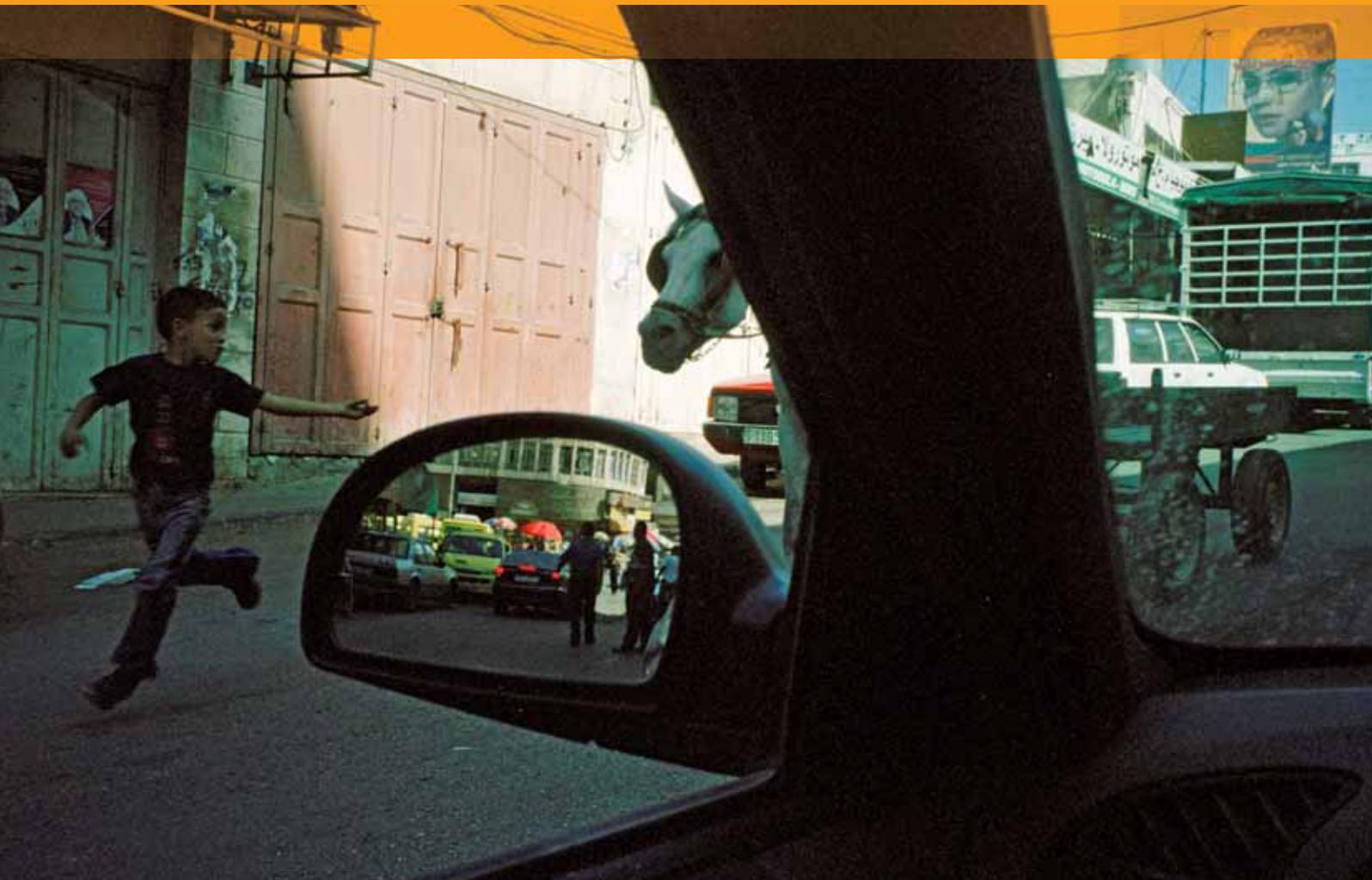


# LOCKED OUT: PALESTINIAN REFUGEES AND THE KEY TO PEACE

POVERTY

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Officer, Israel and the Palestinians

A Christian Aid report  
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# FOREWORD

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In 1959, Janet Lacy, the director of the British Council of Churches' Inter-Church Aid and Refugee Service – as Christian Aid was then known – wrote a short report on our work with refugees across the world. She noted that in the Middle East, our partners 'regularly distribute food and clothing, provide supplementary education, medical care and housing, self-help programmes and vocational training' to assist refugees. However, while acknowledging these efforts, she recognised that only a political solution would 'bring hope to the hopeless'. These are her words from that time after visiting Lebanon:

'At a distance you may feel critical and say that after all these years this is unreal, they will never get back to their homes... But imagine what you would do if you were arbitrarily banished to another county or country. Wouldn't you insist that the only place you went to would be back home?

'I have been to the Near East several times since 1954, and I still find it as agonising as that first visit. There is practically no change in the refugee situation, except that more babies have been born and the political tension has increased, and the deterioration common to communities living on charity gets worse.'<sup>1</sup>

After visiting several European countries, Hong Kong and Korea in order to complete research for her report, Lacy concluded:

'The creation of a refugee situation is complicated. One nation is persecuted or economically reduced, and as a result, the ensuing bitterness reacts on innocent people. A political decision in one country – our own, perhaps – will later create a situation in another country which results in bitterness and civil war.'<sup>2</sup>

This report demonstrates how those words, more than 50 years later, are still relevant. Given the passage of time, with vastly increased numbers of refugees still living in poverty, often without hope and at a time of political upheaval across the region, the need to address their situation is perhaps more pressing than ever.

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The Jewish cemetery on the Mount of Olives opposite the old city of Jerusalem

# INTRODUCTION

In *Locked Out*, Christian Aid calls for an honest and meaningful dialogue about the Palestinian refugee crisis, which engages all stakeholders, together with the introduction of a process that can deliver peace with justice and security for all Palestinians and Israelis. For Palestinian refugees, such a process must listen to those whose voices have been ignored as an inconvenience of history and explicitly recognise their legitimate rights.

This report asserts that until the refugee and displaced populations from the Arab-Israeli wars of 1948 and 1967 are regarded as a core factor in resolving the Middle East conflict, then peace will remain out of reach. It looks at the status and situation of Palestinian refugees and illustrates why these should be considered as a key that will help unlock the peace process.

Christian Aid's introduction to the Middle East came in the early 1950s in response to a call from the Middle East Council of Churches to assist with the refugee crisis after the first Arab-Israeli war in 1948. Today, our partners in Lebanon, Israel and the occupied Palestinian territory (OPT), such as Najdeh, Zochrot and the YMCA, ensure that we do not forget the often dire humanitarian conditions experienced by refugee communities.

Approximately half of the total Palestinian population, which is estimated to be about 10 million, live outside of the OPT as refugees.<sup>3</sup> Within the OPT, 45 per cent

of those who live in the West Bank, which includes east Jerusalem, and the Gaza Strip are classified as refugees by the United Nations (UN).<sup>4</sup>

Additionally, in some host countries Palestinian refugees are often unwelcome and have their basic rights violated despite political rhetoric championing their cause. Their lack of protection and vulnerability are constant and their presence in those states is often cited as a source of instability and conflict.

Christian Aid works to alleviate poverty while tackling the systems that perpetuate it. For many refugees, poverty and discrimination are a daily reality, hence our focus on the importance of finding a solution to their plight. It is not our role to prescribe what that solution should be, but we must be explicit in recognising that a legitimate solution will be based on respect for the law and ensuring justice and rights for all.

When considering such a solution in this report, we refer to our 'viability' framework, which recognises refugee rights and outlines what is needed to allow Palestinians a future with opportunities for a decent life.<sup>5</sup> We also stress the importance of listening to and engaging with refugees, who often feel overlooked, especially since the failed Oslo Accord negotiations of 1993 and subsequent peace process of the early 1990s.



UNRWA/The Flight 1948

For Palestinians, Israel's 1948 War of Independence was their *nakba*, or catastrophe, when hundreds of thousands fled or were forcibly removed

The report also acknowledges the radically different narratives regarding the Palestinian refugee situation. For Palestinians, the peace process must end the injustice and ordeal of forced displacement that they continue to experience, while Israelis require assurance that such a process would not mean the end of Israel as a secure state for Jews. These narratives must be transformed into ones that recognise a viable future for both peoples, with respect

for the right of all to live in peace with security, economic opportunity and equity.

Christian Aid therefore challenges policy-makers and stakeholders worldwide to recognise that any viable solution requires a comprehensive approach to peace that has hitherto been absent. Refugees can no longer remain on the margins of peace negotiations, left to the final stages for resolution.

# BACKGROUND

‘We have three boys and a girl, 23, 21, 18 and 14 years. None of them has any legal status. They cannot leave the camp. They cannot travel around Lebanon, of course they cannot travel abroad. They can’t work. They can’t register a marriage legally – and no one will want to marry the boys anyway or these problems will fall to their children. They ask me “what do we live for?”’<sup>6</sup>



Christian Aid/Tabitha Ross

Children in Beddawi refugee camp, Lebanon. The civil rights of Palestinian refugees in Lebanon are restricted, including the right to work

Competing narratives of events and differing interpretations of international law, as outlined in the following sections of this report, mean there is disagreement over who can be called a refugee as well as how many there are. Regardless of those differences, it is clear that the Palestinians still constitute one of the world’s largest refugee populations of recent times.

In 1947 and 1948, in the lead up to and as a result of the first Arab-Israeli war, approximately 750,000 of an estimated 900,000 Palestinian Arabs who were living in the area that comprised the emergent state of Israel fled or were forcibly removed from their homes.<sup>7</sup>

The remaining parts of the former British Mandate of Palestine were apportioned between Jordan and Egypt, which took control of the areas now known as the West Bank and the Gaza Strip, respectively. Those who fled or were forcibly removed were dispersed primarily to Jordan, Lebanon, Syria, the West Bank, the Gaza Strip and Egypt.

A further 30,000 Palestinians also left their homes but remained within the borders of the new Israeli state and, thus, were internally displaced.<sup>8</sup> They have never been allowed to return to their homes and villages in Israel, despite the fact that they are now Israeli citizens. Their homes, like those of other Palestinian refugees, were either demolished or given to Jewish immigrants.

After the 1967 war, during which Israel took control of the West Bank and Gaza, an estimated 500,000 Palestinians either fled these areas or were not allowed back in after having been outside them when they were occupied. For some, this was a second displacement, having originally sought sanctuary in these locations in 1948.<sup>9</sup>

The UN calculates the number of registered Palestinian refugees in the Middle East today to be 4.82 million.<sup>10</sup> This figure does not include either those who do not hold a UN-registered identity card or those who live outside of the region.<sup>11</sup>

# LOCATION LOTTERY



Christian Aid/Sarah Mallan

Rubbish piled high in Shatila, a Palestinian refugee camp in Beirut, which has sheltered refugees under squalid conditions since 1948

The living standards experienced by Palestinian refugees vary widely depending on where the refugees live. Along with non-refugee Palestinian populations, refugees in the West Bank and Gaza are stateless due to continued Israeli occupation.

In the West Bank they live under a combination of Palestinian Authority (PA) and Israeli civil-military administrations, as a result of previous peace agreements. In the case of east Jerusalem, residency is restricted to those Palestinians who were recorded as living within the municipal boundary after Israel's annexation of it in 1967, with proof that their 'centre of life' lies within Jerusalem or in Israel proper.

While the majority of refugees remain in camps, many others now live outside, but can still access the services of the United Nations Relief and Works Agency (UNRWA), which was set up to provide relief and humanitarian services to Palestinian refugees. Where available, some groups of refugees can also use the services of the PA or, if in Jerusalem, Israel.

Gaza, meanwhile, is currently administered by the Hamas-controlled government. While Israel evacuated its settlements there in August 2005, it retains direct control over Gaza's airspace, coast and crossings and has

imposed a tight closure policy that severely limits freedom of movement and access for the entire population.

The majority of Palestinians residing in Jordan hold full Jordanian citizenship; however, some Palestinians, notably those from Gaza, hold only temporary passports, which restricts their enjoyment of full citizenship rights. One in six live in refugee camps – most of which have become more like urban neighbourhoods.<sup>12</sup> In Syria, Palestinian refugees are non-citizens, although they are permitted to work, can access social services and only a quarter of them still live in camps.

Palestinian refugees in Lebanon face numerous employment restrictions and are barred from owning property. As a result, they generally live in poor and overcrowded refugee camps. There were some reforms to employment restrictions in August 2010 but these have had little practical impact on Palestinians' opportunities to work in professional fields.

There are also significant numbers of Palestinians who live elsewhere in the Middle East and further afield in Europe, the Americas and Australia. There, they enjoy citizenship and civil rights but are nevertheless unable to return to their homes from which they fled or were absent from in 1948.

# A CONFLICT OF NARRATIVES

The failure to agree on the cause of the conflict and the refusal of the State of Israel to accept responsibility for the displacement of Palestinians help perpetuate the latter's refugee status. Israel maintains that the displacement of Palestinians was solely a by-product of conflict rather than a deliberate policy of expulsion. Under such an interpretation, while the refugees would be legally entitled to some redress from Israel, they would not be considered to be its responsibility alone.

This version of events, however, precludes any reference to Israeli attempts to remove Palestinians forcibly from their homes prior to and during the war in 1948. Yet after

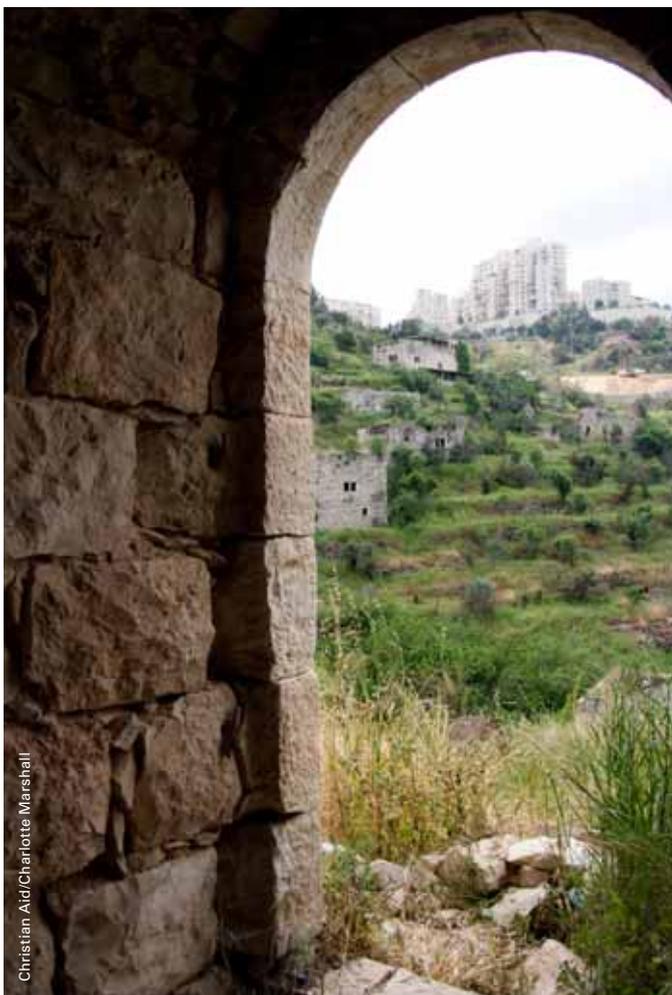
the UN's 1947 decision to partition Palestine into separate Jewish and Arab states such expulsions did happen. While there might not have been an explicit policy underpinning this, expulsions were ordered by the Israeli high command, as described by Israeli historian Benny Morris in *The Birth of the Palestinian Refugee Problem, 1947-1949*.

Many Israelis point to the Palestinian refusal to accept the UN partition plan as proof that the Palestinians were not prepared to accept any Jewish national rights in the former British Mandate of Palestine and, thus, any legitimacy to Israeli statehood on that land. From this perspective, recognition of the refugees' legal right of return would mean, in effect, accepting a Palestinian version of history that includes mass expulsions, and that Israel was, therefore, 'born in sin'. In addition, the potential return or influx of millions of non-Jews is considered as a fatal demographic threat. Thus, recognition of this right of return in principle is widely regarded as tantamount to accepting the end of the State of Israel.

Some Israelis also raise the issue of Jewish refugees from Arab countries after the 1948 war, who were absorbed and integrated into Israel. They insist that any discussion of Palestinian refugees be broadened to include their own experience of displacement. Palestinians do not necessarily deny that this took place, but assert that any compensation claims should be taken up with the relevant Arab states and should not be made a condition of their own right of return.

For Palestinians, the Israeli War of Independence of 1948 was their *nakba*, or catastrophe, when hundreds of thousands were forcibly removed or fled from their homes in fear of their lives. Yet prior to that they had already experienced a succession of challenges to their homeland. These ranged from the first Zionist settlers in the 1880s; to the Balfour Declaration of 1917, which promised a national home in Palestine for the Jews; through to the UN partition plan, which, in the Palestinians' view, favoured the Jews in terms of land distribution and the number of Palestinians who would be forced to live under Jewish sovereignty.

Throughout Palestinian refugee communities, most families can still produce the keys and deeds to the homes that they or their forebears left. Consequently, the key has become the symbol of the refugees' narrative of return. It is clear that the refugees represent a particular anguish for all Palestinians, whether refugee or not. They symbolise a common bond of dispossession and injustice that for many Palestinians represents an existential limbo, made worse by the often dire living conditions and insecurity that refugees endure.



Christian Aid/Charlotte Marshall

The abandoned Arab village of Lifta, near east Jerusalem. Arab residents fled from here during Israel's 1948 War of Independence

# A VIABLE SOLUTION

‘We should not repeat the mistake of the Israelis and make our existence in our land dependent on the non-existence of the people who are already living there. Israelis or Jews thought that their existence on the soil of Palestine meant the non-existence of the other. We want the right of return as an individual and a collective claim to the land we were expelled from. We do not wish to tell them to leave or for a fragmentation of their state.’<sup>13</sup>

Finding a solution to the refugee issue is an integral component of securing a peace process, which would also tackle questions surrounding delineation of borders, the future of illegal settlements, access to natural resources and the status of Jerusalem.

The way forward requires a long-term, just and peaceful solution that guarantees a viable future for both Palestinians and Israelis. This calls for a radical shift from the current political stalemate to one where Palestinians, Israelis and the international community have the political will and create the space necessary to take bold steps towards peace.

While the international community has repeatedly expressed its commitment to a ‘viable’ Palestinian state, it has never defined what this means. In order to start the discussion that could lead to a resolution with which both Israelis and Palestinians can live, it is important to agree on certain principles that will ensure such an outcome. Christian Aid’s 2007 report *Israel and Palestine: a Question of Viability* explained the concept thus:

‘The fundamental meaning of viability is sustainability and growth. For a country to be sustainable it cannot be constrained by restrictions on movement, separation of communities and embedded structures of external control. If international politicians are committed to a viable solution then they must confront the facts on the ground that will otherwise preclude its emergence.’

It also defined, through consultations with Palestinian and Israeli partners, those principles necessary to achieve this (see box on the right).

## **A viable solution is needed for a lasting end to the conflict, and must include:**

- an end to occupation: the bedrock of viability
- self-determination and sovereignty: exercise free political will and be free from external control
- accountable governance: a coherent political system with government control over the collection and use of financial resources, such as taxes
- protection of rights: for all Palestinians and Israelis
- security for all: the security of Israelis is indivisible from that of Palestinians
- freedom of movement: for all Palestinians, which must include between and within the West Bank, east Jerusalem and the Gaza Strip
- control over natural resources: land, water, minerals, sea – for the benefit of the whole population’s economic growth and prosperity
- an end to aid dependency.

## **Any process towards viability must:**

- be guided by international law and resolutions
- be impartial
- hold both sides to account, bringing an end to impunity.

Recognition of the refugees' rights is critical for the establishment of a just and lasting peace in the Middle East. However, demographic fears, which are often raised within Israel, make discussion of applicable laws, let alone their practice, extremely difficult. This only helps to demonstrate that this is a core issue and not one to be left until final-stage discussions.

To resolve this conflict, the notion that the refugees are somehow an obstacle to peace must be rejected. A prerequisite both for peace and a viable solution to the conflict is justice, which by definition must include justice

for the refugees. Israeli security concerns and questions about the right of return are understandable and must be squarely addressed, but absolute rejection of the rights of refugees serves neither security nor justice.

If the rights of refugees are permanently abrogated then it is not just the Palestinian refugees who suffer. It will put a viable solution out of reach and thus the opportunity for both Palestinians and Israelis to live free from fear and insecurity. It will also damage any sincere effort to build a world that provides equal protection to all human beings through universal and inalienable rights.



Christian Aid/Tom Pilston

The view from the old town of Jaffa towards the modern city of Tel Aviv, Israel

# RIGHTS AND THE LAW

‘We think that the right of return is an individual and collective right which is guaranteed by international law and which belongs to the set of Palestinian people’s rights and which can’t be manipulated or subjected to referendums.’<sup>14</sup>

Towards the end of the 1948 Arab-Israeli War, the UN adopted General Assembly Resolution (UNGAR) 194. This established and defined the role of the United Nations Conciliation Commission for Palestine (UNCCP) to facilitate peace in the region.

Paragraph 11 of UNGAR 194 states that ‘refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible’.

The UN has reaffirmed this resolution practically every year since its adoption with near unanimity. UNGAR 194 represents customary international law, binding on all states, and enumerates the rights that all Palestinian refugees are entitled to exercise under international law. These include: the right to return to their original homes; the right to restitution in order to restore the conditions that existed before they became refugees; and the right to compensation for the material and non-material losses they have suffered as a result of becoming refugees.

For Palestinian refugees, the individual and collective inalienable right of return cannot be negotiated away. The recognition of this and other rights would pave the way for the development of ‘durable solutions’, which would allow refugees the choice of voluntary repatriation to their original country, settling in their host country or settlement in a third country. However, conflict of opinion over the recognition of the Palestinian refugees’ right of return has meant such solutions have remained out of reach.<sup>15</sup>

It is worth noting that the UN and member states have established the precedence of legal and political frameworks to implement the right of return for refugees

in other conflicts. In the cases of Bosnia and Guatemala, for example, the destination of refugees was built into the peace agreements themselves. Central to the success of these repatriation programmes was the inclusion of the refugees in decision-making processes regarding their future. This not only recognised their status as refugees and the violation of their rights in the course of conflict, but also protected the legitimacy of their rights, thus enabling them to be genuine stakeholders in any future peace agreement.



Christian Aid/Tom Pilston

Israeli border police detain a volunteer from Christian Aid partner BT'Selem, who filmed the demolition of Palestinian homes in Susiya, West Bank

# UN RESPONSIBILITIES

The United Nations High Commissioner for Refugees (UNHCR) is the agency responsible for the daily protection of all refugees, as well as the longer-term goals of securing international agreements on refugees, monitoring compliance by states and assisting in voluntary repatriation. However, Palestinian refugees fall outside of the protection of UNHCR due to the wording in the 1951 Refugee Convention, which states: 'This convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.' (Article 1D, UN Convention Relating to the Status of Refugees, 1951.)

It was perhaps a lack of UNHCR protection that helped contribute to Palestinian refugees being denationalised and officially prevented from returning to their homes, under Israel's Nationality Law in 1952. Meanwhile, internally displaced Palestinians became citizens of Israel but were also prevented from going home.

This took place in spite of the fact that prior to that, two UN agencies had been set up, in 1948 and 1949, to provide for the needs of Palestinian refugees. First, UNGAR 194 established the UNCCP, which was to be responsible for protection of Palestinians and finding legal solutions to the crisis, including tackling the question of return.

In an effort to reach a solution to the conflict, the UNCCP established an Economic Survey Mission (ESM) to examine the economic situation of the countries affected by the conflict and conduct a survey of all refugee property. This was to support the commission to 'facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation pursuant to the provisions of paragraph 11 of the General Assembly's resolution of 11 December 1948, in order to reintegrate the refugees into the economic life of the area on a self-sustaining basis within a minimum period of time'.<sup>16</sup>

Then, based on the ESM's recommendations, the UN's General Assembly adopted resolution 302 (IV) in 1949, thereby creating UNRWA, which was mandated:

- (a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission;
- (b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available.<sup>17</sup>

While UNGAR 302 defined the main goals of UNRWA, it made no mention of how legal matters such as repatriation, resettlement or compensation might be addressed, and did not include these in the agency's mandate. Neither did it offer any clear definition of which refugees would be eligible for the agency's assistance – something that has also been left out of subsequent General Assembly resolutions.

UNRWA has, therefore, adopted its own working definition of Palestinian refugees as 'people whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict'. UNRWA's definition of a refugee also covers the descendants of persons who became refugees in 1948 and those who became refugees in 1967.<sup>18</sup>

**For the purposes of this report, the following categories can be considered 'refugees and displaced persons'. This is on the basis that each group has rights, and if denied these, they are entitled to have this redressed under international law:**

- Palestinian refugees displaced up until 1948 and their descendants
- Palestinian refugees displaced after 1967 and their descendants
- internally displaced Palestinians within Israel and their descendants.

UNRWA began work in May 1950 and, in the absence of a solution to the refugee problem, the UN General Assembly usually renews the agency's mandate every three years. The agency currently provides relief in the form of education, healthcare, social services and emergency aid to more than 4.8 million refugees living in the Gaza Strip, the West Bank, Jordan, Syria and Lebanon.<sup>19</sup> Almost one-third of registered refugees live in 59 camps and UNRWA's services are available to all of those living in its area of operations who meet its definition of a Palestinian refugee, who are registered with the agency and who need assistance.

# A LACK OF PROTECTION

Although the UNCCP was originally given a mandate to protect Palestinian refugees, it was never provided with the means or support to enforce this. Its role was limited to developing a database of refugee property in Israel and investigating compensation. UNRWA, meanwhile, was never explicitly mandated to undertake a protection role, despite the efforts of many within the agency to realise protection as an essential need for Palestinian refugees. Moreover, no agency exists with the explicit remit to consider and advise on durable solutions for tackling the Palestinian refugee crisis at an international level.

It is important to emphasise that this situation has placed Palestinian refugees outside of the normal jurisdiction of relevant international law, as embodied by the work of UNHCR. This has meant that political negotiations between the parties have framed the peace process outside of international law. So, while Palestinians' plight

as refugees might not be entirely exceptional, their treatment has been.

The predicament of Palestinian refugees is further complicated by the fact that they lack the national protection of a state. This affects their status when facing the threat of expulsion or deportation, as non-nationals of a state or failed asylum seekers. The massacre of refugees in Beirut's Sabra and Shatilla camps in 1982 and the Palestinians left stranded on the border between Iraq and Syria after the war in 2003 are stark reminders of the vulnerable position that Palestinian refugees endure. This lack of protection affects both their day-to-day lives and long-term prospects for realising their right of return. Alongside the lack of mechanisms for the protection of human rights that are normally ensured by the state is their vulnerability to rights violations either by host countries or hostile entities.



Christian Aid/Sarah Malian

Sabah Tōfaylih lives in the Bekaa Valley, Lebanon. Palestinian refugees lack the protection of a state, while no international agency is mandated to find a solution to their predicament



Christian Aid/Paul Lowe

An Orthodox Jew looks at the Wailing Wall in the old city of Jerusalem. The security of Israelis is indivisible from that of Palestinians

# THE RIGHT OF RETURN

'The first step is recognition of the right of return, by Israel and the international community, as the right of Palestinian refugees. When this is accomplished, then I can begin to look at the detail.'<sup>20</sup>



Najah Zwahara Al Hamidi leans against the green gate of her home, with the Israeli settlement of Har Homa in the distance

The right of return is a principle that, with the passage of time and new demographic realities, has proved more controversial than almost any other aspect of the conflict, both for Israelis and Palestinians and the wider region. Under international law it is an individual and collective non-negotiable right. For many Israelis, it is a red line, or an existential threat, that seemingly cannot be discussed, let alone crossed.

The right of return is non-negotiable. However, this does not imply that every refugee returns to his or her exact place of origin. But it does require that Israel acknowledges and accepts responsibility for the plight of the refugees as a critical step before any forms of restitution, resettlement or compensation can be addressed and the conflict moves towards resolution.

UNHCR, in theory, is the body that enforces the right of refugees to return to their country of origin. When the cause of the conflict is clear, the international community is called upon to assist refugees to repatriate. The right of return is not worded explicitly in the 1951 Refugee Convention but is based on customary international law, the four Geneva Conventions and the Universal Declaration of Human Rights. It is both an individual right, with each refugee holding the right to return to their homes, and a collective right that forms a precursor to the implementation of the right to self determination.

The 1948 Universal Declaration of Human Rights (UDHR) clearly states that 'everyone has the right to leave any country, including his own, and to return to his country', that 'everyone has the right to a nationality' and that 'no one shall be arbitrarily deprived of his property'. Israel has ratified

several treaties that have come to codify the principles set out in the UDHR, namely the International Covenant on Civil and Political Rights and the Convention on the Elimination of Racial Discrimination.

Some Israelis have, in an effort to disavow UNGAR 194, argued that the Resolution does not present return as a legal right, but rather as a demand that is subject to the sovereign country, that is, Israel.

This position further contends that the Palestinian refugees' right of return is subject to government negotiations rather than international law as, from this perspective, many of those that left chose to. Thus, the insistence of the individual right of return and restitution of property is regarded as a political obstacle to peace, as the individual right is not recognised in the first place. Furthermore, United Nations Security Council Resolution (UNSCR) 242, on which the Oslo Accord premise of 'land for peace' is based, replaces 194 in calling simply for a 'just settlement of the refugee problem' but within the new context of two states with territorial borders based on the 1967 Green Line.

As long as the Palestinian and Israeli positions remain polarised it will be hard to start the process of negotiating a solution. First and foremost the right of return is a principle recognised in international law. Acceptance of that principle, coupled with a practical but fundamental undertaking from the international community that it will financially and politically support all forms of restitution, would be a critical step towards a process of recognition and legitimisation of both peoples.

# AN ENDURING IDENTITY

'The right of return is something important to the people. The UN recognised this right. The Israelis never want to talk about it because it threatens their identity, but for the refugees, to forget it also threatens their identity. People here want to have the right of return, and then they can choose to go back or not. But they don't want this choice taken away from them.'<sup>21</sup>

The continued exclusion of Palestinian refugees from any peace process, along with the systematic denial of their rights, is ensuring that a viable solution to the conflict remains out of reach. As can be seen from the cases of other marginalised or persecuted groups in history, identity is not easily broken and its common bond is rarely weakened.

On the basis of their status as refugees, Palestinians are frequently subject to legal, political and socio-economic discrimination. In addition, they have found themselves at the centre of conflict with host countries, such as Jordan and Lebanon in the 1970s and 1980s. Or as pawns in disagreements between Arab states and the Palestinian leadership, such as the attempt in 1995 by Libya to expel some of the 30,000 refugees from the country.<sup>22</sup> Or as victims of political instability in Iraq after the 2003 US-led invasion, which led to the persecution of some Palestinians and resulted in the flight of thousands into makeshift camps on the Syrian-Iraqi border.

Their situation is compounded by the fact that their homeland which they left in 1948 is now another state, Israel, which does not recognise their right of return and refutes their claim to the land.

Palestinian refugees do not want to be regarded as passive, hapless victims; neither do they want to exist on humanitarian assistance. They want recognition of their identity, of their rights and also of the vibrant and critical contribution they can and should make to unlocking the impasse.

Continued denial of rights based on the change of identity of a state or place of an individual's origin does not alter the identity of that individual. It does not simply subside as time passes or facts on the ground are created. Most Palestinian refugee camps are populated by people who came – or whose families came – from the same villages or region of pre-1948 Palestine. They share cultural and family ties and a shared history of the land that they consider home.

Any hope that this attachment and shared identity will fade is misplaced. As one refugee told Christian Aid in Rashediah camp in Lebanon: 'I feed it to my children with my breast milk.'



Christian Aid/Tom Pileston

Entrance to Aida refugee camp, Bethlehem, West Bank. The key is regarded by Palestinian refugees as a symbol of the right of return

# A DAY IN THE LIFE

'Here in Lebanon the situation is different from the situation in Syria or any other country. There they have human rights, but here we have nothing. We don't own our houses or our land. I hate to say it but we are like animals. There they can be engineers, doctors, lawyers, but here we can be nothing. And people here are afraid – after nine at night you don't see anyone in the camp because people are afraid of what happened in Nahr el Bared camp<sup>23</sup> happening here.'<sup>24</sup>



Christian Aid/Sarah Mallan

This house lies adjacent to the separation barrier that Israel has built between Bethlehem and Jerusalem. Fouad Jado (pictured) lives nearby

There is no such thing as a typical day in the life of a Palestinian refugee. Their experience depends on factors such as what identity papers and permits they hold and the attitude of the people and government of the state in which they live. But the common bond that they all share is the insecurity of statelessness and the sense of loss and longing for a homeland that could promote and protect

their identity as Palestinians: an identity that continues to be challenged and threatened.

In this section, refugees speak out about their circumstances and aspirations – highlighting what the reality is for Palestinian refugees.

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## Sami Houssein Taha

Sami Houssein Taha, 55, lives in Borj el Borajneh refugee camp in Beirut. He trained as a civil engineer in the former Soviet Union and has worked in Abu Dhabi. Upon his return to Lebanon, he was unable to continue in his chosen profession due to discriminatory Lebanese law.

'Here in Lebanon there are a wide variety of skilled professions that Palestinians are not allowed to do. Civil engineering is one of them. Before, I was working as a sub-contractor on building sites because I couldn't work as a civil engineer. And then I couldn't find any more work, so I opened this sweet shop in the camp. Almost all Palestinian doctors and lawyers left Lebanon for

other countries, or all those that wish for more respect and a better life, they try to leave. I'm married but don't have children, so our financial situation is a little easier than others.

***'I studied because I wanted to be an educated man and to have a profession. They can stop me from working, but they cannot stop me from having self-respect and aspiring. We want to study and be an educated people'***

'In general, life in the camp is not good. The alleys are narrow and insufficient and there are always power cuts. People are poor because they are shut out of good work. Children have no park or garden or place to play, just the narrow alleyways.

'Personally, my hope for the future is to do the Haj

[annual pilgrimage] and go to Mecca. I want that even more than to be able to work as an engineer again. But generally, our collective hope for the future is to return to Palestine and live in peace.

I still have the deeds to my family's land in Palestine – my father brought it with him when he fled from there. I have never seen that land, but I know exactly where it is, and I have the deeds that prove that it is mine, and one day I hope to reclaim it.'

When Sami was asked why he studied a profession that

he knew would be forbidden for him to pursue, he replied:

'What else am I to do? Under Lebanese law I can't be a doctor, a lawyer, a journalist, an engineer, an architect or anything else. But I studied because I wanted to be an educated man and to have a profession. They can stop me from working, but they cannot stop me from having self-respect and aspiring. If Palestinians thought about this question, no one would go to university; no one would do anything but sweat for their day's food. But we want to study and be an educated people.'<sup>25</sup>

## Hanifa Mohammed Jomar

Hanifa Mohammed Jomar, 55, lives in Weevil camp, in the Bekaa region of Lebanon. Her husband is a non-ID refugee from Gaza, and their children have inherited his non-ID status. This means they cannot leave the camp, work officially or register a marriage, as well as a host of other problems. The worry is tearing Hanifa apart. She wants them to have ID and passports and be able to leave Lebanon.

'I will tell you about the catastrophe of my marriage. My husband is from Gaza. He was imprisoned by the Israelis and when they

released him they didn't allow him to return to Gaza, they ordered him to leave Palestine. He came here to Lebanon on temporary papers issued by the Red Cross.

'I was born here in Weevil and this was my mother's house. My family are refugees from 1948 and we have refugee papers. But a woman cannot pass on refugee status to her children – only a man can – and this has caused many problems for us. They cannot work legally, and are not able to leave the camp and nor can my husband, so they try to

***'The conditions that we live in – would you accept such a life for your children? No housing, no work. I do not sleep. God gives us life to ensure the life of our children but I can't provide this'***

get some casual labour, carrying vegetables for a few notes or mixing cement.

'The conditions that we live in – would you accept such a life for your children? No housing, no work. I do not sleep. God gives us life to ensure the life of our children but I can't provide this. For my children, I wish them a different life to my life. If they're working, if they can travel – inside and outside

Lebanon – I'll be happy. They need passports, just like any other child. They say "where is my future?" They need someone to adopt them.'<sup>26</sup>

## Abed Rabin

Abed Rabin, 48, lives in Deheishe refugee camp in Bethlehem. He is a farmer who has received donations of olive trees and help on his land from volunteers from Christian Aid partner the YMCA. As a refugee, his family lost half their land in 1948, and it is becoming harder to work the remaining land due to checkpoints, the barrier and attacks from Israeli settlers.<sup>27</sup>

'Although we live in Al Deheishe camp in Bethlehem, we always think about our land in Walajah. It straddles the [19]48 border, and we lost some of it in 1948. The rest is now cut off by the wall. There's a checkpoint 50 metres away from it – it's a few kilometres from here. I go there two or

three times a week to plant it and tend it. I'm a farmer – it's my living!

'It's so hard to get there now because of the checkpoints and the wall, so I sometimes need to stay there overnight so that I can start work early enough in the morning, before the sun gets too high. And if I have important work sometimes I go the night before, in case they stop me on my way in the morning.

'The right of return means that nobody can come and take something that's mine without my choosing it. The land is important ancestrally – my family is from there, my grandmother is buried in the field there. It's our history, our roots, not something we can sell. It's in our hearts.

The small houses there were destroyed but they survive in our hearts. Every olive tree has a story. What my father told me, I tell my children and they will tell theirs.

'Some people say that the expected number of people who will come back is 700,000 to 800,000. The refugees who are very well settled in Jordan, or Europe, not all will come, but the important thing is that they must have the choice.

'I don't have faith in politicians. But anyway, it's not in the hands of our political leaders – it should be the responsibility of the international community, as our leaders are very weak and have no power. We have UN resolutions about the

right of return but there's no force upon the Israeli government to implement these resolutions. We want peace, but we want a just peace. We want to tell governments that we don't want just the financial support and the aid; we want them to support our rights.

'I have many friends around the world and in Israel who want peace. Some people say it's impossible, that Palestinian refugees will never go back to their villages. But there are many things that people thought would never happen – democracy in some countries in Europe, the end of Apartheid – but it happened in the end.'<sup>28</sup>

# A SENSE OF ISOLATION

'Ever since the Palestinian leadership was established in Palestine, the PLO turned its back to the Palestinians abroad as if we were not Palestinians. They didn't even consider our opinions in the Palestinian elections.'<sup>29</sup>

Even within Palestinian society, refugees are often marginalised and vulnerable, and many feel that their political leaders are not giving them adequate representation.

It was a desire to realise the right of return, together with statehood and self-determination, that motivated the original development of the Palestinian national movement and led to the creation of the Palestine Liberation Organisation (PLO). Yet for almost 20 years, peace negotiations have failed to address the refugee situation adequately. For many refugees it would appear that negotiations have thus far focused on statehood at the expense of the right of return which, they fear, means compromise of their legitimate rights by negotiators.

Being constantly treated by policy-makers not as individuals with rights, but as a difficult 'issue' to be deferred until final status, has had a demoralising impact on refugees. In addition, those outside the OPT feel effectively excluded from any national political debate which, since the Oslo Process of 1993, has concentrated primarily on the future status of the West Bank and Gaza.

This feeling was exacerbated when the core of the PLO moved to the West Bank and Gaza as a result of this process, and focused its attention on forming the Palestinian



Beddawi refugee camp, Lebanon. Munir el Khalayli (pictured centre) is a qualified nurse living and working in the camp

Authority in 1994. Palestinian political links and unity also suffered because of the move, and the subsequent lack of meaningful representation and participation in peace negotiations has been a key concern for Palestinians both inside and outside of the OPT. This is particularly true for Palestinian citizens of Israel, who increasingly feel the pressure of living in an Israeli state that wishes to define itself first and foremost as Jewish.

Although the Oslo Process foundered, for many it was a watershed in that it broke a taboo subject for some Israelis, by raising the legitimacy of Palestinian statehood. However, the refugee issue was notably postponed and continues to represent a critical challenge to finding a solution. For some, it represents the ultimate threat.

Negotiators and policy-makers must now address this, and there is a comprehensive body of work on the refugee issue to guide and inform them as they do so. This includes past official negotiations between the two sides and wider discussions among regional states and the international donor community. All have been supported by extensive technical analysis and, despite the lack of a proper platform, refugees continue to provide testimony and opinion regarding their lives and wishes for the future.



The separation barrier in Bethlehem, West Bank

# A GLIMMER OF HOPE



Christian Aul/Tom Pilston

The historic town of Jaffa, from which many Palestinians fled during 1948, is now home to both Jewish and Arab Israelis

In order to move forward, future negotiations must take as their starting point any advances made in previous talks. Evidence that progress, however limited, is possible can be seen in a report written by the European Union (EU) special envoy for the Middle East on the collapsed 2001 Taba peace talks. In this, he noted some agreement between Israel and the Palestinians around the refugee issue:

'Both sides stated that the issue of the Palestinian refugees is central to the Israeli-Palestinian relations and that a comprehensive and just solution is essential to creating a lasting and morally scrupulous peace. Both sides agreed to adopt the principles and references that could facilitate the adoption of an agreement.

'Both sides suggested, as a basis, that the parties should agree that a just settlement of the refugee problem in accordance with the [UNSCR 242] must lead to the implementation of UNGAR 194.'<sup>30</sup>

Despite this progress, further discussions suggested that those refugees allowed to return would be of an extremely limited number and that the right of return would be nullified once a peace agreement was reached. Furthermore, the Palestinian negotiating team failed to obtain a final agreement on the individual right of return and free choice to exercise that right. Subsequent peace talks do not appear to have repeated this limited progress, which also saw compensation mechanisms discussed.

These notes demonstrate that movement can be made towards a solution, even if they equally underline just how far there is to go. But by agreeing that the Palestinian refugees are at the centre of Israeli-Palestinian relations, both parties were recognising in effect what lies at the core of this conflict.

# CONCLUSION AND CHALLENGES

‘We discussed the problems and all of you have heard them, but we also need solutions. Every discussion raises a problem. The aim of the discussion is to reach solutions. Yet solutions can be pursued on different levels... Let us delineate the various tangled problems faced by the Palestinians, so that we can have a solution-based approach to each.’<sup>31</sup>

If Palestinians and Israelis are to overcome the fear, prejudice and mistrust that sustain this conflict, then they will need the political will and enduring support of an impartial and committed international community.

It is essential to be able to break down the taboos and intransigence that currently persist and prevent progress. This must include challenging those who depict the right of return as synonymous with the destruction of the State of Israel. This must be accompanied by an increased awareness of the different realities that exist in many of the places from which refugees fled more than 60 years ago.

Without an open and inclusive process that addresses the causes and core of the conflict, while simultaneously acknowledging consequences and responsibilities, efforts to secure peace will continue to fail.

This report is released at a time when the wider Middle East region is experiencing significant change and the legitimate aspirations of people are being felt and heard across the world. We agree with UK Foreign Secretary William Hague, who affirmed that:

‘It cannot be in anyone’s interests if the new order of the region is determined at a time of minimum hope in the peace process. This creates a risk that in each country, the politics sets with maximum hostility to Israel, rather than giving the new leaders of these countries strong grounds to support the pursuit of peace... We are calling for Israelis and Palestinians to recommit themselves urgently to negotiations on the basis of clear principles supported by the international community.’<sup>32</sup>

Christian Aid believes that Palestinians and Israelis must be part of this wider regional quest for justice, accountability and security in order not to remain relics of a bitter and bloody past. Palestinian refugees embody the sense of injustice and vulnerability that permeate the Middle East. Recognition of their rights will both send out a positive signal within the region while helping to address their basic needs.

In order to tackle the issue of refugees as part of a comprehensive peace process, there are significant challenges ahead for a number of stakeholders, outlined below.

## For Christian Aid

- initiate a consultation process among stakeholders, including representatives from Palestinian refugee communities, that can help shape and advocate recommendations to policy-makers and provide achievable steps for implementation
- facilitate and support dialogue to help foster understanding between groups with differing narratives
- support the development of strategies to campaign for and defend civil and human rights for all Palestinian refugees pending a final settlement
- monitor the progress of all stakeholders as they pursue their obligations.

## For the UK government

- actively promote recognition of refugee rights as part of a comprehensive and viable solution to the Israeli-Palestinian conflict
- play a leading role within the EU to develop practical policies for a resolution to the conflict, based on international law, in the Union’s bilateral relations with the two parties and refugee host countries
- support the international community to underwrite a resolution of the refugee issue by developing a mechanism to calculate what the material cost of that would be.

### For the Irish government

- examine critically the emerging lessons from the process of achieving and sustaining peace in Ireland, especially the approach to and sequencing of some of the most sensitive and difficult issues, in order to support Israel and the Palestinians in their own negotiations
- be a strong and active voice in support of refugee rights and ensure that the Palestinian refugee issue is understood as a core one within the EU.

### For the international community

- establish a workable and effective mechanism to examine repatriation, resettlement and compensation issues in detail, which must include representatives of refugee communities and be based on UN resolutions and international law
- protect the credibility of the impartial role that international law plays in conflict resolution by holding all parties to account for any violations of it
- take responsibility for guaranteeing that sufficient funds are available to support a just resolution of the refugee issue.

### For Israel

- publicly recognise and affirm the legitimate rights of Palestinian refugees and acknowledge responsibility for actions that have displaced Palestinians from their homes
- begin a process of awareness-raising among the Israeli public about everything that went on during Israeli independence/the Palestinian *Nakba*, from the perspective of both sides.

### For the Palestinians

- maintain and build on progress made towards reconciliation between political factions in order to create a national representative Palestinian body that is able to negotiate a comprehensive peace on behalf of all Palestinians
- provide accessible, transparent and meaningful mechanisms, including elections and referendums, to ensure that all Palestinian voices can contribute towards the realisation of self-determination
- raise awareness among refugees about the different realities that exist in what was the British Mandate of Palestine, in order to help inform future choices within the parameters of durable solutions.

### For host countries in the region

- ensure that all civil and human rights are afforded to Palestinian refugees pending a final settlement.



Christian Aidi/Tabitha Foss

A boy plays in Beddawi refugee camp, Lebanon

# ENDNOTES

**1** Janet Lacy, *Refugees*, the British Council of Churches' Inter-Church Aid and Refugee Service (now Christian Aid), 1959, p21.

**2** Ibid, p32.

**3** *Palestine in Figures 2010*, Palestinian Central Bureau of Statistics, Ramallah – Palestine, May 2010, p9.

**4** The occupied West Bank includes east Jerusalem and we use this interpretation throughout the report on the basis that Israel's unilateral annexation of east Jerusalem is not internationally recognised.

**5** See explanation of Christian Aid viability framework on p9.

**6** Christian Aid interview, Hanifa Mohammed Jomar, 55, Weevil camp, Lebanon, May 2010.

**7** *The United Nations and Palestinian Refugees*, UNHCR, January 2007, p2.

**8** *Overview: Palestinian Internally Displaced Persons inside Israel*, BADIL Resource Center for Palestinian Residency and Refugee Rights, November 2002, <http://reliefweb.int/node/112796>

**9** *The Origins and Evolution of the Palestine Problem:1917-1988*, Division for Palestinian Rights (DPR), 30 June 1979, <http://unispal.un.org/unispal.nsf/0/D44211E70E417E3802564740045A309>

**10** *UN in Figures*, UNRWA, [unrwa.org/etemplate.php?id=253](http://unrwa.org/etemplate.php?id=253)

**11** A 2011 American University of Beirut report on the socio-economic conditions experienced by refugees in Lebanon found that approximately 280,000 Palestinian refugees currently reside in the country (*Socio-Economic Survey of Palestinian Refugees in Lebanon*, 31 December 2010).

About 3,000 Palestinian refugees in Lebanon have no documentation. The latter are not registered either by UNRWA or the Lebanese authorities. Many came to Lebanon in the 1970s, fleeing conflict elsewhere, and at the time did not consider it necessary to seek registration. With the strengthening of security control by Lebanese authorities on their territory after the end of the civil war in 1990, the lack of documentation has become a problem. They face restriction of movement, lack of access to UNRWA services and poor healthcare. Most of these refugees, though classified as 'non-ID', hold some form of documentation, which in relation to their legal status is significant on two levels: their Palestinian identity can be proved and an authority previously responsible for their documentation can be traced.

**12** See note 10.

**13** Ismail Abu Hashash, *British Joint Parliamentary Middle East Councils Commission of Enquiry – Palestinian Refugees*, third edition, May 2004, p44.

**14** Civitas Palestinians Register: Foundations and Directions 2006. Participant, public meeting in Burj el-Barajneh camp, Lebanon.

**15** In refugee and forced migration discourse the main tools for resolving refugee crises are known as durable solutions, based on the premise that such solutions are key to successful conflict resolution and peace- and state-building. UNCHR recognises three main durable solutions: repatriation, integration into the host country and resettlement in a third country.

**16** UNCCP, *Fourth Progress Report (For the period 9 June to 15 September 1949 inclusive)*, 22 September 1949, Annex I.

**17** UNGA res. 302 (IV), 8 December 1949.

**18** *Palestine Refugees*, UNRWA, [unrwa.org/etemplate.php?id=86](http://unrwa.org/etemplate.php?id=86)

**19** See note 10.

**20** Shاهر Badawi, Balata camp, West Bank. *British Joint Parliamentary Middle East Councils Commission of Enquiry – Palestinian Refugees*, third edition, May 2004, p36.

**21** Christian Aid interview, Mazen Rabia, 50, Yarmouk Camp, Syria, May 2010.

**22** *UN Agencies Issue Joint Statement on Expulsion of Palestinians from Libya*, United Nations Information System on the Question of Palestine (UNISPAL), September 1995, <http://domino.un.org/unispal.nsf/db942872b9eae454852560f6005a76fb/53f734fb0da3bd99852562520064c3b1?OpenDocument>

**23** In 2007 fighting broke out between Fatah al Islam, a militant organisation, and the Lebanese army in Nahr al-Bared, an UNRWA refugee camp near Tripoli. It was the most severe fighting that the country had seen since Lebanon's 1975-90 civil war. Most of the camp was destroyed, displacing the affected civilian population to nearby Beddawi camp.

**24** Christian Aid interview, Munir Khalayli, 32, nurse, Beddawi camp, Lebanon, May 2010.

**25** Christian Aid interview, Sami Houssein Taha, 55, Borj el Borajneh camp, Lebanon, May 2010.

**26** See note 6.

**27** Refers to the separation barrier that Israel began constructing in 2003, largely in the West Bank on Palestinian land. In 2004, the International Court of Justice advised that construction of the separation barrier on occupied Palestinian territory was contrary to international law.

**28** Christian Aid interview, Abed Rabin, 48, Deheishe camp, OPT, June 2008.

**29** Civitas Palestinians Register: Foundations and Directions 2006, participant, preparatory meeting, Amman, Jordan.

**30** *Non-paper by EU Special Representative for the Middle East Peace Process*, Miguel Ángel Moratinos, UNISPAL, <http://unispal.un.org/UNISPAL.NSF/0/D3D719A10F2E7AA8852571170050765F>

**31** Civitas Palestinians Register: Foundations and Directions 2006, participant, students' meeting, Rashidieh camp, Lebanon.

**32** William Hague, 30 March 2011, from a speech to mark 60 years of British-Israeli diplomatic relations.



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