argues that spreading the demographic burden of such refugee-absorbing cities over areas which – on account of their land and market bridging functionality – are economically focal, would create vital space, linkages and jobs for the incoming population and benefit the entire area by increasing the demand for goods and services.

The new configuration – only affecting 8% of today's Israel proper - could turn the currently fragmented Palestinian territories into one cohesive contiguous space, along a major trunk road, providing fast and unhindered passage to all districts, neighboring countries, and seaports in both Gaza and Akka. Such a configuration would not need to prejudice the established sovereign rights of Israeli citizens – Arabs or Jews – as all existing communities **c**ould remain with their current jurisdictional_arrangements, while only the unused open land in the re-absorption areas (light orange) would need to be brought under a regional Palestinian developmental authority. De Jong suggests that this leaves less than 2% of either population residing in non-contiguous sovereign areas in what is today Israel proper, and requires a minimum of controlled road crossings. The map indicates sovereign road-passages for guaranteeing unrestricted Israeli territorial contiguity, while ensuring the same for the Palestinian territory and its thoroughfare.

Again drawing his guidance from the 1947 Partition Plan, de Jong's map further outlines an eventual division of the entire land area along similarly equitable lines, seeing a resulting 50-50 partition as a potentially comprehensive territorial settlement when incorporating the western section of the Negev, as shown on the map, with the contiguous block outlined above.

It is useful to briefly review the feasibility of refugee-return figures in the so-called Geneva Accord (signed in Dec. 2003) as a final status plan supported by a reasonable number of Israelis and Palestinians and which is most accommodating to Palestinian aspirations for statehood.

The Geneva Plan recognizes the right of return to the areas targeted to fall under Palestinian sovereignty (the dotted lines on the map). The socioeconomic feasibility of accommodating hundreds of thousands, perhaps up to a million, returning refugees within the constriction of those lines is not addressed in the plan. Again, this is less an issue of space than of geographic conditions.

For instance, even countries like Denmark or Switzerland which are small, but economically powerful could never absorb such numbers without risking a severe and destabilizing recession, in particular when most immigrants are ill-qualified to become productive members of the labor force. This would be particularly true in the case of Palestine with its economic foundations shattered after decades of Israeli colonial rule.

The Geneva Plan may accommodate the same amount of land as that contained within the pre-June 1967 Palestinian Territories, but it reduces, prejudices or excludes certain crucial areas of the West Bank. The Plan proposes to annex core West Bank areas which are crucial for the needed rehabilitation of the Palestinian economy, in particular in and around Arab East Jerusalem (blue arrows).

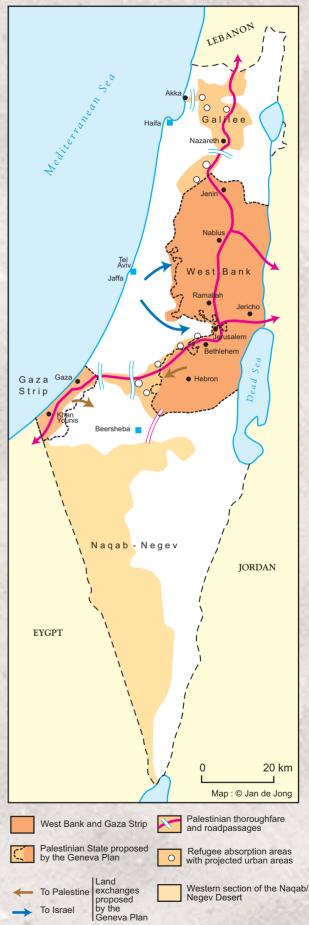
In return, it proposes to exchange these for areas which are not only peripheral and marginal to Israel, but most of all and decisively also for Palestine (brown arrows).



1947 UN Partition Plan (UN Res. 181)



Palestinian-Israeli Adapted Partition Plan





SPECIAL BULLETIN

May 2004

Recommended Research Sources:

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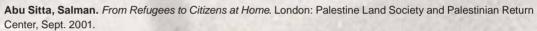
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