

Palestinian Refugees A Historical Overview

Who are the Palestinian refugees?

Palestinian refugees are part of the indigenous inhabitants of historic mandate Palestine. Today this geographical area is divided into the state of Israel (established in May 1948), the West Bank (including eastern Jerusalem) and the Gaza Strip which Israel occupied in 1967. Palestinian cities, villages, and most of the 19 official refugee camps in the latter areas were transferred to a self-governing Palestinian Authority in the 1990s under the Oslo 'peace process.' The area, however, remains under Israeli occupation with the bulk of the land area under full Israeli military control.

Over the course of the 20th century, the Palestinian people have experienced several periods of major displacement, beginning in 1947-48 war, followed by a second major displacement in the 1967 war, and again as recently as 1991 when some 350,000 Palestinians were displaced from Kuwait during the Gulf War. Additional displacement has resulted from Israeli government policies and practices inside Israel and in the 1967 occupied Palestinian territories, including land confiscation, house demolition, revocation of residency status, and deportation.

Palestinian refugees from 1948 and their descendents comprise the bulk of the Palestinian refugee population today numbering over 5 million persons and constituting nearly two-thirds of the Palestinian people. If one includes Palestinians displaced for the first time in the 1967 war and internally displaced Palestinians inside Israel, approximately three-quarters of the Palestinian people have been uprooted from their traditional lands over the past five decades, making Palestinian refugees the largest and one of the longest standing unresolved refugee cases in the world today.

The majority of these refugees reside within 100 miles of their places of origin but are unable to exercise their right to return to their homes and lands of origin. The state of Israel opposes the return of Palestinian refugees based on the desire to maintain Israel as a "Jewish state" characterized by a solid demographic Jewish majority and Jewish control of the land.

What are the Root Causes of Palestinian Displacement?

The mass exodus of Palestinians from their homeland, during periods of conflict as well as in times of relative calm, is fundamentally related to the denial of the right to self-determination and the gross and persistent violation of the human rights of the Palestinian people.

The right of the Palestinian people to self-determination was first recognized by the League of Nations in 1919. Palestine, which had been part of the Ottoman empire until its collapse at the end of the first world war, was among a number of non-self-governing Arab territories in the Middle East that were placed under temporary 'tutelage' or administration of foreign powers under the League of Nations Mandate System until such a time as the peoples of these territories were deemed 'ready' for independence. In 1922, the League of Nations entrusted the Mandate for Palestine (considered to be "Class A" or closest to independence) to Great Britain.

Contrary to the intent and purpose of the Mandate system (i.e., to administer Palestine and its peoples through to independence) Great Britain also recognized the demand of the Zionist movement to establish an exclusive Jewish state in Palestine. Under the terms of the 1922 Mandate for Palestine as drafted by the British government (which incorporated the 1917 Balfour Declaration whereby the British government first recognized Zionist demands for an exclusive Jewish state), the British Administration in Palestine was required to 'secure the establishment of the Jewish national home' in Palestine through Jewish immigration and

settlement. As for the majority of the inhabitants of the country (i.e., Palestinian Arabs), who were referred to as the 'non-Jewish communities', the 1922 Mandate only recognized their civil and religious rights rather than political rights, including the right to self-determination.

In early 1947, the British government informed the United Nations of its intention to withdraw from Palestine ending more than two decades of mandatory rule. Despite the fact that the League of Nations had recognized the provisional independence of Palestine, the UN decided to establish a special committee of inquiry to formulate recommendations for the future status of Palestine. Repeated requests by key Arab states, including former mandated territories, to obtain an advisory opinion from the International Court of Justice (ICJ) concerning the legal obligation of the UN to recognize the independence of Palestine under the terms of the League of Nations Mandate system were rejected by the UN General Assembly.

In November 1947 the UN adopted a plan (UN Resolution 181), for the division of Palestine into two states. One Arab and one Jewish. The recommendation was adopted against the wishes of the majority of the inhabitants of the country. Irrespective of unresolved legal issues, and provisions in the plan for the protection of minority rights in each state, opponents of Resolution 181 argued that its terms were inequitable: the proposed Jewish state was allotted 56% of the territory of historic Palestine even though Jewish inhabitants of Palestine comprised less than one-third of the population and owned not more than 7% of the land. The collapse of the UN-sponsored initiative, after key supporters backed away from implementing it by force, and the subsequent war in 1948 led to the depopulation of some 530 villages and displacement/expulsion of some 750,000 Palestinians. Israel has refused to allow the refugees to return to their homes, apart from a very small number of family reunification cases.

Some twenty years later, the United Nations Security Council adopted Resolution 242, calling upon Israel to withdraw from the territories it occupied in the 1967 Israeli-Arab war, including eastern Jerusalem, the West Bank, and the Gaza Strip. Several hundred thousand Palestinians, including 1948 refugees, were displaced during the war and have been denied the right to return to their homes and lands in these territories due to Israel's continued military occupation. These territories comprise only 22% of the land of historic mandate Palestine. The United Nations has repeatedly affirmed the right of self-determination of the Palestinian people in these territories. General Assembly Resolution 3236 adopted in 1974, for example, reaffirmed the inalienable right of the Palestinian people to self-determination and the inalienable right of Palestinian refugees to return to their homes and lands from which they were uprooted.

The mass exodus and displacement of Palestinians is also related to gross and persistent human rights violations. During the 1948 war, the Palestinian Arab population was displaced and expelled in large numbers by Zionist militias and later by Israeli forces after the unilateral establishment of the state of Israel in May 1948 through a combination of tactics that violated basic principles of international law. These tactics included indiscriminate military attacks on civilians (including those fleeing areas of conflict), massacres, looting, destruction of property (including entire villages), and forced expulsion. Israeli military forces later instituted 'shoot to kill' policies at the front lines to 'prevent infiltration' - i.e., the spontaneous return of refugees to their homes. Expulsion and internal transfer of Palestinian Arabs continued after the signing of armistice agreements in 1949 between Israel and its Arab neighbours. Israel subsequently adopted a series of laws concerning citizenship and nationality which effectively prevented Palestinian refugees from returning to their homeland, as well as a series of "abandoned property" laws to dispossess refugees of their property and transfer it to full Jewish control.

Many of these same violations of international law were committed against Palestinians during the 1967 Arab-Israeli war, leading again to mass displacement and imposed exile. Palestinian residents of villages near the ceasefire lines, including, for example, the villages of Imwas, Yalu and Bayt Nuba in the Latrun area and the Moroccan quarter of the old city of Jerusalem, were expelled from their homes which were completely demolished by Israeli military forces. Palestinian civilians who were fleeing areas of conflict were strafed by Israeli aircraft, while others were transferred out of the West Bank on Israeli buses. In some cases young Palestinian men were forced to sign documents that they were leaving voluntarily. As in 1948, Israeli forces shot at Palestinian civilians, including women and children, attempting to cross the border and return to their homes and lands.

What are durable solutions for Palestinian refugees?

The United Nations set forth the basic framework for durable solutions in Resolution 194 (III), 11 December 1948. The Resolution, based on principles of international law, affirms the right of each Palestinian refugee to choose to return to his or her home (i.e., this includes restitution of properties) and receive compensation for damages. Palestinian refugees choosing not to return are to be compensated for their losses and damages and are entitled to resettlement.

Palestinians argue, that for a solution to be durable, it must be based on international law and practice as applied in other refugee cases, such as in Kosovo, Bosnia, Guatemala, Mozambique, among others. This includes the individual right of refugee to return to their homes (a right which has been affirmed also by major international human rights organizations such as Human Rights Watch and Amnesty International), restitution of properties, and compensation.

BADIL publications

Palestinian Refugees

A Historical Overview



FRIENDS OF AL AQSA
Defence of Al-Aqsa and Peace in Palestine