

Survey of
Palestinian Refugees
and
Internally Displaced Persons
2013 - 2015
Volume VIII





BADIL Resource Center

for Palestinian Residency & Refugee Rights

Survey of Palestinian Refugees and Internally Displaced Persons

Vol VIII 2013-2015

184 Pages, 30 c.m.

ISSN: 1728-1679

Editorial Team: Nidal al-Azza, Amaya al-Orzza

Copy Edit: Simon Reynolds

Research Team: Brona Ni Uigin, Manar Makhoul, Amaya al-Orzza, Katrien De Bock, Ricardo Santos, Wassim Ghantous, Halima El-Obaydyia, and Medhini Kumar

Forewords: Richard Falk, Riccardo Bocco and Jeff Handmaker

Demographic Statistics: Mustafa Khawaja

Layout & Design: Atallah Salem

Printing: Al-Ayyam Printing, Press, Publishing and Distribution Company

Cover Photo: A Palestinian woman looks from the window of her 67-year old shelter in the al-Shati refugee camp in Gaza City, 15 May 2015 (©Mohammed Abed/BADIL).

Acknowledgment: BADIL would like to thank all field coordinators and researchers who contributed to the production of this survey. BADIL would also like to appreciate all the advisory comments provided by members of BADIL's network of specialists and experts.

All rights reserved

© **BADIL Resource Center**

for Palestinian Residency and Refugee Rights

P.O.Box: 728, Bethlehem, Palestine

Tel-Fax: 972-2-274-7346

Website: www.badil.org

ABOUT THIS SURVEY

BADIL Resource Center for Residency and Refugee Rights (BADIL) has published the Survey of Palestinian Refugees and Internally Displaced Persons since 2002. This edition of the Survey of Palestinian Refugees and Internally Displaced Persons (Volume VIII) focuses on Palestinian refugees and Internally Displaced Persons (IDPs) in the period between 2013 and 2015. Unless stated otherwise, statistical data and estimates of the size of this population have been updated in accordance with figures from the end of 2014. This edition of the Survey is unique as it addresses Palestinian refugees' perceptions and knowledge of international protection of refugees, and that of Palestinian refugees in particular.

Protection encompasses “*all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law)*”.¹ With respect to refugee protection in particular, protection activities must also include the pursuit of a durable solution to the refugee plight; a solution which amounts to voluntary repatriation, or - where repatriation, being the optimum solution, is impossible - local integration or resettlement. Furthermore, measures to ensure the *physical security* of refugees must be accompanied by measures which aim to ensure their *legal security*.

However, a separate and, ultimately, deficient framework of protection applies to those Palestinian refugees who are registered with United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and who account for the majority of Palestinian refugees worldwide. This system has resulted in a ‘protection gap’ being experienced by Palestinian refugees, characterized by the continued failure of Israel, individual third states and the international community as a whole to ensure the provision of comprehensive standards of protection to which Palestinian refugees are entitled.

This publication will thus explore the substantive elements of displacement and the methods employed in the displacement of Palestinians – both historically and contemporarily – as well as the international framework of protection for refugees in general, with a particular focus on the framework uniquely applicable to Palestinian refugees. Further, the ‘protection gap’ and its consequent impacts on Palestinian Refugees will be explored throughout the survey, conducted on a sample group of over 3000 refugees from 24 refugee camps.

The need to consider and contextualize Palestinian refugees and IDPs and their protection (or lack thereof) - 67 years since the Palestinian Nakba (Catastrophe) and 48 years since Israel’s belligerent occupation of the West Bank, including East Jerusalem and the Gaza Strip - is derived from the necessity to set the foundations for an international law and human rights-based approach through which a just and durable peace can be achieved. Not only do Palestinian refugees and IDPs constitute the largest and longest-standing unresolved case of refugees and displaced persons in the world today, but their numbers continue to grow in light of Israel’s policies and practices, resulting in more forcible displacement of Palestinians on both sides of the 1949 Armistice Line (in Israel and the occupied Palestinian territory [oPt]).

¹ ICRC, Workshop on Protection for Human Rights and Humanitarian Organizations: Doing Something About It and Doing It Well', Report of the workshop held at the International Committee of the Red Cross, Geneva, 18-20 January 1999, published 1999, p. 21; see also: IASC, Growing the Sheltering Tree: Protecting Rights through Humanitarian Action, 2002, p. 11, available at: <http://www.refworld.org/docid/483eb0d62.html>; OCHA, Glossary of Humanitarian Terms in relation to the Protection of Civilians in Armed Conflict, p. 21.

This publication provides stakeholders, duty bearers, academics and researchers with a rich resource and, in outlining the situation and framework as it currently operates, unveiling its flaws, and exploring the impact of these failings on Palestinian refugees themselves, contributes to an international law-based approach to the protection of Palestinian refugees.

Since Our Previous Survey

UNRWA's Chronic Funding Crisis

Further compounding the ongoing dire situation experienced by Palestinian refugees throughout the region, is the critical funding crisis faced by UNRWA. Thanks to recent donations, UNRWA has overcome its immediate and most serious financial crisis and was able to partially bridge the \$101 million funding shortfall for its core activities; to date, approximately US\$ 81.06 million has been confirmed by donors. UNRWA's core activities encompass health, education, poverty reduction and improvements in standards of living, and protection activities. The chronic funding crisis, which is the result of states' voluntary contributions to its core budget, severely impedes the delivery of these essential entitlements. In addition, UNRWA requires an estimated \$720 million to implement its emergency shelter program. However, only \$227 million has thus far been pledged, resulting in a further funding shortfall of \$493 million.²

This situation illustrates how Palestinian refugees have become the victims of a collective short-sightedness, manifesting itself in a protection approach which focuses on tackling ever-worsening symptoms at the expense of any concerted effort to address the root causes of the displacement, or to facilitate a fair, just and durable solution to this most protracted of refugee crises. Such a solution demands the marrying of humanitarian and legal responses, bolstered by full political support. Though the bridging of the recent funding gap is being addressed through urgent appeals, without an urgent change in the international approach to protection of Palestinian refugees, this bridging represents a temporary reprieve rather than an address of the root cause. As such, it must not detract from the desperate need to ensure a comprehensive standard of protection and implement a fair, just and durable solution to the longstanding plight of Palestinian refugees; a solution which identifies and addresses the causal factors underpinning both the continued displacement of Palestinians and the worsening living standards to which this population is subjected; a solution which sees the inalienable rights of Palestinian refugees not just recognized in word, but enacted in deed.

Progress in UNHCR Interpretation

With respect to the interpretation and application of the United Nations High Commissioner for Refugees's (UNHCR) definition as applying to Palestinian refugees - particularly Article 1D – there have been a number of interesting developments. The adoption of the 2011 Directive on Standards of Protection for Refugees and Stateless Persons by the European Council that incorporated Article 1D of the Refugee Convention provided the foundation for two groundbreaking cases decided by the European Court of Justice (ECJ), *Bolbol* and *El Kott* on Palestinian asylum claims in 2010 and 2012 respectively. Relying on a series of UNHCR interpretations of the meaning and application of Article 1D that, were brought about by persistent advocacy initiatives by BADIL and other Palestinian refugee experts, the ECJ has

² UNRWA Gaza Situation Report 107, 26 August 2015.

undertaken a careful and considered analysis, finally addressing the key inconsistencies and ambiguities in state practice regarding 1D. *El Kott* represents a shift in the European approach to determining Palestinian asylum claims and has brought European countries' jurisprudence more in line with UNHCR's most recent interpretation of Article 1D as per its 2013 Note. Even countries outside the EU have been applying the criteria found in UNHCR's Note and the *El Kott* ruling to interpret Palestinian claims under Article 1D. Nevertheless, much remains to be done to ensure state consistency and compliance with both the language of the ECJ's decision and the main purpose of Article 1D: ensuring continuity of assistance and protection to Palestinian refugees until the durable solution of Resolution 194 is implemented for all Palestinians.

Forced Displacement in the Occupied West Bank Including East Jerusalem

Systematic Israeli policies such as land confiscation, denial of residency, discriminatory zoning and planning, administrative home demolitions, the discriminatory permit regime and other activities which exemplify coercive "push factors" persist, often amounting to the international crime of forcible transfer which is both a grave breach of the Fourth Geneva Convention and punishable under the Rome Statute of the International Criminal Court. These policies are particularly and unmistakably evident in the activities surrounding the expulsion of Palestinian Bedouin communities in the context of Israel's ongoing 'relocation plan', which intends to forcibly transfer thousands of Palestinians from the area known by the international community as 'E1' – situated between East Jerusalem and the settlement bloc of Maale Adummim, and designated for large scale settlement development by Israel – to three urban townships which are entirely inadequate to meet the economic, social and cultural needs of these communities. In following the mass forcible transfer of Palestinians with settlement construction and expansion, Israel is creating 'facts on the ground' and seeking to exercise permanent sovereignty over occupied Palestinian land, a practice prohibited by Article 49 of the Fourth Geneva Convention, and wholly consistent with definitions of 'colonialism' adopted by UN General Assembly resolutions.³

The UN Secretary General, in 2012, highlighted that the implementation of such policies would amount to individual and mass forcible transfers, in violation of international law, yet these policies continue to be enacted. On Monday 17 August 2015, UNRWA and UNOCHA reported that Israeli authorities demolished 22 structures belonging to the Jahalin Bedouin community in the 'E1' land corridor. 78 Palestinians including 49 children - the vast majority of whom were already refugees - were rendered homeless, and secondarily displaced, as a result. Indeed, the UN further reported that many of these displaced families had already been displaced up to four times in the last four years. This represents the largest amount of Palestinians displaced in the West Bank in one day, for almost three years.

Furthermore, between January and October 2015 alone, 456 Palestinian-owned structures were demolished in the West Bank, including East Jerusalem, resulting in the displacement of 544 Palestinians.⁴

³ For further analysis on the application of the legal framework of colonialism to the forced displacement of Palestinian Bedouin communities, see BADIL, 2015. *Israel's Forcible Transfer of Palestinian Bedouin: Forced Displacement as a Pillar of Colonialism and Apartheid*. Available at: [http://www.badil.org/phocadownloadpap/badil-new/legal-advocacy/un-submissions/special-procedures/Submission-for-the-Special-Rapporteur-on%20the-Situation-of-Human-Rights-in%20the-Palestinian-Territories-Occupied-since-1967\(july2015\).pdf](http://www.badil.org/phocadownloadpap/badil-new/legal-advocacy/un-submissions/special-procedures/Submission-for-the-Special-Rapporteur-on%20the-Situation-of-Human-Rights-in%20the-Palestinian-Territories-Occupied-since-1967(july2015).pdf)

⁴ Protection of Civilians, OCHA, October 2015, <http://www.ochaopt.org/poc6october-12october-2015.aspx>

Forced Displacement in Gaza Strip

Between 7 July 2014 and the 26 August 2014, Israel launched a devastating military operation on the Gaza Strip resulting in the deaths of 2,310 Palestinians, according to the Palestinian Ministry of Health figures released in January 2015. 18,000 housing units were destroyed in whole or in part resulting in the internal displacement of up to 500,000 Palestinians, or 28 percent of the population, at the height of the hostilities. At the time of writing, more than 100,000 are still currently displaced according to UN OCHA. In addition to residential dwellings, other civilian objects were also targeted by Israeli weaponry. As of 4 September 2014, 450,000 Palestinians inside the Gaza Strip were unable to access municipal water supplies due to infrastructure damage, whilst the only power plant in the territory ceased operation following an Israeli airstrike on 29 July. According to OCHA, “[n]ecessary repairs and maintenance could not take place due to hostilities and, in several instances, the direct targeting of personnel: at least 14 electricity, water and waste water technicians employed by local utilities were killed by Israeli attacks and at least ten others were injured”.⁵ 17 out of 32 hospitals were damaged during the conflict, with 6 closed down as a result. Out of 97 primary health centers monitored for damage and closures by UN bodies, 4 were completely destroyed, while 45 sustained damage. In addition, 16 ambulances were damaged.⁶ 26 schools were completely destroyed, while 122 sustained damage.⁷ Commercial sites and industrial facilities were also hit: at least 419 businesses and workshops were damaged, of which 128 were completely destroyed,⁸ whilst according to the UN Food and Agriculture Organization, \$450m of damage was inflicted upon Palestinian agricultural infrastructure inside the Gaza Strip.⁹

The Palestinian Authority estimated that it would cost \$7.8 billion dollars to rebuild Gaza. \$5.4 billion was pledged by donors in October 2014. However, by January 2015 UNRWA revealed that ‘virtually none’ of these pledged funds had reached the territory.

Furthermore, the UN-brokered Gaza Reconstruction Mechanism, which was established as a temporary agreement between the Government of Palestine (GoP) and the Government of Israel to oversee and enable construction and reconstruction including the entry and distribution of reconstruction materials into and within the Gaza Strip, imposes extremely stringent conditions. In fact, Israel maintains powers of veto over individual applications and GoP-proposed actions, as well as imposing suffocating restrictions on imports. Gisha Legal Centre for Freedom and Movement reported that as of July 2015 only 5.5 percent of the total required construction materials had entered the Gaza Strip, and of that amount, only 21 percent was designated for private use to repair damages incurred. As such, most of the 100,000 Palestinians still currently displaced in the Gaza Strip are living in makeshift shelters or in the rubble of their former homes.

5 OCHA oPt, Gaza Emergency Situation Report (as of 28 August 2014), August 2014, p. 2, https://www.ochaopt.org/documents/ocha_opt_sitrep_28_08_2014.pdf

6 OCHA oPt, GAZA Initial Rapid Assessment, 27 August 2014, p. 14, <https://www.badil.org/phocadownload/badil-new/publications/research/working-papers/displacement-as-war-crime-en.pdf>

7 Ibid., p. 15.

8 Ibid., p. 17.

9 Eliot Beer, Gaza conflict causes \$450m damage to agri infrastructure, 28 August 2014, <http://www.foodnavigator.com/Regions/Middle-East/Gaza-conflict-causes-450m-damage-to-agriinfrastructure>

Forced Displacement in Israel

The non-compliance of Israel with international law has been widely documented by numerous organizations. As long as Israel continues to act with impunity, these discriminatory policies against Palestinians will continue on both sides of the Green Line, and they will keep affecting those Palestinian refugees living outside Mandate Palestine as well. These discriminatory policies directly affect not only Palestinians in the oPt, but also Palestinians with Israeli citizenship living within Israel. At the moment there are around 80,000 Palestinian Bedouins living in 35 unrecognized villages in the Naqab desert, in Israel. In designating these communities as “unrecognized”, the Israeli government denies those citizens who reside there access to basic services, including water, electricity, sewage and road infrastructure, as well as education and health care services. These are deliberately withheld in order to ‘encourage’ these Bedouin communities to abandon their ancestral land. In June 2013, Israel passed the Praver-Begin Bill, which if implemented, will result in the destruction of all these “unrecognized villages” and the forced population transfer of their residents, numbering more than 80,000 individuals. This case serves as an illustration that practices of forcible population transfer are ongoing on both sides of the Green Line.

Forced Secondary Displacement

The current instability in many of the countries hosting Palestinian refugees has negatively impacted Palestinian rights and contributed to the protection gaps from which they suffer, increasing their vulnerability. As the disastrous armed conflict in Syria continues, Palestinian refugees are victims of violence and further displacement on the one hand, while simultaneously being pressured to choose sides in the conflict on the other. As of February 2015, at least 64 percent of Palestinian refugees had been either displaced internally within Syria, or beyond its borders as a result of the violence. Moreover, with the rise of extreme Islamic groups and the rapidly changing security situation in Iraq, around 120 Palestinian families had fled Mosul by November 2014. This regional instability is not only affecting Palestinian refugees on the ground, but at the political level, and has resulted in the marginalization of the Palestine question. The forced secondary displacement and discriminatory policies suffered by Palestinian refugees continue to be ignored as the internal concerns of Arab countries have taken priority. Moreover, the potential threat of extremist Islamic groups to western countries has also prompted states to declare security as their international priority, and has strengthened the United States-led counterterrorism campaign. This has resulted in a disregard for Palestinian rights and for the search for a durable solution to the Palestinian refugee crisis. This is made clear in the absence of any real attempts to revive final and genuine rounds of negotiation.

Failure of the “Peace Process”

The last round of direct negotiations between Palestinian and Israeli representatives started in July 2013, and lasted until April 2014, when talks collapsed. No progress or agreements were made during these negotiations, and Israel continued with its colonizing policies in open violation of international law and its own obligations set out therein. During the nine months of negotiations, 61 Palestinians were killed, 1,100 injured, 14,000 housing units in settlements were advanced and 508 Palestinian structures were demolished.

A few months after the breakdown in negotiations, in July 2014, Israel launched the third war on the Gaza Strip, which had catastrophic humanitarian consequences for its civilian population. This

war erupted in the context of an ongoing armed conflict and belligerent occupation of this besieged enclave. As of October 2014, over 100,000 Palestinians remained internally displaced within the Gaza Strip, providing yet another example of the systematic policy of forced displacement of Palestinians by Israel.

Despite months of threats and harassment by Israel not to do so, Palestine formally acceded to the International Criminal Court (ICC) at the beginning of 2015. In 2012, a Palestinian application to join the ICC was rejected, as the prosecutor argued it was unclear whether Palestine was a state. However, at the end of 2012, Palestine was granted non-Member Observer State status in the United Nations, and at the end of 2014, several European countries and bodies made moves to recognize Palestine as a state, including the European Parliament. This recognition by the UN General Assembly and by other ICC members ensured the Court's acceptance of the Palestinian bid, despite strong opposition from the United States, Israel, and Canada. The accession of the Palestinian National Authority (PA) / Palestine Liberation Organization (PLO) to international treaties and forums, such as the ICC, brings with it significant potential to hold Israel accountable for its crimes.

Despite the relevance of these political developments, their ability to bring about change on the ground is dependent on the political will of the most powerful states. At present, none of these developments have stopped Israel from acting with complete impunity. As long as the political will of the main actors (influential states and UN bodies) remains lacking, any political development on the Palestinian side will be undermined, and the commission of war crimes, including the ongoing construction of colonies/settlements in occupied Palestinian territory will continue unchecked. In addition, this absence of Israeli accountability also erodes the legitimacy of international law. It is therefore essential that prompt measures are adopted to ensure that international law may serve as a robust system for the protection of rights, the establishing and enforcement of legal obligations and, most importantly, the promotion of a world in which fundamental values and principles are recognized and enacted.

Table of Contents

<i>xiii</i>	<i>Executive Summary</i>
<i>xix</i>	<i>Main Findings</i>
<i>xxi</i>	<i>Recommendations</i>
<i>xxiii</i>	<i>Forewords</i>

HISTORICAL BACKGROUND AND FORCED POPULATION TRANSFER

<i>xxvii</i>	• <i>British Mandate (1922-1947)</i>
<i>xxx</i>	• <i>The Nakba (1947-1949)</i>
<i>xxxii</i>	• <i>Israeli Military Rule (1949-1966)</i>
<i>xxxiii</i>	• <i>The 1967 War</i>
<i>xxxiv</i>	• <i>Israel's Regime: Belligerent Occupation, Apartheid and Colonization (from 1967 ongoing)</i>
<i>xxxvi</i>	• <i>The Oslo Peace Process</i>

CHAPTER 1: ONGOING NAKBA

<i>1</i>	1.1. Policies of Forced Population Transfer
<i>8</i>	1.2. Ongoing Internal Displacement
<i>10</i>	1.3. Forced Secondary Displacement: ongoing displacement in and from Arab countries
<i>17</i>	1.4. Country Profiles
<i>17</i>	• <i>Syria</i>
<i>18</i>	• <i>Jordan</i>
<i>20</i>	• <i>Lebanon</i>
<i>21</i>	• <i>Egypt</i>
<i>23</i>	• <i>Libya</i>
<i>24</i>	• <i>Iraq</i>
<i>26</i>	• <i>Tunisia</i>
<i>27</i>	• <i>Kuwait</i>
<i>28</i>	• <i>Saudi Arabia</i>
<i>29</i>	• <i>Qatar</i>

CHAPTER 2: POPULATION SIZE, DISTRIBUTION, AND CHARACTERISTICS

<i>31</i>	2.1. <i>The Current Scope of Palestinian Displacement</i>
<i>34</i>	2.2. <i>Distribution</i>
<i>37</i>	• <i>Refugees in Camps</i>
<i>43</i>	• <i>Refugees Outside of Camps</i>
<i>44</i>	2.3. <i>Characteristics of the Refugee and IDP Population</i>
<i>44</i>	• <i>Demographic Indicators</i>
<i>46</i>	• <i>Labor Force Indicators</i>
<i>46</i>	• <i>Poverty and Food Insecurity</i>
<i>48</i>	• <i>Housing</i>
<i>50</i>	• <i>Education</i>
<i>51</i>	• <i>Health</i>
<i>52</i>	<i>Appendix 2.1</i>

CHAPTER 3:**FRAMEWORK FOR INTERNATIONAL PROTECTION**

57	3.1. Introduction
60	3.2. Responsibility to Protect Palestinian Refugees and IDPs
60	• <i>Israel</i>
62	• <i>The Palestinian Authority and the PLO</i>
63	• <i>Arab Host States</i>
63	• <i>State Signatories to the 1951 Refugee Convention</i>
64	• <i>International Community</i>
65	3.3. Protection Instruments
65	• <i>1951 Convention Relating to the Status of Refugees and the 1967 Protocol</i>
68	• <i>Regional Instruments</i>
68	• <i>National Legislation</i>
68	• <i>International Human Rights Law</i>
69	• <i>International Humanitarian Law</i>
70	• <i>UN Resolutions</i>
70	• <i>UN Conventions on Statelessness</i>
71	3.4. Protection Bodies
71	• <i>Office of the UN High Commissioner for Refugees (UNHCR)</i>
74	• <i>International Committee of the Red Cross (ICRC)</i>
75	• <i>United Nations Office for the Coordination of Humanitarian Affairs (OCHA)</i>
76	3.5. Separate Framework of Protection for certain Palestinian Refugees
77	• <i>The United Nations Conciliation Commission (UNCCP)</i>
78	• <i>United Nations Relief Works Agency for Palestine Refugees (UNRWA)</i>
79	3.6. Framework of Protection for IDPs
82	• <i>Protection of Palestinian IDPs</i>
84	3.7. Monitoring and Enforcement Mechanisms
84	• <i>The UN Human Rights Council (HRC)</i>
87	• <i>The Office of the High Commissioner for Human Rights (OHCHR)</i>
87	• <i>Treaty-based bodies</i>
88	• <i>Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territory</i>
88	• <i>Regional Mechanisms</i>
89	• <i>The International Court of Justice</i>
89	• <i>UN Register of Damage caused by the Construction of the Wall</i>
90	• <i>International Criminal Tribunals and the International Criminal Court</i>
90	• <i>International Labor Organization (ILO)</i>
90	• <i>Business and Human Rights Mechanisms</i>
91	• <i>Universal Jurisdiction</i>
92	• <i>Protection Gaps</i>

CHAPTER 4:**PALESTINIAN REFUGEES' OPINION POLL ON INTERNATIONAL PROTECTION**

95	4.1. Introduction
97	4.2. Background Characteristics
99	4.3. Knowledge of the Concept of Protection of Palestinian Refugees
101	4.4. Knowledge of the Bodies Responsible for Protection
105	4.5. Trends in Shortages of Refugee Protections
109	4.6. Role of Selected Actors in Providing Protection for Refugees
111	4.7. Analysis of Refugees Trends by Region
114	4.8. Refugees' Involvement in UNRWA Services
118	4.9. Durable Solutions
120	4.10. Focus Group Analysis
124	<i>Appendix 4.1 Methodology</i>
127	<i>Appendix 4.2 Tables of Findings</i>
141	<i>Appendix 4.3 Questionnaire</i>

LIST OF TABLES

33	Table 2.1: Palestinian refugees and IDPs by group, 1950-2014
35	Table 2.2: Registered Palestinian 1948 refugees by category, July 2014
38	Table 2.3: Total UNRWA-registered refugees and registered refugees in camps, selected years
40	Table 2.4: Estimated population of Palestinian refugees in camps (official and unofficial), end of 2014
43	Table 2.5: Percentage of refugee population in the oPt by governorate, 1997 and 2007
45	Table 2.6: UNRWA-registered Palestinian refugees by major age groups, 2010
45	Table 2.7: Total fertility and annual growth rates by region, 2011-2014
46	Table 2.8: Refugee and IDP – Labor force participation
48	Table 2.9: Registered refugees recorded in Special Hardship Assistance Program, 2011-2014
49	Table 2.10: Percentage of camp shelters with access to water network and sewerage facilities by region, 2010
50	Table 2.11: UNRWA schools and pupils by shift, gender and region, 2012-2013
51	Table 2.12: UNRWAs health infrastructure by region, July 2014
111	Table 4.1.1: Perceived effectiveness of selected agencies in addressing the main protection gaps (Gaza Strip)
112	Table 4.1.2: Perceived effectiveness of selected agencies in addressing the main protection gaps (Wet Bank)
112	Table 4.1.3: Perceived effectiveness of selected agencies in addressing the main protection gaps (Jordan)
113	Table 4.1.4: Perceived effectiveness of selected agencies in addressing the main protection gaps (Lebanon)
127	Table 4.2: Sample by region
127	Table 4.3: Sample by camp
128	Table 4.4: Number of males aged 18 and above per household by region
128	Table 4.5: Number of females aged 18 and above per household by region
128	Table 4.6: Distribution of the sample by sex
128	Table 4.7: Distribution of the sample by refugee status
128	Table 4.8: Percentage distribution of refugees who were secondarily displaced after 1948 or 1967
129	Table 4.9: Percentage distribution of refugees who were secondarily displaced after 1948 or 1967 per frequency of secondary displacement
129	Table 4.10: Percentage distribution of refugees by type of document
129	Table 4.11: Percentage distribution of refugees by dependency status
129	Table 4.12: Percentage distribution of refugees by educational level
129	Table 4.13: Percentage distribution of refugees by labor status
130	Table 4.14: Percentage distribution of refugees by their knowledge of what 'protection of Palestinian refugees' means according to international law
130	Table 4.15: Percentage distribution of refugees by their perception of the listed agencies as possessing a protection responsibility for Palestinian refugees according to international standards
131	Table 4.16: Regional perception of listed protection shortages
132	Table 4.17: Perception of the impact upon the respondent of protection shortages per region
133	Table 4.18: Individual perception of the impact upon their locality of protection shortages
134	Table 4.19: Regional perception of listed protection shortages (highest perceived impact)
135	Table 4.20: Regional perception of listed protection shortages (second-highest perceived impact)
136	Table 4.21: Regional perception of listed protection shortages (third-highest perceived impact)
136	Table 4.22: Perceived effectiveness of selected actors in affording protection - Intervention with the host country to facilitate obtaining travel documents
137	Table 4.23: Perceived effectiveness of selected actors in affording protection - Intervention with the host country to eliminate all existing forms of discrimination
137	Table 4.24: Perceived effectiveness of selected actors in affording protection - Intervention to guarantee access to public services in the host country
137	Table 4.25: Perceived effectiveness of selected actors in affording protection - Intervention to guarantee family unification
137	Table 4.26: Perceived effectiveness of selected actors in affording protection - Legal assistance before courts in the host country
138	Table 4.27: Perceived effectiveness of selected actors in affording protection - Provision of security in the camp
138	Table 4.28: Perceived effectiveness of selected actors in affording protection - Providing or filling the shortage of humanitarian assistance
138	Table 4.29: Perceived effectiveness of selected actors in affording protection - Intervention with the host country to ensure <i>non-refoulement</i> during waves of secondary displacement
138	Table 4.30: Perceived effectiveness of selected actors in affording protection - Working on finding durable solutions based on international law including Resolution 194
139	Table 4.31: Extent of agreement with the following statement: Palestinian refugees take part in designing the standards of the services offered to refugees by UNRWA
139	Table 4.32: Extent of agreement with the following statement: Palestinian refugees take part in determining the ways, means and mechanisms of implementing the services
139	Table 4.33: Extent of agreement with the following statement: Palestinian refugees take part in implementing the services
139	Table 4.34: Extent of agreement with the following statement: Palestinian refugees take part in evaluating the services offered to the refugees
140	Table 4.35: Preferred avenue for achieving a permanent solution for the refugee issue (First preference)
140	Table 4.36: Preferred avenue for achieving a permanent solution for the refugee issue (Second preference)
140	Table 4.37: Preferred avenue for achieving a permanent solution for the refugee issue (Third preference)

LIST OF FIGURES

- 32 Figure 2.1 Percentage distribution of Palestinian population worldwide by type of displacement, 2014
- 34 Figure 2.2 Percentage distribution of Palestinian refugees and IDP's by group, 2014
- 36 Figure 2.3 Percentage distribution of registered persons by area, 2014
- 97 Figure 4.1 Percentage distribution of refugees surveyed, by area
- 98 Figure 4.2 Percentage distribution of refugees who were secondarily displaced after 1948 or 1967, per frequency of secondary displacement
- 99 Figure 4.3 Percentage distribution of refugees who were secondarily displaced after 1948 or 1967, per frequency of secondary displacement and as per area
- 100 Figure 4.4 Percentage distribution of refugees by their knowledge of the concept of Palestinian refugee protection according to international law and by area
- 101 Figure 4.5 Percentage distribution of refugees by their knowledge of the concept of Palestinian refugee protection according to international law
- 102 Figure 4.6 Percentage distribution (ranked in descending order) of refugees who consider the listed actors as possessing protection responsibility
- 102 Figure 4.7 Percentage distribution among refugees of perceived protection responsibility of listed actors
- 103 Figure 4.8 Percentage distribution of refugees who are without knowledge of the listed actors, by area
- 106 Figure 4.9 Percentage distribution of main protection gaps by their perceived impact, measured both by perceived impact upon the individual and their locality
- 115 Figure 4.10.1 Percentage distribution of refugees who agree or strongly agree that they are involved in determining the ways, means and mechanisms of implementing the services, by area
- 115 Figure 4.10.2 Percentage distribution of refugees who agree or strongly agree that they are involved in implementing the services, by area
- 117 Figure 4.11 Percentage distribution of refugees by their perception of refugees' involvement in UNRWA services, by particular roles
- 118 Figure 4.12 Percentage distribution (ranked in descending order) of refugees by their preferred choice for achieving a permanent solution for the refugee issue

EXECUTIVE SUMMARY

Size, Distribution and Characteristics of Palestinian Refugee Population

Palestinian refugees and Internally Displaced Persons (IDPs) are the largest and longest-standing case of displaced persons in the world today.

At the end of 2014, at least 7.98 million (66 percent) of 12.1 million Palestinians worldwide were forcibly displaced persons. Among them were:

- 6.14 million 1948 refugees and their descendants. This figure includes 5.09 million refugees registered with and assisted by the UN Relief and Works Agency for Palestine Refugees (UNRWA) and a further one million unregistered refugees;
- More than one million 1967 refugees and;
- 720,000 internally displaced persons on both sides of the Green Line (1949 armistice line).

It should be noted that at least 280,000 Palestinian refugees are internally displaced within Syria due to the ongoing conflict in the country.

By the end of 2014, statistics of registered refugees and other persons show that:

- 39.8 percent are registered in Jordan;
- 24.2 percent are registered in the occupied Gaza Strip;
- 16.8 percent are registered in the occupied West Bank;
- 10.3 percent are registered in Syria, and;
- 8.9 percent are registered in Lebanon.

Despite the changes in the pattern of distribution of Palestinian refugees over the last 67 years, the majority of refugees still live within 100 km of the borders of Israel and the 1967 oPt, where their places of origin are located.

According to UNRWA records, 1,583,792 Palestinian refugees were registered in 58 official UNRWA-administered refugee camps throughout the West Bank, Gaza Strip, Jordan, Lebanon and Syria by mid-2014. Registered refugees in camps comprise 28.7 percent of the total UNRWA registered persons. In addition, more than 200,000 Palestinian refugees reside in one of at least 17 unofficial camps in the oPt, Jordan, Lebanon and Syria.

The Palestinian refugee and IDP population has a high, albeit declining, growth rate. This is similar to the Palestinian population as a whole. The Gaza Strip has the highest annual growth rate (total population, not only refugees) at 2.6 percent, whereas Syria has the lowest at 1.6 percent (the growth in Syria may have changed due to the current conflict).

The labor force participation was the highest among refugees in the occupied West Bank at 46.6 percent. Jordan has the lowest at 40.9 percent. In the oPt, refugee camp households suffer from the highest rates of poverty as measured according to consumption patterns. Approximately 39 percent of camp households are poor compared with 29.5 percent of urban and rural households. Nearly all refugee children are enrolled at the elementary stage in all UNRWA areas of operation, and no statistical differences exist between male and female enrolment at the elementary and preparatory stages of education.

Forced Secondary Displacement

The denial of the right of return by Israel not only constitutes an ongoing violation of the rights of Palestinian refugees, but also leaves them in a very vulnerable situation both inside and beyond the borders of Mandate Palestine. In addition, it also burdens other countries with responsibilities which they have not voluntarily accepted.

This denial, coupled with discriminatory policies in host countries, have left Palestinians in limbo, frequently facing forced displacement within and from their Arab host countries due to conflict, economic crisis, instability of political relations with PLO/PA and institutionalized discrimination.

Historically there have been several occasions in which Palestinian refugees suffered from forced secondary displacement. These include the “Black September” war in Jordan in 1970; the 1990-1991 Gulf War, during which around 400,000 Palestinian refugees were expelled from Kuwait as collective punishment for PLO support for Iraq; and Libya’s expulsion of thousands of Palestinian refugees as an expression of its dissatisfaction with the Oslo peace process. More recently, thousands of Palestinians were expelled from Iraq as a result of the 2003 war and its aftermath.

Lebanon is a country where Palestinian refugees have suffered continuous forced displacement for decades. Israeli forces and Christian Phalangists destroyed three refugee camps in the 1970s, and thousands were massacred in 1982 in attacks on the Sabra and Shatila camps, causing many to flee the area. Palestinian refugees were also displaced as a result of the “war of the camps” (1985–87) between the Lebanese army and PLO forces that remained after the departure of the PLO. Israel’s war with Lebanon in the summer of 2006 also led to significant inflows and outflows of displaced persons from Palestinian refugee camps. Around 16,000 Palestinian refugees were displaced both in Lebanon and to neighboring countries, although the majority of these IDPs managed to return to their homes at the end of hostilities.¹⁰ In addition, in 2007, the conflict that took place in Nahr el-Bared refugee camp resulted in the displacement of most of the inhabitants of the camp. Today, nearly 5,900 families remain uprooted from their homes in Nahr el-Bared and are completely reliant on UNRWA’s assistance. At the time of writing, Syria remains gripped by the conflict that began in 2011. More than 60 percent of the Palestinian refugees in Syria were displaced to different parts inside or beyond Syria. Of the approximately 560,000 Palestinian refugees registered with UNRWA in Syria, over 280,000 have become internally displaced within Syria. At least another 80,000 fled to neighboring countries. Around 44,000 Palestinian refugees from Syria are now assisted by UNRWA in Lebanon, with close to 15,000 now situated in Jordan. About 6,000 Palestinian refugees from Syria are registered in Egypt, though locally-based organizations claim that there are at least 10,000.¹¹ The remaining 10,000-15,000 escaped towards Turkey, Libya or East Asia.¹² Many of them have later tried to flee to Europe, by sea or by land.¹³

¹⁰ Sherifa Shafie, “Palestinian Refugees in Lebanon,” Expert Guides (Forced Migration Online, July 2007), <http://www.forcedmigration.org/research-resources/expert-guides/palestinian-refugees-in-lebanon/fmo018.pdf>.

¹¹ UNRWA, “Syria Regional Crisis Response Update 84,” February 27, 2015, <http://www.unrwa.org/newsroom/emergency-reports/syria-regional-crisis-response-update-84>.

¹² UNRWA, “Syria Regional Crisis Response Update 75,” May 25, 2014, 75, <http://www.unrwa.org/newsroom/emergency-reports/syria-regional-crisis-response-update-75>.

¹³ Palestinian Return Centre, Action Group for Palestinians of Syria, and Filistin Dayanışma Derneği (FIDDER), “Report on the Conditions of Palestinian Refugees in Syria,” n.d., 27, <http://www.actionpal.org/phocadownloadpap/PrivetRepo/sitreporten.pdf>.

Framework for International Protection

Owing to the unique characteristics of the Palestinian situation and the recognized role of the UN in the creation of the Palestinian refugee crisis, a special protection system was established for Palestinian refugees. Rather than falling under the protection of the 1951 Convention or the Statute of the UNHCR frameworks, the majority of Palestinian refugees and displaced persons (out of estimated total of 7.98 million Palestinian refugees and displaced persons worldwide) are instead subject to the framework for protection and assistance established under the United Nations Conciliation Commission on Palestine (UNCCP) and the UNRWA — and to a lesser extent UNHCR. Due to lack of political will, this regime - intended to provide Palestinian refugees with special protection - has been allowed to fail.

Individual states bear the primary responsibility for protecting the rights of their citizens and those subject to their authority and jurisdiction. Refugees, by definition, are unable or unwilling, owing to a well-founded fear of persecution, to avail themselves of the protection of their country of nationality or habitual residency. Thus, international protection becomes due when the bearer of primary responsibility (the home/national state) is unable or unwilling to ensure protection of its residents/citizens. Since refugees are not protected by their own governments, it then falls to the international community to ensure their protection.

The state of Israel has displaced and dispossessed the majority of the Palestinian population over a period of more than six decades. Therefore, Israel, by definition, is not providing Palestinians with the protection required under international law. It is therefore left to the whim of host states, or to the restricted mandate of the international community, to assume a role in the protection of Palestinian refugees and IDPs.

Arab host states are obliged to protect Palestinian refugees in accordance with the international standards set by the human rights conventions to which they are party, and under customary international law. Nonetheless, Arab host states have largely failed to meet such obligations.

Most states hosting Palestinian refugees in Europe and the Americas¹⁴ are signatories of the 1951 *Refugee Convention* and/or the 1967 *Protocol*, and some states are also signatories of the 1954 *Convention on Stateless Persons* and/or the 1961 *Convention on Statelessness*. Many, however, fail to accord Palestinian refugees the protection they are entitled to under these international instruments due to inconsistencies and ambiguities in interpreting and applying the Refugee Convention to Palestinian refugees, particularly in light of Article 1D of that Convention.

In light of Israel's failure to afford protection, and its policies resulting in mass forced displacement, the international community has an obligation to protect the rights of Palestinians, in particular the right to self-determination¹⁵ and the right of Palestinian refugees and IDPs to reparation (repatriation/return to their homes of origin, property restitution, compensation and non-repetition). The international community, through the United Nations, has largely failed to

¹⁴ The United States is party only to the Protocol and not the Convention. UNHCR, "States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol," April 2015, <http://www.unhcr.org/3b73b0d63.html>.

¹⁵ UN, *Charter of the United Nations* Article 1(2); UN General Assembly, "Resolution 2625(XXV). Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in Accordance with the Charter of the United Nation"; UN General Assembly, "ICCPR", Article 1; UN General Assembly, "ICESCR", Article 1, <http://www.un-documents.net/a25r2625.htm>. Further, the ICJ found in the Wall Case that in its construction of the Wall and its ensuing associated régime, Israel was in breach of its obligation to respect the right to self-determination of the Palestinian people.

meet its obligations towards the Palestinian people for reasons primarily related to the lack of political will among powerful western states.

Under the Law of State Responsibility, Article 40 of the International Law Commission (ILC) Draft Articles on State Responsibility provides that international responsibility is triggered when a State breaches an obligation under peremptory norms of international law. When this occurs, third states are thereby obliged to cooperate to bring to an end through lawful means any such serious breach and must not recognize as lawful a situation created by such a serious breach.¹⁶ Furthermore, third party states are also entitled to invoke the responsibility of the offending State and, in so doing, may demand cessation of the act, assurances and guarantees on non-repetition, and performance of reparations.

Internal displacement of Palestinians as a result of Israel's colonial and discriminatory policies and practices is a continuous and ongoing process. Despite the gravity of the policies and practices implemented by Israel which have resulted in the mass forced displacement of Palestinians spanning decades, no UN agency or other authoritative body has been designated as primarily responsible for their protection or the pursuit of a durable solution. Whilst, for many displaced Palestinians, their initial phase of displacement has been – or will be – followed by subsequent phases. Israel continues to impede the delivery of assistance to Palestinian refugees in the occupied Palestinian territory, continues to deny the protected Palestinian population their full gamut of rights and entitlements, and has, and continues to, refuse to cooperate with relevant bodies and authorities in reaching a durable solution for Palestinian refugees, particularly in facilitating their Right of Return.

Palestinian Refugees' Opinion Poll on International Protection

BADIL developed a questionnaire in order to examine the perceptions of Palestinian refugees residing in UNRWA camps with regards to their knowledge of international protection; including what protection they are entitled to and whether or not they can identify those responsible for the provision of this protection. The population sampled for this survey consists of Palestinian refugees living in the refugee camps in the West Bank, Gaza Strip, Jordan and Lebanon. BADIL also gathered data from Palestinian refugees from Syria through two focus groups, one in Lebanon and one in Jordan. Palestinian refugees from Syria who fled to these countries were asked about their perceptions and knowledge of international protection.

The results show that most refugees do not have a good knowledge of the components of the concept of international protection regarding Palestinian refugees. However, they did have a better knowledge of the agencies and bodies responsible for their protection, especially those they have more interaction with, such as UNRWA and the host country.

Overall, the greatest protection shortages were shortage in humanitarian assistance, political opinion-based discrimination and deprivation of equal job opportunities. These three protection areas were marked as shortages when refugees were asked as to how the shortages affected them personally and the community as a whole.

Based on selected measures to solve the Palestinian refugee issue, refugees expressed their views towards achieving a permanent solution for this issue. While there was not an overwhelming

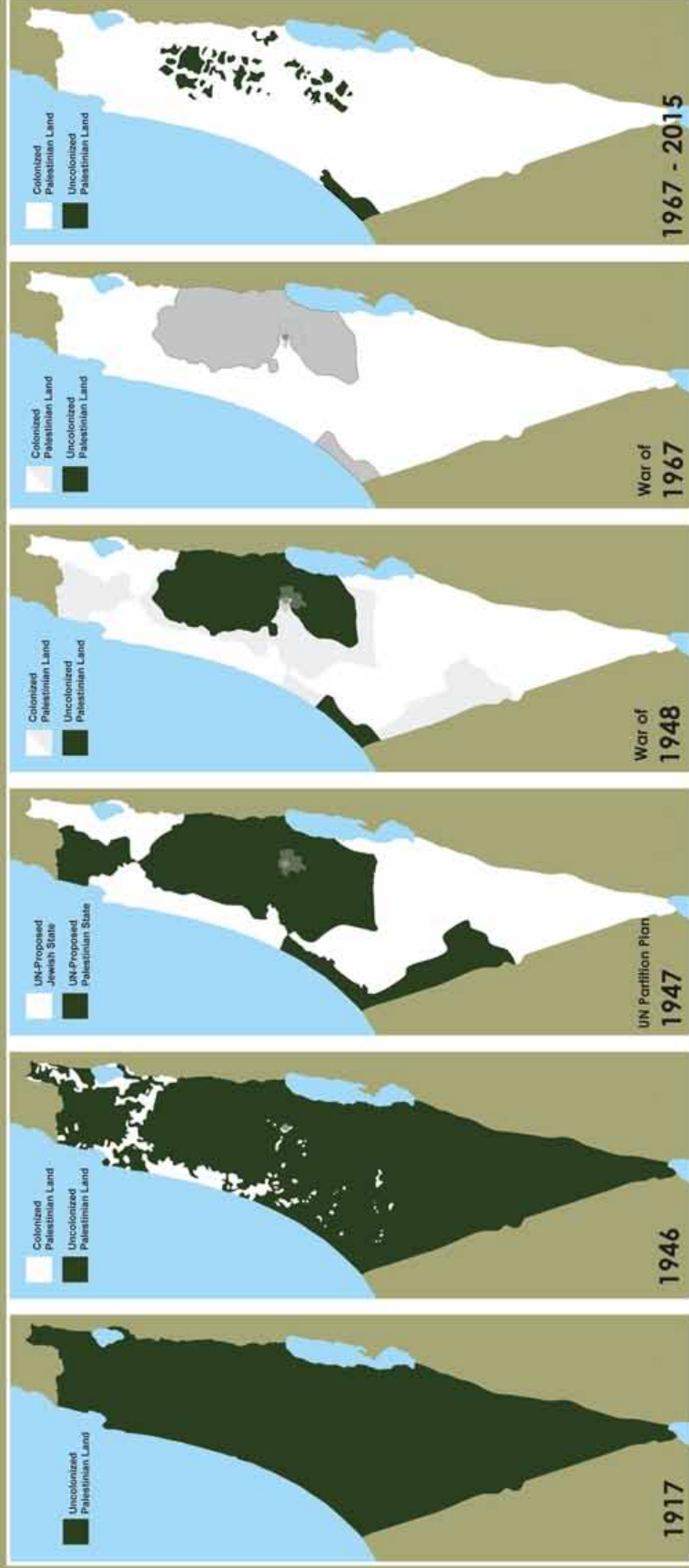
¹⁶ International Law Commission, "Draft Articles on Responsibility of States for Internationally Wrongful Acts," November 2001, <http://www.refworld.org/docid/3ddb8f804.html> Article 41.

majority response, the results indicated that the preferred first option (chosen by 18 percent of those surveyed) for a durable solution was ‘other forms of resistance’. This was closely followed by UN Security Council sanctions, preferred by 17 percent of those surveyed, followed by expansion of UNRWA’s mandate, PLO reform, and actions before the International Criminal Court (ICC).

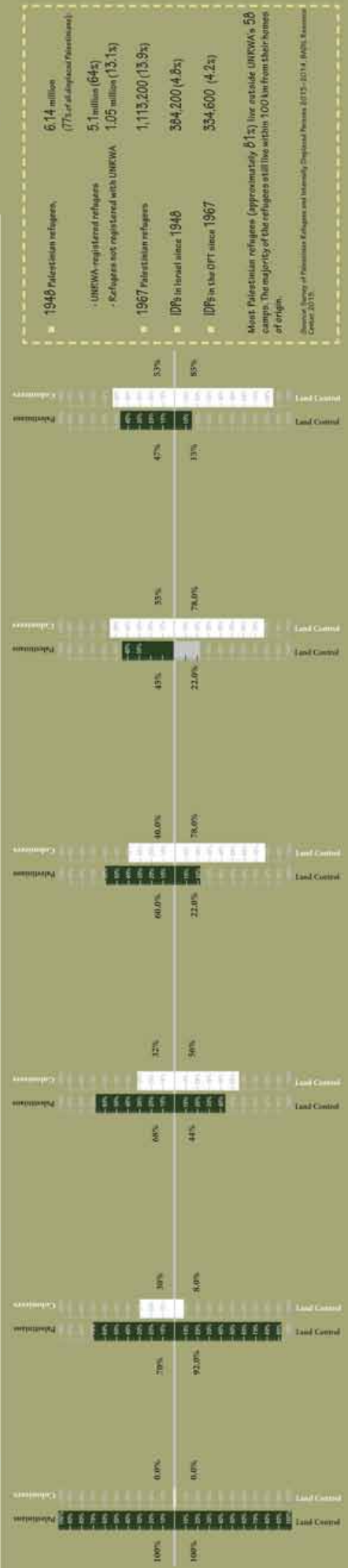
The relatively low support (3.8 percent) for finding a permanent solution through “negotiation” demonstrates a wide rejection of the current approach to the “peace process.” The more popular approaches, such as alternative forms of resistance, reform of the PLO, and the Boycott, Divestment and Sanctions (BDS) movement, illustrate a shared belief among Palestinian refugees in the need to invest in alternative means that force Israel to comply with international law, to end Israeli impunity and for Palestinians to actively pursue their own entitlements as opposed to waiting for others to pursue them on their behalf.

“Maximum Land with Minimum Palestinians” The Ongoing NAKBA since 1917

THE MECHANISMS OF DISPLACEMENT COLONIZATION, APARTHEID AND OCCUPATION



By the end of 2014, at least 67% (7.9 million) of the entire, worldwide Palestinian population (11.8 million) were forcibly displaced persons. Among them were at least 7.25 million Palestinian refugees and 718,800 internally displaced persons (IDPs).



MAIN FINDINGS

1. Palestinian refugees and Internally Displaced Persons (IDPs) are still the largest and the longest-standing case of displaced persons in the world today. Since the commencement of the Nakba in 1947, the plight of Palestinian displaced persons has not been properly addressed by duty bearers and responsible actors. Moreover, the status of Palestinian refugees and their living conditions in host states have become progressively worse within the last four years as a result of Israeli policies of forced population transfer; large-scale military assaults on the Gaza Strip and the emergence of internal armed conflicts in many host countries.
2. An holistic analysis shows that Palestinian displacement and dispossession are not the result of incidental or isolated occurrences, but rather the consequence of a Zionist-Israeli strategy aimed at exerting control over the maximum amount of land, with a minimum number of Palestinians present on that land. While Israel continues to deny refugees their right to reparation (return, restitution and compensation), it perpetuates severe restrictions on the physical presence of Palestinians in their homeland. Israel's contemporary regime, which combines occupation, colonization and apartheid, encompasses policies and practices which cause forcible transfer.
3. Palestinian refugees worldwide and IDPs suffer grave protection gaps. These gaps are characterized by a number of factors:
 - While the UNCCP — the body mandated to provide protection — has been unable to fulfill its mandate since the early 1950s, no UN agency, including the UNRWA, or UNHCR, considers itself as holding a mandate to promote rights-based durable solutions for all Palestinian refugees, and no single agency is currently mandated to protect displaced Palestinian inside Israel and the oPt as a whole.
 - While humanitarian assistance has mitigated the effects of the conflict on Palestinian refugees and IDPs, it can only be a temporary measure aimed at alleviating suffering, and cannot be considered a substitute for a comprehensive political solution. The contemporary regime of humanitarian assistance that has developed for Palestinian refugees and IDPs has come to replace effective efforts to find durable solutions to the plight of these vulnerable groups as envisaged under international law and UN resolutions. These efforts, however, have so far resulted mainly in short term emergency aid, which is not complemented by effective intermediate and long-term responses.
 - Arab states, where the majority of Palestinian refugees reside, are not signatories to the 1951 Refugee Convention. Protection provided under Arab regional instruments and/or domestic measures is inconsistent and does not meet international standards. While lack of protection gives rise to several forms of discrimination and increasing vulnerability, ineffective protection, inactive PLO, and armed conflicts in Arab host countries give rise to secondary forcible displacement of Palestinian refugees.
 - In countries that *are* signatories of the 1951 Refugee Convention, most Palestinians are denied effective protection and subjected to forms of discrimination *vis-à-vis* other refugees. This is the result of a failure of national authorities and courts to accord Palestinian refugees the protection to which they are entitled under these international

instruments, which itself is due to inconsistencies and ambiguities in the interpretation and application of the Refugee Convention to Palestinian refugees, particularly with regard to Article 1D of the Convention.

4. Palestinian refugees lack a full understanding of the concept of protection and its attendant legal framework and mechanisms in accordance with international law.
5. Though there appears to be an inadequate level of knowledge among Palestinian refugees as to which agencies or actors are responsible for their protection, these same refugees consider host countries, UNRWA and the PLO to be the primary duty bearers in this regard.
6. Roughly two thirds of Palestinian refugees state that they are not involved in determining or designing protection procedures and mechanisms, or in monitoring and evaluating services provided by UNRWA.
7. Roughly 4 percent of Palestinian refugees consider the current negotiations as an effective way to achieve a just durable solution to their plight, in contrast to the roughly 18 percent who said the same of other forms of resistance and sanctions issued by the United Nations Security Council. Some 13 percent saw the expansion of UNRWA's mandate and the reform of PLO as solutions which carried the greatest prospect of success in this regard.
8. The significance of UNRWA's humanitarian assistance to Palestinian refugees does not receive sufficient acknowledgement. A combination of UNRWA's limited mandate, the regular and deep shortfall in UNRWA core budget, an ever-growing Palestinian refugee population, a deepening level of poverty within this population and an absence of the international protection to which Palestinian refugees are entitled has not been addressed by responsible actors.
9. Influential states - including the U.S., members of the European Union, and Russia - either individually or within the frameworks such as the UN and the Middle East Quartet, have lacked the political will to hold Israel accountable to its legal obligations, and to protect and promote the fundamental rights of the Palestinian people, in particular the right to self-determination and the right of displaced Palestinian to return to their lands and properties.
10. Politically-motivated efforts have failed to bring about Israeli-Palestinian peace or durable solutions for Palestinian refugees and IDPs. The gap between the positions of the negotiating parties has remained unbridgeable as Israel has continued to deny the inalienable rights of the Palestinian People (self-determination, independence, and sovereignty, and refugees return to their homes of origin).
11. The PLO institutions have been largely inactive since the organization's *de facto* merger with the Palestinian Authority (PA) in the mid-1990s. Since then, the PLO's bargaining power on behalf of Palestinian refugees and IDPs has been weakened by a lack of democratic mechanisms and, thus, the restricted participation of its constituency, as well as the absence of international law-based third-party mediation or enforcement mechanisms in peace negotiations with Israel. The ability of the PLO, however, to represent the Palestinian people in political negotiations with Israel has been further undermined by the failure of PLO reform to activate its institutions and incorporate all sectors of the Palestinian people, including its Islamic movement.

RECOMMENDATIONS

1. Adopt and support rights-based durable solutions as a long-term strategy:

Members of the international community, states, UN bodies and agencies and civil society organizations should support and facilitate durable solutions for the Palestinian people, including refugees and IDPs, consistent with international law, relevant UN resolutions (UNGA 194(III) and UNSC 237) and best practice. Such a framework requires:

- *Studying and addressing the root causes of the ongoing forcible displacement of Palestinians by Israel, and its continued denial to displaced persons of their rights to reparation (return, restitution and compensation).* 67 years after the commencement of the Nakba, the international community, including civil society and relevant influencers, continue to bear the duty of promoting awareness of - and effective responses to - Israel's system of occupation, apartheid and colonialism; a system which actively prevents Palestinian self-determination and provides the ideological foundation upon which Israel's strategy of forced population transfer is based;
- *The reaffirming of the fundamental rights of refugees and IDPs to repatriation to their homes, lands and properties, and compensation for all losses and damages sustained;*
- *Developing mechanisms and taking effective measures to bring Israel into compliance with international law.* Responsibility and accountability for injuries, loss of life and property should be pursued through independent investigatory processes, in turn ensuring reparations and prosecuting those guilty of serious International Human Rights and Humanitarian Law violations.

2. Ensure effective protection of Palestinian refugees, IDPs and those at risk of forced displacement in Palestine and host countries:

Implementation of international protection standards for Palestinian refugees and IDPs requires:

- *Clarifying the mandates of agencies and bodies responsible for developing and implementing durable solutions.* UNRWA, UNHCR, the UNCCP, UN Committee on the Exercise of the Inalienable Rights of the Palestinian People and other relevant bodies should immediately clarify their respective mandates in order to coordinate effective temporary protection for all Palestinian refugees;
- *Addressing the regular and chronic shortfall in the core budget of UNRWA;* a scenario which results from the non-mandatory status of contributions to the agency from member states. This issue must be treated as a top priority for both the UN General Assembly (UNGA) and the Secretary-General. Donor states must increase the quantity and stability of financial contributions both to UNRWA emergency appeals and to the General Fund, factoring in the annual growth of the refugee population and their needs;
- *Establishing a comprehensive registration system for Palestinian refugees and IDPs.* The UN should coordinate a comprehensive registration system for ensuring protection, crafting

durable solutions and fulfilling reparations. Such a system should include all categories of Palestinian refugees and IDPs, and recognize instances of multiple displacement;

- *Incorporating Article 1D of the 1951 Refugee Convention into the national legislation of those states who are signatories to the Convention, and ensuring correct interpretation and application of Article 1D to Palestinian refugee asylum cases in-line with contemporary scholarly opinion on the subject;*
- *Utilizing the League of Arab States' regional mechanisms for refugee protection.* The LAS should implement existing regional instruments (1965 Protocol on the Treatment of Palestinians, 1992 Cairo Declaration) and strengthen their monitoring mechanisms;
- *Improving the response mechanism of the UN-led Protection Cluster in the oPt by focusing efforts not only on short-term emergency aid, but also on preventing forced displacement through the filling of protection gaps concerning IDPs' medium and long-term needs.*

3. Ensure and facilitate the participation of refugees and IDPs:

Including the Palestinian refugee and IDP communities in the process of ensuring effective protection and crafting solutions and identifying protection gaps will strengthen democratic principles and structures, expand the range of possible solutions, and lend greater legitimacy to peace making. This process requires:

- *Involving Palestinian refugees in designing, implementing, monitoring and evaluating UNRWA's services.* The input of intended service beneficiaries can only enhance the resulting protection system, and refugee involvement in identifying responsible bodies and appropriate procedures and mechanisms will constitute a strong foundation upon which further progress towards improved protection standards can be based.
- *Conducting transparent and democratic elections for the Palestinian National Council, and ensuring the right of participation and representation of all Palestinian people including refugees and IDPs wherever they may be currently located.* Such a process is essential in rebuilding and activating the representative structures of the PLO. Representation of Palestinian refugees and IDPs in the PLO is crucial for the realization of the Palestinian right to self-determination, and for conferring legitimacy upon the PLO leadership. It is the PLO who should represent all political-ideological affiliations of Palestinians worldwide;
- *Strengthening the capacity of the PLO Department of Refugee Affairs so that refugees may better seek and access assistance and protection from their representatives and mandated bodies and agencies;*
- *Holding regular elections of Popular Committees in refugee communities as to renew the legitimacy of these bodies, in turn strengthening local representation and promoting political participation.*

FOREWORDS

Richard Falk,

Professor of International Law and Former Special Rapporteur to the UN Human Rights Council on Human Rights in the Occupied Palestinian Territory.

“It is almost unimaginable that over half of the Palestinian worldwide population of 12.1 million continue to live as refugees or internally displaced persons 67 years after the establishment of Israel. That such a cruel ordeal persists exposes the complicity of many leading governments and of the United Nations itself. The Organization had assumed responsibility for the future of Palestine after the United Kingdom refused any longer to administer the territory after World War II. International refugee law should be extended to put a time limit on belligerent occupation of the sort that Israel has maintained since 1967, and there should long ago have been established a mechanism reinforced by a sanctions regime to ensure the implementation of the Palestinian right of return first validated in 1948 by the UN General Assembly in Resolution 194.

In the last several years, the turmoil in the Middle East has further aggravated the plight of Palestinian refugees, who have often suffered from shifting political winds in the neighboring Arab countries where Palestinians live in numerous camps. The trauma of secondary displacement has been recently dramatized by the Syrian civil strife that has subjected the Palestinian refugee community to hunger, disease, and acute danger, highlighting the terrifying vulnerability that has been the dreadful destiny of Palestinian refugees and displaced persons on both sides of the Green Line in Palestine, as well in neighboring countries.

It is against this background that the BADIL Biennial Survey of Palestinian Refugees and Internally Displaced Persons is such an invaluable contribution to our understanding of this situation, providing an authoritative and fact-based comprehensive overview, as well as a sensitive appreciation of the deep roots of the refugee ordeal. Underlying Palestinian suffering is the dismal and inexcusable failure of the international community to find a fair and sustainable solution to the underlying conflict, and in the interim, to at minimum make Israel accountable for upholding its most fundamental obligations under international law that would include desisting from the expansion of its unlawful settlements in the West Bank and Jerusalem. This Survey should be read with admiration by anyone concerned with global justice, as well as used as an indispensable resource by those of us acting in solidarity with the Palestinian struggle for rights throughout the world.”

Riccardo Bocco,
Professor of Political Sociology at The Graduate Institute, Geneva.

“The 8th Survey of Palestinian Refugees and IDPs confirms BADIL’s strong commitment to an international law and human rights-based approach to a just, permanent and durable solution to the plight of two thirds of the Palestinian population worldwide.

The volume should be of utmost interest for those, among international donors and political decision makers, who claim taking into account the needs and views of aid beneficiaries and local stakeholders. Since perceptions command behaviours, an added value of the 8th Survey resides in the results of the opinion polls conducted among Palestinian refugees from Gaza, the West Bank, Jordan and Lebanon (including a sample of Palestinian refugees who fled Syria). While the interviewees show poor legal knowledge of their protection entitlements, and consider the PLO, UNRWA and the host countries as the main duty bearers, they also manifest low support for the negotiation patterns adopted from the Oslo Accords onwards.

The frustration towards the status quo and the worsening of the living conditions in the oPt - where the consequences of the colonization and the military occupation add to the discrimination policies many Palestinian refugees and IDPs suffer in most host countries - translates into the search for new forms of resistance. A majority of poll’s respondents stress the need to find alternative approaches, such as BDS, for forcing Israel to comply with international law; do not feel included in the processes aimed at increasing protection efficiency; and, believe in the importance of reforming the PLO.

While the sustained flow of Middle Eastern asylum-seekers is presently reminding Europe of its responsibilities at large, the need to critically rethink the root causes of armed conflicts and exile has become imperative. As the largest and longest-standing unresolved case of refugees worldwide, the Palestinians probably do not need more humanitarian aid, but definitely more effective legal responses and political solutions.”

Jeff Handmaker,

Senior lecturer in Law, Human Rights and Development at the International Institute of Social Studies of Erasmus University Rotterdam and an Honorary Senior Research Fellow in the School of Law, University of the Witwatersrand.

“It is striking that the BADIL Survey explicitly engages with international law, confirming BADIL’s longstanding position that legal frameworks are crucial to resolving the decades-old impasse between Israel and the Palestinian people. The Survey notes that numerous efforts to find peace on the basis of ‘discovering common ground’ have failed miserably, and with bloody consequences. As the Survey vividly shows, these efforts have failed primarily because of the unwillingness of peacemakers to recognize massive legal, social and economic inequalities, revealing a highly unprincipled approach to peace-making that abandons basic international law principles.

A critical contribution in the Survey is a comprehensive poll of refugees’ perceptions on international protection, including how refugees perceive the prospect of achieving a durable solution to many decades of forced displacement, as well as the modalities of achieving that solution. The results of the poll reveal a surprisingly high regard for international law, not least as the basis for collective action through the global boycott, divestment and sanctions (BDS) campaign.

No resolution to the impasse will be possible in the absence of an even-handed approach, which international law provides for, but which the UN and third states have – until now – refused to apply with any degree of consistency, let alone consequences for Israel. As the BADIL Survey emphasizes, until this situation changes, a global, civic-led campaign of BDS offers a non-violent alternative to the horrifying cycle of violence in Israel-Palestine. Indeed, BDS and international law together offer a glimmer of hope for Palestinian refugees, the largest group of forcibly displaced persons in the world.”

The Palestinian Bedouin village of Dkeika after being demolished by the Israeli army, south of Hebron, 24 January 2011 (©Anne Paq/Activestills.org)



HISTORICAL BACKGROUND AND FORCED POPULATION TRANSFER



Left: Ottoman Officials under the white flag of surrender to the British Army, 9 Dec 1917. Right: General Sir Edmund Allenby entering Jerusalem, 11 Dec 1917 (Source: palestinerecovered.com).

At the beginning of the 20th century, most Palestinians lived inside the borders of Palestine, which is now divided into the state of Israel and the occupied Palestinian territory comprising the West Bank, including East Jerusalem, and the Gaza Strip. Until 1947, Palestinians owned and used approximately 90 percent of Palestine's land. Five major episodes of forced displacement have transformed Palestinians into the largest and longest-standing unresolved refugee case in the world today.

British Mandate (1922-1947)

During the First World War, Allied Forces under British command occupied Palestine, which was then one of several Arab territories conquered by the Ottoman Empire. The British government had secretly agreed to certain terms with France and Tsarist Russia in the Sykes–Picot Agreement of 1916 which determined that parts of Palestine would fall under its sphere of influence with the anticipated decline of the Ottoman Empire.¹⁷ Additionally, in November 1917 the British cabinet issued the Balfour Declaration: a one-page letter from Arthur Balfour, the British Secretary of Foreign Affairs to Lord Rothschild, head of the British Zionist Federation. The Balfour declaration granted explicit recognition of, and support for, the idea of establishing a Jewish “national home” in Palestine through immigration and colonization.¹⁸

¹⁷ The British were allotted direct rule over Haifa and Akka (Acre), and the south of the country was to be part of the "Arab state under British protection." The heartland of Palestine was to be under the control of all three powers.

¹⁸ The Balfour Declaration is reprinted in *Survey of Palestine*, Vol. I, prepared in December 1945 and January 1946 for the information of the Anglo-American Committee of Inquiry. Reprinted in full with permission from Her Majesty's Stationery Office. "Washington, DC: Institute for Palestine Studies, 1991, P. 1.," n.d.

In 1920, the League of Nations entrusted the temporary administration (Mandate) of Palestine to Great Britain, as a Class A Mandate – a categorization closest to independence.¹⁹ The Mandate for Palestine, however, aimed to facilitate the colonization of the country through Jewish immigration and colonization/settlement in order “to secure the establishment of the Jewish national home,” in line with the political commitment set out in the Balfour Declaration.

The British Secretary of Foreign Affairs observed privately that:

[I]n the case of the independent nation of Palestine [...] we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country [...] Zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land.²⁰

The British Mandate of Palestine was thus based on an inherent contradiction: the simultaneous establishment of an independent state of Palestine for all its citizens on the territory of Mandate Palestine, and a Jewish national home within or on that same territory.

The British administration in Palestine promulgated new laws including the *1925 Citizenship Order* and the *1928 Land (Settlement of Title) Order*, which enabled Jews from around the world to acquire citizenship and immigrate to Palestine. However, thousands of Palestinian Arabs who were abroad at the time were unable to acquire citizenship under the 1925 law.²¹ By the early 1940s, the average rural Palestinian Arab family had less than half of the agricultural land required for their subsistence.²²

In early 1947, the British government informed the newly-established United Nations of its intention to withdraw from Palestine, ending more than two decades of British rule. The UN General Assembly subsequently appointed a Special Committee to formulate recommendations concerning the future status of Palestine. The UN General Assembly rejected requests by Arab states to obtain an advisory opinion from the International Court of Justice (ICJ) concerning the appropriate legal outcome of the British decision to terminate the Mandate in Palestine, as well as the legal authority of the UN to issue and enforce recommendations on the future status of the country.²³

In September 1947, the UN Special Committee on Palestine (UNSCOP) presented its final

¹⁹ The Mandate did not come into force until 29 September 1923. Class A Mandates were designated for areas deemed to “have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.” The Mandate for Palestine, 24 July 1922, is reprinted in *Survey of Palestine*, Vol. I. “Washington, DC: Institute for Palestine Studies,” n.d., 4–11.

²⁰ Statement by Arthur Balfour, British Secretary of State for Foreign Affairs, Foreign Office No. 371/4183 (1919), in United Nations, *The Origins and Evolution of the Palestine Problem 1917–1988 Part 1*. (New York: United Nations, 1990), <http://unispal.un.org/UNISPAL.NSF/0/AEAC80E740C782E4852561150071FDB0>.

²¹ Out of 9,000 citizenship applications from Palestinians outside the country, British officials approved only 100. Based on an average family size of six persons, more than 50,000 Palestinians may have been affected. “Palestine Royal Commission Report, Cmd. 5479.”; For a description of the problem facing Bethlehem families, see Musallam, Adnan A., “Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948. WIAM – Palestinian Conflict Resolution Center.”

²² Nijim, Basheer K. (ed.), *Toward the De-Arabization of Palestine/Israel 1945–1977*. (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1984), 10; Khalidi, Rashid, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 2009), 113–114.

²³ For the proposed texts of the questions to be submitted to the ICJ, see Iraq (UN Doc. A/AC.14.21); Syria (UN Doc. A/AC.14/25); and Egypt (UN Doc. A/AC.14/14).

report, which included majority and minority proposals that reflected the Committee members' inability to reach consensus on the future status of the country.²⁴ The majority opinion supported the partition of Palestine into two states, one Arab and the other Jewish. The minority proposal called for one federal state for Arabs and Jews. Committee members of the minority were clear in their warnings of the consequences of partition:

Future peace and order in Palestine and the Near East generally will be vitally affected by the nature of the solution decided upon for the Palestine question. In this regard, it is important to avoid an acceleration of the separatism that now characterizes the relations of Arabs and Jews in the Near East, and to avoid laying the foundations of a dangerous irredentism there, which would be the inevitable consequences of partition in whatever form. [...] Partition both in principle and in substance can only be regarded as an anti-Arab solution. The Federal State, however, cannot be described as an anti-Jewish solution. To the contrary, it will best serve the interests of both Arabs and Jews.²⁵

Despite the warnings, on 29 November 1947, the UN General Assembly passed Resolution 181(II) recommending the partition of Palestine.²⁶ This Resolution proposed two states, one Arab and one Jewish, in which all persons were to be guaranteed equal rights.²⁷ The proposed Jewish state was allotted 56 percent of the land, even though the Jewish community comprised less than one-third of the population of Palestine at the time and owned no more than 7 percent of the land, including 714 km² acquired by Zionist colonization associations mostly from large landowners who did not live in Palestine.²⁸ The dispersal of the Arab and Jewish populations in the country also meant that nearly half the population of the proposed Jewish state consisted of Palestinian Arabs, who owned nearly 90 percent of the land.²⁹

From the beginning of the British Mandate in Palestine in 1922, to the end of 1947 when the United Nations recommended the country be partitioned into two states, an estimated 100,000-150,000 Palestinians – nearly one-tenth of the Palestinian Arab population – were expelled, denationalized or forced to leave their homes. Tens of thousands of Palestinians were internally displaced as a result of Zionist colonization, the eviction of tenant farmers and punitive home demolitions by the British administration.

²⁴ United Nations Special Committee on Palestine, "Report of the UN Special Committee on Palestine, The Question of Palestine. UN Doc. A/364," Report to the General Assembly (United Nation General Assembly, September 3, 1947), <http://unispal.un.org/UNISPAL.NSF/0/07175DE9FA2DE563852568D3006E10F3>. Committee members unanimously approved 11 general recommendations, including a UN-supervised transition period, protection of religious and minority rights, and citizenship and property rights.

²⁵ Ibid. Chapter VII Recommendations (III), paragraphs 10 and 11.

²⁶ UNGA, "UNGA Resolution 181 (II). Future Government of Palestine," UN Doc. A/64 (United Nation General Assembly, November 29, 1947), <http://unispal.un.org/UNISPAL.NSF/0/7F0AF2BD897689B785256C330061D253>.

²⁷ Ibid., para.10(d).

²⁸ For the population of Palestine, see Table 2.18 "The Population of Palestine by Religion, 1870 to 1946" McCarthy, Justin, *The Population of Palestine: Population Statistics of the Late Ottoman Period*, 37 For Jewish Landownership, see; Lehn, Walter, "The Jewish National Fund," 74.

²⁹ The proposed Jewish state had a population of 498,000 Jews and 497,000 Palestinians, including 90,000 Bedouins. The proposed Arab state had a population of 725,000 Palestinian and 10,000 Jews. Jerusalem was to be under international status, with a population of 105,000 Palestinians and 100,000 Jews. United Nations Special Committee on Palestine, "Report of the UN Special Committee on Palestine, The Question of Palestine. UN Doc. A/364" State land comprised less than 3% of the proposed Jewish state.



Indigenous people of Palestinian were pushed towards the Mediterranean Sea by Zionist forces, May 1948 (©UNRWA)

The Nakba (1947-1949)

The UN recommendation to partition Palestine triggered armed conflict between local Palestinians and Jewish-Zionist colonists. This fostered an environment in which the Zionist movement could induce massive Palestinian displacement so as to create the Jewish state. Plan Dalet (also known as Plan D) was a plan worked out in March 1948 by Haganah, the main Zionist militia, led by David Ben Gurion, who two months later became the first Prime Minister of Israel. This plan resulted in the greatest outflow of refugees in April and early May 1948, before the start of the first Arab-Israeli war. According to Plan D, Zionist forces deliberately employed tactics of violence aimed at forcibly removing Palestinians from their homes and encouraging flight. The massacre of Dayr Yassin on 9 April 1948 was among those tactics that generated terror and panic leading to the mass displacement of Palestinians.³⁰

The unilateral declaration of the establishment of Israel in Tel Aviv on 14 May 1948 coincided with the withdrawal of British forces from Palestine and the collapse of the UN partition plan. The subsequent entry of Arab forces into Palestine on 15 May 1948 marked the beginning of the first Israeli-Arab war.

The Israeli military systematically destroyed hundreds of Palestinian villages during the war, as one of six measures included in a “Retroactive Transfer” plan approved in June 1948 by the Israeli Finance Minister and Prime Minister to prevent Palestinian refugees from

³⁰ Khalidi, Walid, “Dayr Yassin: Friday, April 9 1948” (Beirut Institute for Palestine Studies, 1999).

returning to their homes.³¹ Again, destruction of homes and entire villages was accompanied by large-scale looting.³² From the outbreak of the clashes in 1947, Palestinians fled their homes as a result of attacks on civilians by Israeli forces, massacres, looting, destruction of property and other atrocities. At least 70 massacres took place throughout the Nakba.³³ The choice of a village was not random. Often there existed a clear relationship between the timing of a massacre in an outlying village and the assault on a major nearby town or city.³⁴

Palestinians fleeing their villages in search of temporary refuge were fired upon to ensure their departure. Incidents like these occurred in major cities throughout the country, including Haifa, Jaffa, Akka (Acre), al-Ramla (Ramle), al-Lydd and Jerusalem, as well as in many villages.³⁵ Many sought temporary refuge elsewhere after hearing news of atrocities against the civilian population.³⁶ This included a spate of nine reported massacres in October 1948, in which Palestinian Arab villagers were raped, bound, executed and dumped in mass graves.

Between 750,000 and 900,000 Palestinians (making up between 55 and 66 percent of the total Palestinian population at the time) were forcibly displaced between the end of 1947 and early 1949. Half of these were displaced before 15 May 1948, when the first Arab-Israeli war began. Ultimately, 85 percent of the indigenous Palestinian population who had been living in the territory that became the state of Israel was displaced.³⁷ Most refugees fled to what became the West Bank and Gaza Strip (22 percent of Mandate Palestine) or to neighboring Arab countries following the cessation of hostilities.

Israeli Military Rule (1949-1966)

The war ended in 1949 when armistice agreements were signed with Egypt in February, Lebanon in March, Jordan in April, and Syria in July. Following the 1948 War, Israel established a military government in the Galilee, the “Little Triangle,” the Naqab (Negev), and the cities of al-Ramla (Ramle), al-Lydd, Jaffa, and al-Majdal Asqalan to control the Palestinian population remaining inside Israel and to prevent the return of Palestinian refugees.³⁸ Freedoms of expression and movement were severely restricted, and Palestinians were confined to controlled areas. For example, Palestinians leaving their towns and

³¹ Morris, Benny, *The Birth of the Palestinian Refugee Problem, 1947–1949*, Cambridge Middle East Library Series (Cambridge: Cambridge University Press, 1987), 136.

³² See Morris, op.cit., pp. 32, 50, 52, 54, 62–3, 88, 101–2, 106, 112–13, 116, 119, 125, 128, 215, 221 and 230. Also see Segev, Tom, *1949: The First Israelis* (New York: The Free Press, 1986).

³³ Eyal Benvenisti, Chaim Gans, and Sara Hanafi, eds., “Zionist Massacres: The Creation of the Palestinian Refugee Problem in the 1948 War,” in *Israel and the Palestinian Refugees* (Berlin, Heidelberg, New York: Springer, 2007), 60.

³⁴ Eyal Benvenisti, Chaim Gans, and Sara Hanafi, “Zionist Massacres: The Creation of the Palestinian Refugee Problem in the 1948 War.”

³⁵ Morris, Benny, *The Birth of the Palestinian Refugee Problem, 1947–1949* Also see Abdel Jawad, op.cit.

³⁶ This included massacres in Mansurat al-Khayt (18 January 1948), Dayr Yassin (9 April 1948), Khirbat Nasir al-Din (12 April 1948), Hawsha (15 April 1948), KhirbehWa’ra al-Sawda (18 April 1948), al-Husayniyya (21 April 1948), Balad ash-Sheikh (25 April 1948), ‘Ayn al-Zaytun (2 May 1948), Burayr (12 May 1948), Khubbayza (12 May 1948), Abu Shusha (14 May 1948), al-Tantura (21 May 1948), al-Khisas (25 May 1948), al-Lydd (10 July 1948), al-Tira (16 July 1948), Ijzim (24 July 1948), Beersheba (21 October 1948), Safsaf (29 October 1948), al-Dawayima (29 October 1948), ‘Arab al-Samniyya (30 October 1948), Saliha (30 October 1948), Sa’sa’ (30 October 1948), Eilaboun (29 October 1948), Jish (29 October 1948), and Majd al-Kurum (29 October 1948). For accounts of these massacres, see Morris, op.cit.

³⁷ Segev, Tom, *1949: The First Israelis*.

³⁸ Sabri Jiryis, *The Arabs in Israel* (New: Monthly Review Press, 1976).

villages needed written permission from the military commander.³⁹ In contrast, a civilian government governed the affairs of the country's Jewish population. A web of new land laws was adopted to facilitate the expropriation of refugee property and its transfer to the state and the Jewish National Fund (JNF).

During the military rule period, more Palestinians were expelled from their homes and lands primarily during military operations aimed at optimizing Israel's demographic and strategic positioning, border corrections (based on 1949 armistice agreements), and using policies and practices of the Israeli military government. Palestinian communities in the northern border villages, the Naqab (Negev), the "Little Triangle" (an area ceded to Israel under the armistice agreement with Jordan), and those in villages partially emptied during the war were among the most significantly affected by internal population transfer and expulsion.

For example, within days of the signing of the Egyptian-Israeli General Armistice Agreement, some 2,000–3,000 Palestinians from the villages of Fallujah and Iraq al-Manshiyya were beaten, robbed and forced to leave their homes by Israeli forces, despite stipulations in the armistice agreement that nothing would befall their population after the Egyptian troops' withdrawal.⁴⁰ In 1950, Israel expelled the remaining 2,500 Palestinian residents of the city of al-Majdal Asqalan (today's Ashqelon) into the Egyptian-controlled Gaza Strip.⁴¹ Between 1949 and 1956, more than 20,000 Palestinian Bedouins were expelled from their traditional tribal areas, mostly located in the Naqab.⁴² Some 5,000 Palestinian Bedouin in the north were expelled to Syria.

Israeli police carried out raids on Palestinian villages searching for refugees who had returned to their homes or lands. Returnees (referred to as "infiltrators") were subsequently transported to the border and expelled.⁴³ In January 1949, for example, refugees from the Palestinian towns and villages of Shafa Amr, Mi'ilya and Tarshiha who tried to return home were met with hostility as Israeli forces detained them, confiscated their passports and money, and loaded them onto trucks, drove them to the border, and forced them to cross into Jordan.⁴⁴ Israeli forces transferred other Palestinians to new areas within the state in order to break up the concentration of Palestinian population centers, and to open up further areas for Jewish settlement. Many of the government records from this period remain sealed.

Between 1949 and 1966, Israel expropriated some 700km² of land from Palestinians who remained within the territory of the new state. In this period, Israel displaced 35,000 to 45,000 Palestinians. Tens of thousands of Palestinians lost their homes and lands, the majority during the 1950s. By the mid-1950s, Israel had expelled 15 percent of the Palestinian population in Israel and approximately 195,000 Palestinians remained.⁴⁵

³⁹ *Ibid.*, 16.

⁴⁰ Morris, Benny, *The Birth of the Palestinian Refugee Problem, 1947–1949*, 243.

⁴¹ Morris, Benny, *1948 and After: Israel and the Palestinians* (Oxford: Clarendon Press, 1990).

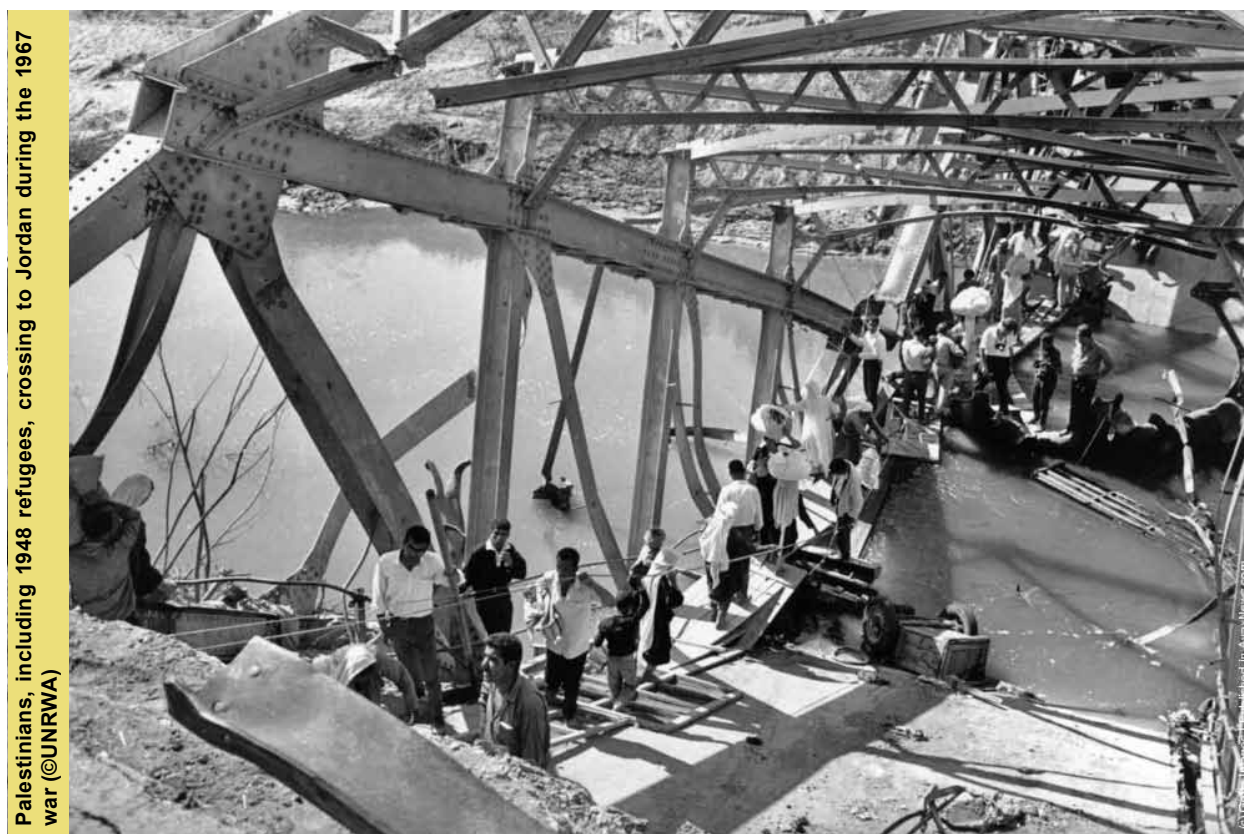
⁴² Israeli Foreign Ministry reports indicate that some 17,000 Bedouin were expelled from the Naqab between 1949 and 1953. Simon and Vermeersch, "Investigation Report," UNA DAG-13/3.3.1–18," in *Israel's Border Wars, 1949–1956 Arab Infiltration, Israeli Retaliation, and the Countdown to the Suez War*. (Oxford: Clarendon Press, 1993).

⁴³ Morris, (1993), *op.cit.*, pp. 152 and 39.

⁴⁴ State Archives, Foreign Ministry, Arab Refugees 2444/19, in Segev, Tom, 1949: *The First Israelis*.

⁴⁵ Israel Central Bureau of Statistics, "Statistical Abstract of Israel," *Statistical Abstract of Israel* (Israel, 2001), <http://www.cbs.gov.il/archive/shnaton52/shnatone52.htm> Table 2.1, "The Population by Religion and Population Group."

The 1967 War



In the 1967 War, Israel launched a surprise attack against Egypt, Jordan and Syria.⁴⁶ Israeli planned to control and colonize the remainder of Mandate Palestine (the Jordanian-controlled West Bank, including East Jerusalem, and the Egyptian-controlled Gaza Strip), and preparations for installing a military government there had been ongoing since 1963.⁴⁷

Palestinians were driven from their homes by the Israeli military.⁴⁸ Palestinians were forcibly removed from the West Bank on buses and trucks provided by the military.⁴⁹ In some cases, young Palestinian men were forced to sign documents stating that they were leaving voluntarily. “When someone refused to give me his hand [for finger-printing] they came and beat him badly,” said one Israeli officer participating in the expulsion campaign. “Then I was forcibly taking his thumb, and immersing it in ink and finger-printing him...I have no doubt that tens of thousands of men were removed against their will.”⁵⁰

By the time the 1967 War came to an end, Israel had occupied the West Bank, including East Jerusalem, and the Gaza Strip, as well as the Syrian Golan Heights and the Egyptian

⁴⁶ Finkelstein, Norman, *Image and Reality of the Israel-Palestine Conflict*, 2nd ed. (London: Verso, 2003); Sandy Tolan, “Rethinking Israel’s David-and-Goliath Past,” *Salon*, June 4, 2007, http://www.salon.com/2007/06/04/six_day_war/.

⁴⁷ Segev, Tom, *1967 Israel, the War, and the Year That Transformed the Middle East* (New York: Holt Paperbacks, 2007), 458.

⁴⁸ Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians*. (London: Faber & Faber, 1997), 81,85,87 and 91–94.

⁴⁹ Dodd, Peter and Isber Barakat, Halim, “River without Bridges: A Study of the Exodus of the 1967 Palestinian Arab Refugees,” *Institute for Palestine Studies. Monograph series.*, no. 10 (1969): 40; Masalha, Nur, *A Land without a People: Israel, Transfer and the Palestinians.*, 92.

⁵⁰ Nur Masalha, *The Politics of Denial: Israel and the Refugee Problem* (Pluto Press, 2003), 203.

Sinai. More than one-third (400,000 to 450,000) of the Palestinian population of the occupied Palestinian territory were displaced during the war. Half of them (193,500) were refugees of 1948 and displaced for a second time, while 240,000 were displaced from the West Bank and Gaza Strip for the first time.⁵¹ Up to 95 percent of these displaced went to Jordan, while some found refuge in Syria and Egypt. Israel expropriated 849 km² of Palestinian land, including more than 400 km² owned by Palestinians who had been displaced from the West Bank and Gaza Strip during the war.

Israel's Regime: Belligerent Occupation, Apartheid and Colonization (from 1967 ongoing)

As a result of the 1967 occupation, Israel effectively controlled the entire territory of Mandate Palestine. Since then Israel has developed a legal, political and military regime over the Palestinian people that combines occupation, apartheid and colonization,⁵² and facilitates the forcible transfer of Palestinians on both sides of the Green Line (the 1949 armistice agreements border-line).⁵³ Former UN Special Rapporteur on the Situation of Human Rights in the occupied Palestinian territory, John Dugard, has identified the existence of these overlapping regimes throughout the occupied Palestinian territory, and underscored the international community's consensus around them, "as inimical to human rights."⁵⁴ Moreover, in January 2014, UN Special Rapporteur on the Situation of Human Rights in the occupied Palestinian territory, Richard Falk, recommended that the UN General Assembly:

[R]equest the International Court of Justice to issue an advisory opinion on the legal status of the prolonged occupation of Palestine, as aggravated by prohibited transfers of large numbers of persons from the occupying Power and the imposition of a dual and discriminatory administrative and legal system in the West Bank, including East Jerusalem, and further assess allegations that the prolonged occupation possesses legally unacceptable characteristics of colonialism, apartheid and ethnic cleansing.⁵⁵

Belligerent occupation is accepted as a possible consequence of armed conflict though under the law of armed conflict (International Humanitarian Law (IHL)), it is intended to be a temporary state of affairs. Under Article 42 of the 1907 Hague Regulations, a territory is considered occupied when it is "actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can

⁵¹ Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford : New York: Oxford University Press, 1998), 17.

⁵² BADIL Resource Center, "Israel's Forcible Transfer of Palestinian Bedouin: Forced Displacement as a Pillar of Colonialism and Apartheid", Bethlehem, June 2015.

⁵³ Human Sciences Research Council of South Africa (HSRC), "Occupation, Colonialism, Apartheid? A Re-Assessment of Israel's Practices in the Occupied Palestinian Territories under International Law" (Cape Town, South Africa, May 2009); Davis, Uri, "Apartheid Israel, Possibilities for the Struggle Within" (London: Zed Books, 2003); Human Rights Council A/HRC/4/17, "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, John Dugard," January 29, 2007; "United Against Apartheid Colonialism and Occupation: Dignity and Justice for the Palestinian People: Palestinian Civil Society Strategic Position Paper for the Durban Review Conference" (Palestine, 2008).

⁵⁴ "The international community has identified three regimes as inimical to human rights - colonialism, apartheid and foreign occupation. Israel is clearly in military occupation of the oPt. At the same time elements of the occupation constitute forms of colonialism and of apartheid, which are contrary to international law." A/HRC/4/17, "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, John Dugard" (Human Rights Council, January 29, 2007), <http://unispal.un.org/UNISPAL.NSF/0/B59FE224D4A4587D8525728B00697DAA>.

⁵⁵ UN Human Rights Council, "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, Richard Falk.," n.d.

be exercised". Israel has a temporary right of administration over the occupied Palestinian territory but is not allowed to exercise sovereignty over it and must respect the laws already in force in the occupied territory (Article 42, 1907 Hague Convention Respecting the Laws and Customs of War on Land; article 47, Fourth Geneva Convention, 1949). International law prohibits the unilateral annexation or permanent acquisition of territory as a result of the threat or use of force (United Nations General Assembly Resolution 2625, October 1970; Charter of the United Nations, Article 2) and is obliged to abide by the relevant rules of the law of armed conflict—principally the provisions of the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949—in its administration of the occupied Palestinian territory.

Colonization is defined in the *Declaration on the Granting of Independence to Colonial Countries and Peoples* (1960) as a practice whereby the acts of a State have the cumulative outcome of annexing or otherwise unlawfully retaining control over territory and thus aims to permanently deny its indigenous population the exercise of its right to self-determination. Colonialism is considered to be a particularly serious breach of international law because it is fundamentally contrary to core values of the international legal order.

Apartheid is one of the most severe forms of racism and includes, “a political system where racism is regulated in law through acts of parliament.”⁵⁶ Article 3 of the *Convention on the Elimination of Racial Discrimination* (CERD) defines apartheid as a form of racial segregation. The 1976 *Convention on the Suppression and Punishment of the Crime of Apartheid* (1976 Apartheid Convention) defines apartheid as “similar policies and practices of racial segregation and discrimination as practiced in southern Africa” which have “the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them”. This includes, *inter alia*, murder, arbitrary arrest, and any legislative or other measures calculated to expropriate landed property and to deny basic rights and freedoms including the right to leave and return to their country, the right to a nationality and the right to freedom of movement and residence (Article II). The *Rome Statute* defines apartheid as inhumane acts “committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.” Apartheid constitutes a crime against humanity. Members of organizations and agents of an apartheid state are subject to criminal prosecution, irrespective of the motive involved, and whenever they commit, participate in, directly incite or inspire, directly abet, encourage or cooperate in the commission of the crime of apartheid (Article III, 1976 Apartheid Convention). All states are obliged to condemn, suppress and punish those involved in the crime of apartheid.⁵⁷

Racial discrimination against the Palestinian people was formalized and institutionalized at an early stage through the creation by Israeli law of a “Jewish nationality” that is distinct from Israeli citizenship. Significantly, there is no such thing as “Israeli” nationality. The 1950 Law of Return is an effective nationality law, because it entitles all Jews, regardless of their geographic location, the rights of nationals, namely the right to enter “*Eretz Israel*” (Israel and the oPt) and immediately enjoy full legal and political rights. “*Jewish nationality*” under the Law of Return is an extra-territorial status and therefore contravenes international law

⁵⁶ Davis, Uri, *Apartheid Israel, Possibilities for the Struggle Within*, 37.

⁵⁷ Roger S. Clark, “Apartheid,” in *International Criminal Law, Second Edition*, vol. 1 (Cherif Bassiouni, 1991), 645.

norms pertaining to nationality.⁵⁸ It includes Jewish citizens of other countries, irrespective of whether they wish to be part of the collective of “Jewish nationals,” and excludes “non-Jews” (i.e., Palestinians) from nationality rights in Israel.⁵⁹ In combination with the 1952 *Citizenship Law*⁶⁰, Israel has created a discriminatory two-tier legal system whereby Jews hold nationality and citizenship, while the remaining Palestinian citizens of Israel hold only citizenship⁶¹, Palestinian residents of Jerusalem hold restricted residency status, Palestinian residents of the West Bank and Gaza Strip hold no more than identification documents and Palestinian refugees hold no legal status at all.

Since 1967 Israel has extended its colonial apartheid regime to the occupied Palestinian territory in the guise of belligerent occupation. Modeled on its military regime of 1949-1966, a second Israeli military government was established in 1967 in order to control and oppress the occupied Palestinian population. With more than 1,200 military orders issued since 1967, Israel as the occupying power has altered the administrative and legal situation in the occupied Palestinian territory in violation of international humanitarian law (IHL). Other parts of the occupied West Bank, including East Jerusalem, were annexed by Israel immediately after the 1967 war. The colonization of the occupied city is an ongoing violation of international law.⁶²

The Oslo Peace Process

The Oslo Accords marked the start of the Oslo process in 1993, a peace process that was aimed at achieving a peace between Palestinians and Israelis. The Palestinian National Authority was created in 1994 as part of this process and was originally created as a five-year interim body whose functions were the limited self-governance over parts of the West Bank and Gaza Strip.

In these accords the West Bank was divided into three areas, A, B and C. This division does not reflect a geographic reality, but rather an administrative division of the region. The newly created Palestinian Authority was to have exclusive control of Area A, and civilian control of Area B, whereas Israel was given the control over security in Area B, and the full control over the remaining Area C. This area covers more than 60 percent of the territory of the West Bank, Area B 22 percent and Area A 18 percent. Most of the Palestinian residents of the West Bank live in Areas A and B, which are subdivided into 165 separate units of land that have no

⁵⁸ Former Israeli Prime Minister Golda Meir explained: “the frontier [of Israel] is where Jews live, not where there is a line on the map.” Sou’ad A. Dajani, “Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine” (Geneva, Switzerland: Center on Housing Rights and Evictions (COHRE) and BADIL, 2005), 72, http://www.sheltercentre.org/sites/default/files/COHRE_SeizureOfLandAndHousingInPalestine.pdf.

⁵⁹ Palestinians are not expressly identified as a racial/national group in laws and public documents of the State of Israel. Palestinians are designated by the term “persons outside the scope of the Law of Return” in Israel’s laws. Other designations used by the administration, Israel’s Central Bureau of Statistics and the official media are “minorities” or “Arabs.” Such designations reflect the denial of Palestinians as a national group and serve to hide the discriminatory character of Israeli laws and policies. For a detailed legal analysis see Thomas W. Mallison, *The Zionist-Israel Juridical Claims to Constitute “the Jewish People” Nationality Entity and to Confer Membership in It*. Appraisal in Public International Law (George Washington Law Review, 1964); Roselle Tekiner, “Race and the Issue of National Identity in Israel,” *Journal of Middle East Studies* 23, no. 01 (February 1991): 39–55, doi:<http://dx.doi.org/10.1017/S0020743800034541>; Adalah, “Institutionalized Discrimination Against Palestinian Citizens of Israel, Report to the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance” (Durban, September 2001).

⁶⁰ In the official translation into English, this law is misleadingly called “Law of Nationality.”

⁶¹ Roselle Tekiner, “Race and the Issue of National Identity in Israel.”

⁶² Shehadeh, Raja, *Occupier’s Law: Israel and the West Bank*. (Washington DC: Institute for Palestine Studies, 1985); See also UNSC Resolution 478 of 20 August, 1980; See also Security Council Resolutions 267 (1969); 298 (1971); 446 (1979); 465 (1980); 476 (1980); 605 (1987).



Shimon Peres, Israeli foreign minister, signs the historic Oslo accords on Palestinian autonomy in a ceremony at the White House on 13 September 1993. Onlookers include Israel's prime minister, Yitzhak Rabin (second from left); the US president, Bill Clinton (center); and the PLO's Yasser Arafat (third from right) and Mahmoud Abbas (far right). (© J. DAVID AKE/AFP)

territorial contiguity. This division was meant to be temporary and its purpose was to enable an incremental transfer of authority to the Palestinian Authority. This administrative partition was not designed to deal with the needs of long-term demographic growth and development. However, this “temporary” arrangement has remained in force for nearly twenty years.

The final status negotiations that were meant to take place a few years after the Oslo Accords never happened, and instead, Palestine witnessed a “peace process” stretching more than 20 years, though bringing little positive change in practice. The Peace Process has instead served as a smoke screen for the ongoing colonization and forced population transfer of Palestinian people by Israel. Moreover, the Palestinian Authority, which is treated as the *de facto* government of Palestine, has no real sovereignty over any of the areas, neither in the Gaza Strip nor the West Bank. More than 22 years of peace process have shown the failure of negotiations, with the expansion of colonies/settlements, the ongoing process of forced population transfer and human rights violations on both sides of the Green Line and beyond Mandate Palestine. Under the guise of negotiations and understanding between both parties, the truth on the ground is that the Oslo Peace process has not stopped ongoing violations of the rights of Palestinians; what is more, the situation has worsened considerably these past two decades for the Palestinian people.

Hundreds of Palestinian Refugees from Syria and Iraq drown in the Mediterranean Sea, off the coast of Sicily, May 2015 (Source: UNRWA)



ONGOING NAKBA

1.1. Policies of Forced Population Transfer

Alongside the five main periods of forced displacement outlined in the historical background, forced displacement of Palestinians continues to this day. A multitude of discriminatory practices and means are employed by Israel which seek to control all aspects of Palestinian life, and ultimately change the demographic composition of Mandate Palestine. These practices, considered triggers of ongoing displacement, are a direct result of several Israeli policies amounting to forcible population transfer. These triggers are changeable in scope and intensity and include, but are not limited to: restricting access to markers and grazing land; denial of access to basic infrastructure, services and resources; denial of building permits and issuing significant modifications to the planning laws which were in place; demolitions and the threat of demolitions of homes, schools and animal shelters; and settler violence.⁶³ The Annexation Wall and its associated regime have also been acknowledged as key factors triggering forced displacement.⁶⁴

Often patterns and policies of displacement are subtle and conducted in such a way as to draw little attention. This can be referred to as ‘silent transfer’.⁶⁵ The reach of the Israeli regime is not limited to Palestinians living in the occupied Palestinian territory, but also targets Palestinians living on the Israeli side of the ‘1949 Armistice Line’, as well as those living in forced exile.⁶⁶ To this end, BADIL has identified nine main interrelated Israeli policies enclosing many triggers and means, which constitute the pillars of a strategy aimed at forcibly displacing the Palestinian population in and beyond historical Palestine.

Denial of Residency

One of Israel’s strategies to silently transfer Palestinians is through revocation of residency, and denial or hindrance of child registration, family unification or change of residence. Since the right to residency status is a condition for accessing a multitude of other rights, many people who hold no status under Israeli law are not eligible for health services, cannot enroll in schools, open bank accounts, work legally, own property, obtain a driving license or travel documents.

⁶³ OCHA, “Bedouin Communities at Risk of Forcible Transfer” (East Jerusalem: OCHA occupied Palestinian territory, September 2014), https://www.ochaopt.org/documents/ocha_opt_communities_jerusalem_factsheet_september_2014_english.pdf.

⁶⁴ UNRWA and BIMKOM, “Al Jabal: A Study on the Transfer of Bedouin Palestine Refugees” (UNRWA / BIMKOM, May 2013), <http://www.unrwa.org/userfiles/201305290269.pdf>.

⁶⁵ BADIL / Kairos Palestine, *Palestinian Christians - Ongoing Forcible Displacement and Dispossession... until When?* (Bethlehem, Palestine: BADIL / Kairos Palestine, 2012), <http://www.kairospalestine.ps/sites/default/files/Palestinian%20Christians%20-%20Ongoing%20forcible%20displacement%20and%20dispossession.pdf>.

⁶⁶ BADIL Resource Center for Residency and Refugee Rights, “Forced Population Transfer: The Case of Palestine - Introduction” (Bethlehem, Palestine, March 2014).

In Jerusalem alone, more than 14,000 Palestinians lost their residency status and right to live in East Jerusalem since 1967.⁶⁷ Furthermore, since 2000, Israel suspended at least 120,000 Palestinian applications for family unification. As a result, families are forced to live apart or live ‘illegally’ together and under constant risk of arrest.⁶⁸

Installment of a Permit Regime

With the intention of controlling the Palestinian population, Israel installed a regime in which permits regulate and interfere with various facets of life of the occupied civilian populace, such as travel, work, development and transporting goods and assets. The permit regime exceeds a mere restriction on the freedom of movement and, instead, commonly results in the complete denial of access to land, work or health facilities.

Palestinians are only allowed to build with a building permit issued by the Israeli authorities. However, between 2008 and 2012, 97.7 percent of building permit applications in Area C submitted by Palestinians were rejected by the Israeli authorities. As a result, Palestinians have little option but to build ‘illegally’ under Israeli law in order to meet their housing needs.⁶⁹ According to the Palestinian Central Bureau of Statistics, 46 percent of Palestinian housing units in the occupied Palestinian territory are at risk of demolition.⁷⁰

Furthermore, after Israel’s destructive attacks on Gaza in 2008, 2012 and 2014, basic construction materials, such as cement and rebar, are held back by the occupying forces.⁷¹ In this way, Israel curbs construction and thereby prevents Palestinians from rebuilding and returning to their homes.

Land Confiscation and Denial of Use

This policy is pursued through the registration of land into categories. In addition to the actual confiscation of land, Israel employs different means to restrict or completely deny the use and access of land. Today, Israel occupies the entire surface of the occupied Palestinian territory (some 6,220 km²)⁷² and has confiscated or *de facto* annexed more than 3,456 km² (61 percent) of the West Bank (including East Jerusalem) for the exclusive benefit of Jewish colonizers.⁷³

67 B’Tselem, “Statistics on Revocation of Residency in East Jerusalem” (B’Tselem- The Israeli Information Center for Human Rights in the Occupied Territories, August 7, 2013), http://www.btselem.org/jerusalem/revocation_statistics.

68 B’Tselem, “Perpetual Limbo: Israel’s Freeze on Unification of Palestinian Families in the Occupied Territories” (B’Tselem- The Israeli Information Center for Human Rights in the Occupied Territories, July 2006).

69 Civil Administration’s response to B’Tselem. Quoted in B’Tselem, 2013. “Acting the Landlord: Israel’s Policy in Area C, the West Bank,” June 2013, http://www.btselem.org/download/201306_area_c_report_eng.pdf.

70 Palestinian Central Bureau for Statistics, “Special Statistical Bulletin On the 66th Anniversary of the Palestinian Nakba” (Palestinian Central Bureau of Statistics, May 12, 2014), <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1111&mid=3171&wversion=Staging>.

71 Oxfam, “Gaza Update: December 2014: Three Months On, Vital Reconstruction Has Barely Begun as Winter Arrives,” December 2014, <http://us7.campaign-archive1.com/?u=d7bf98037b5abfd4c69593c62&id=1efe40b2f9>.

72 Trocaire, “Occupied Palestinian Territory (OPT) and Israel: Facts & Figures,” n.d., <http://www.trocaire.org/whatwedo/opt-israel>.

73 Poica - Eye on Palestine, “The Palestinian Dilemma of Building in Area C,” December 21, 2012, <http://www.poica.org/details.php?Article=4712>.



A view of the settlement of Modi'in Illit, built on lands taken from the neighboring Palestinian villages, 2013 (©Eduardo Soteras/Activestills.org)

The confiscations are mostly carried out under Israeli declarations of “military needs”⁷⁴, declarations of land as “state land”, defining any property whose owner and holder left the West Bank before, during, or after the 1967 War as an abandoned property⁷⁵, or declarations of “public purpose”.⁷⁶ In addition to land confiscation, numerous laws and policies in the West Bank, Gaza Strip, and Israel restrict Palestinian landowners’ access to and use of their land. Although the Palestinian land owner often still holds *de jure* ownership of the land, its *de facto* ownership has been transferred to Israel.⁷⁷

Discriminatory Zoning and Planning

In order to contain the growing Palestinian population, Israel applies discriminatory zoning and planning policies. As a result, thousands of Palestinian families live in overcrowded and unsafe conditions because they are prevented from using their own land or accessing public land. Through a discriminatory and unjustifiable modification to the planning laws that were in place prior to the

⁷⁴ In *Dweikat v. Government of Israel*, the Israeli High Court of Justice refused to use “military necessity” as a justification for land confiscation to build settlements; nonetheless, “military necessity” can still be used as a justification to confiscate land for purposes other than colonies. *Dweikat v. Government of Israel* (HCJ 1979).

⁷⁵ The Order extends to include property owned by a resident of an enemy country or corporation owned by residents of an enemy country. *Order Regarding Abandoned Property (Private Property) (Judea and Samaria) 5727-1967*, 1967.

⁷⁶ The State of Israel, *Land Acquisition (Validation of Acts and Compensation) Law 5713-1953*, 1953, <http://www.israellawresourcecenter.org/israelaws/fulltext/landacquisitionlaw.htm> The establishment of nature reserves and national parks was the result of Military Orders 363 and 373, respectively.

⁷⁷ B’Tselem, “Access Denied Israeli Measures to Deny Palestinians Access to Land around Settlements” (Jerusalem: B’Tselem- The Israeli Information Center for Human Rights in the Occupied Territories, September 2008), 7, http://www.btselem.org/publications/summaries/200809_access_denied.

1967 occupation, which is in itself a violation of International Humanitarian Law, Palestinians are prevented from participating in planning processes and in the development of successive Master Plans.

In Jerusalem, discriminatory policies are used to displace Palestinian residents, forcing them out of the city in order to obtain a ‘demographic balance’ of 70 percent Jewish-Israelis and 30 percent Palestinians. While the Jewish-Israeli parts of Jerusalem are being developed, improvement and extension of Palestinian villages and property in Jerusalem appears non-existent. Similarly, Israeli National Master Plans consistently create a situation which limits the future development of Palestinian villages and towns in Israel.⁷⁸ Furthermore, in Area C of the West Bank, Israel’s zoning and planning policies prohibits Palestinian construction on 70 percent of the land.⁷⁹

Segregation

The Israeli segregation policy exceeds the geographic separation; it targets the unity and national identity of the Palestinian people. This policy of categorization and isolation goes beyond the aim of separating Palestinians from Jewish-Israeli citizens; it divides Palestinians into geopolitical categories subjected to a hierarchical system of rights. On top of the legal division of Palestinians, Israel also divides the Palestinian population geographically in order to isolate communities. The ultimate aim is to erase Palestinian national unity and identity while creating an exclusively Jewish space. Israel has never dealt with Palestinians as one people, neither with those inside Israel nor those in the oPt or in exile. This explains the Israeli approach of dealing with Palestinian people as separate local communities, geographic areas, geopolitical entities, religious minorities, or non-Jewish individuals. The policy is executed on a macro level by denying freedom of movement within the occupied Palestinian territory, Israel and the refugee communities in exile. On the micro level, this is done by sub-dividing locales into neighborhoods, suburbs, and restricted areas.

The construction of the Annexation Wall that started in 2002, for example, did not only result in many home demolitions and withdrawals of building permits. Palestinian neighborhoods also became excluded from East Jerusalem and Israel. Furthermore, in order to limit the amount of Palestinians in East Jerusalem and Israel, a network of bypass roads and other transport infrastructure is set up to connect Israel with its colonies in Jerusalem and the West Bank, further isolating Palestinian villages.⁸⁰

Denial of Natural Resources and Access to Services

Israel seeks to unlawfully control the natural resources of the oPt through military, administrative and political mechanisms. Mandate Palestine is a territory rich in natural resources such as water, natural gas, fish stocks and mineral deposits, most of which are now outside the reach of

⁷⁸ BADIL Resource Center for Palestinian Residency and Refugee Rights, “Forced Population Transfer: The Case of Palestine - Discriminatory Zoning and Planning” (Bethlehem, Palestine: BADIL Resource Center for Palestinian Residency and Refugee Rights, December 2014), 25, <http://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp17-zoninig-plannig-en.pdf>.

⁷⁹ Israel Ministry of Foreign Affairs, “The Human Rights Council Commission of Inquiry on Gaza,” September 7, 2014, 30, <http://mfa.gov.il/MFA/ForeignPolicy/Issues/Pages/The-Human-Rights-Council-commission-of-inquiry-on-Gaza.aspx>.

⁸⁰ Nazmi Al Jubeh, “The Ghettoization of Arab Jerusalem,” *Jerusalem Quarterly*, no. 16 (2002), <http://www.palestine-studies.org/ar/jq/fulltext/78008>.

Palestinian people. Israel has monopolized the available resources of the Dead Sea, renowned for the wide variety of minerals present in the area. Minerals, such as potash and bromine, are exploited by Israeli companies to generate billions of dollars every year.⁸¹ Moreover, Israel prevents Palestinians from developing their natural gas resources off the coast of the Gaza Strip. In order to enforce this prevention Israel has inflicted a naval closure of the Gaza Strip, while developing its own gas platforms and gas export pipelines through the continental shelf of the oPt.⁸²

Regarding water, the Palestinian population suffers from a shortage of clean water as a result of deliberate Israeli practices and policies.⁸³ In the end of August 2014, the Gaza Coastal Municipalities Water Utility (CMWU) announced that 40 percent of the Gaza Strip's population did not have access to running water.⁸⁴ In the West Bank, Israel controls drilling access to the largest underground water reserves. It prohibits Palestinian use of wells and establishes colonies in the occupied Palestinian territory with privileged access to fresh water.⁸⁵ Finally, some 160,000 Palestinian residents of East Jerusalem are not permitted, under Israeli law, to connect to the water network if the required housing permits are not issued.⁸⁶

Denial of the Refugee Right of Return

UN General Assembly Resolution 194, passed on 11 December 1948, resolves that the refugees should be allowed to return to their homes at the earliest practicable date and that compensation should be paid to those choosing not to return and for loss of damage or property. Also, UN Security Council Resolution 237 of June 1967 “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”.

However, since 1948, Palestinian refugees are denied their right to return and citizenship, and thus Israel's legally and militarily enforced policy constitutes a violation of Palestinian individual and collective rights.

The denial of their right to return still affects the lives of Palestinian refugees every day. For instance, since the Syrian crisis began, more than 280,000 Palestinian refugees from Syria have been internally displaced, and around 80,000 have fled to neighboring countries.⁸⁷

⁸¹ “Economy Ministry: Israel Monopolizes Dead Sea Natural Wealth,” *The Palestinian Information Center*, February 16, 2015, <http://english.palinfo.com/site/pages/details.aspx?itemid=70187>.

⁸² Susan Power, “Preventing the Development of Palestinian Natural Gas Resources in the Mediterranean Sea” (Al-Haq, 2014), <http://www.alhaq.org/publications/Gas-report-web.pdf>.

⁸³ Women's Centre for Legal Aid and Counselling et al., “Joint Parallel Report to the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) on the Occasion of the Consideration of Israel's 14th, 15th and 16th Periodic Reports on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,” January 30, 2012, 29.

⁸⁴ Gisha, “Water Officials in Gaza: 40% of the Population with No Access to Running Water.”

⁸⁵ OCHA, “How Dispossession Happens,” Special Focus (East Jerusalem: OCHA occupied Palestinian territory, March 2012), 14, http://www.ochaopt.org/documents/ocha_opt_springs_report_march_2012_english.pdf.

⁸⁶ Women's Centre for Legal Aid and Counselling et al., “Joint Parallel Report to the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) on the Occasion of the Consideration of Israel's 14th, 15th and 16th Periodic Reports on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,” 34.

⁸⁷ UNRWA, “Syria Crisis,” UNRWA, 2015, <http://www.unrwa.org/syria-crisis>.

Suppression of Resistance

The justification for legitimate resistance has been specifically and repeatedly applied to the Palestinian struggle. UN General Assembly Resolution 33/24 of 29 November 1978, for instance:

Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, particularly armed struggle;⁸⁸

More specifically, the UNGA Res. 3236 of 1974 by which the UNGA reaffirmed the Palestinian people's inalienable rights, including self-determination, national independence, sovereignty, and refugees' return to their homes and property from where they were displaced. It also recognizes "the right of the Palestinian people to regain its rights by all means in accordance with the purposes and principles of the Charter of the United Nations".

However, Israel's suppression of resistance continues while it further colonizes Palestinian land and forcibly transfers the people. The policy includes systematic and mass military attacks/wars, invasions, unlawful killing, collective punishment, closure, blockade, incarceration, torture and the suppression of the freedom of expression and assembly, as well as criminalizing acts of civil opposition or disobedience. This policy of suppression and criminalizing of resistance affects whole families and communities, creating an unstable environment of fear and collective punishment.

Deportation is one of the means used to suppress further armed as well as non-armed resistance. Since 1967, Israel has deported 1,522 Palestinians from the occupied territory. As of August 2002, Israel has deported 32 Palestinians from the West Bank to the Gaza Strip under its policy of 'assigned residence'.⁸⁹ In the summer of 2014, over 770 Palestinians in East Jerusalem were arrested following demonstrations against the murder of teenager Muhammad Abu Khdeir. Simultaneously, a far-reaching arrest raid took place in the West Bank resulting in the detention of up to 1,000 Palestinians.⁹⁰ By the 1 April 2015, there were 5,800 political prisoners in Israeli jails, including 182 children.⁹¹ Further, 414 Palestinian prisoners were kept in administrative detention, i.e. without charge or trial.⁹²

Non-state Actions (with the implicit consent of the Israeli authorities)

The Israel Land Administration Law of 2009 allows the privatization of lands 'owned' by the State of Israel, the Jewish National Fund (JNF) and the Development Authority within both Israel and the occupied Palestinian territory, authorizing the sale of settlement units and areas confiscated

⁸⁸ UN General Assembly, "Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights," November 29, 1978, <http://unispal.un.org/UNISPAL.NSF/0/D7340F04B82A2CB085256A9D006BA47A>.

⁸⁹ B'Tselem, "Deportation," January 1, 2011, <http://www.btselem.org/deportation> Deportations under Israel's Policy of "assigned residence" were carried out exclusively on the basis of administrative decisions. In other words, the deportees had neither a formal trial nor an opportunity to speak in their own defense. .

⁹⁰ Charlie Hoyle, "Jerusalem Faces Largest Surge in Arrests since 2nd Intifada," Ma'an News Agency, April 28, 2015, <http://www.maannews.com/Content.aspx?id=723567>.

⁹¹ Addameer, "Addameer Monthly Detention Report - 1 April 2015," April 1, 2015, <http://www.addameer.org/etemplate.php?id=765>.

⁹² Ibid.

for colony (settlement) construction from Palestinians to private Jewish owners.⁹³ This policy includes the discretionary power of parastatal organizations such as the JNF and its ideological role for the Israeli state.

The Israeli government is, for instance, utilizing the JNF to inhibit use of the Naqab lands by Palestinian Bedouin in two major ways: by transferring land to the ownership of the JNF, thus limiting the ability of the Palestinians in the Naqab to access this land, and by planting JNF forests on Palestinian land in the Naqab. In July 2009, Israel signed a ‘Land Swap Agreement’ which transfers 50-60,000 dunums of what it calls ‘available and unplanned’ land in the Naqab and in the Galilee to the JNF in exchange for JNF-owned land. However, the vast tracts of land will be transformed into lands that are inaccessible to the indigenous people of the area.⁹⁴



Palestinian life under Israeli control on both sides of the Green Line (©BADIL)



⁹³ Adalah, “New Discriminatory Laws and Bills in Israel” (Haifa, October 2012), http://www.adalah.org/uploads/oldfiles/Public/files/English/Legal_Advocacy/Discriminatory_Laws/Discriminatory-Laws-in-Israel-October-2012-Update.pdf.

⁹⁴ Yeela Raanan, “The Role of the Jewish National Fund in Impeding Land Rights for the Indigenous Bedouin Population in the Naqab,” *Al-Majdal Magazine*, March 2010, <https://www.badil.org/publication/periodicals/al-majdal/item/1406-raanan-jnf-naqab.html>.

1.2. Ongoing Internal Displacement

There are two categories of Internally Displaced Persons (IDPs) in Mandate Palestine. The first type is composed of 380,200 Palestinians who have been internally displaced inside Israel since 1948 while the second category consists of 334,600 internally displaced Palestinians in the Palestinian territory occupied since 1967.⁹⁵

Palestinian IDPs in Israel:

This category includes, on the one hand, Palestinians from the part of Palestine in which Israel was established on 15 May 1948, who were displaced during the 1947-49 armed conflict and remained inside what became Israel, but are unable to return to their homes and properties until today, and on the other hand, Palestinians displaced inside Israel after 1947-1949, and who remain unable to return to their homes and properties today.



Left: The 62nd demolition of al-Araqeeb village in the Naqab (© Paris Match/UNHCR).

Right: Palestinian man sits next to his demolished home in Beit Hanina, East Jerusalem, 29 October 2013. (Source: Getty Images)

At present, in Israel, thousands of Palestinians are at risk of displacement and suffer from an annual shortage of at least 5,000 building units in Palestinian localities. A lack of up-to-date Master Plans, limited land reserves and exhausting procedures of approval all contribute to Palestinian construction without Israeli-issued permits in Palestinian areas. As a result, thousands of Palestinian houses are deemed illegal under Israeli law and are under threat of destruction. In 2010, 227 buildings were demolished, representing an increase of 38 percent with 2009.⁹⁶ In June 2013, the Israeli Knesset approved the Praver-Begin Bill, giving the green light for mass expulsion of the Palestinian community in the Naqab. If fully implemented, this Praver Plan would result in the destruction of 35 villages, the dispossession of their historical lands in the Naqab and the forced displacement of more than 70,000 residents.⁹⁷

Palestinian IDPs in the oPt:

This category includes Palestinians originating from the West Bank or the Gaza Strip, internally displaced for the first time during the 1967 Israeli-Arab war and unable to return to their homes. It also comprises those Palestinians originating from the West Bank or the Gaza Strip who were

⁹⁵ Figures Obtained by Palestinian Central Bureau of Statistics (PCBS) Official, February 2015.

⁹⁶ Kais Nasser, "Severe Housing Distress and Destruction of Arab Homes: Obstacles and Recommendations for Change" (Dirasat - Arab Center for Law and Policy, February 2012), http://il.boell.org/sites/default/files/downloads/Dirasat_Housing_Parer_ENG.pdf.

⁹⁷ Adalah, "UN Human Rights Committee to Review Israel on 20 October 2014; Adalah and Partners Submit Reports," *Adalah The Legal Center for Arab Minority Rights in Israel*, September 2014, <http://www.adalah.org/en/content/view/8331>.

internally displaced for the first time after the 1967 Israeli-Arab war. They were displaced as a result of systematic human rights violations by the Israeli colonization, apartheid and occupation regime (e.g., discriminatory zoning and planning, segregation, land confiscation and installment of the permit regime).⁹⁸ It should be noted here that an unknown number of those oPt IDPs are 1948 refugees.

West Bank and East Jerusalem

Forced displacement of Palestinians continued following the establishment of Israel up to today. As of December 2014 there were an estimated 334,618 IDPs in the occupied Palestinian territory (See *Appendix 1.1, Demographics Chapter*). Between 2009 and 2015, some 5,489 Palestinians were reportedly displaced in the West Bank and East Jerusalem following evictions and demolitions.⁹⁹ In 2014, Israel destroyed 601 Palestinian-owned structures in the occupied West Bank and in occupied East Jerusalem, displacing at least 1,215 people.¹⁰⁰

In 1999, plan 420/4, or the ‘E1 master plan’, received approval. This plan aims to replace Palestinian inhabitants of E1 - a parcel of land measuring roughly 12km² and situated between Jerusalem and the Israeli colony of Ma’ale Adumim - with its own citizens.¹⁰¹ In April 2014, Israel announced a plan to transfer the Bedouin communities living there to three “townships”, Nweima, al-Jabal and Fasayil, putting at least 12,000 individuals at risk to be forcibly transferred.¹⁰²

The Gaza Strip



Internally displaced Palestinians in Gaza return to live in their destroyed homes, July 2014 (© BADIL)

In the summer of 2014, during its so-called ‘operation Protective Edge’, Israel killed more than 2,200 people in Gaza, the large majority of whom were civilians and including more than 520 children.¹⁰³ Intentionally targeting civilian populations and the physical infrastructure, Israel clearly and materially contributed to an unlivable environment, characterized by a lack of fundamental human rights, including those of personal safety, basic health, shelter and nutrition.¹⁰⁴ The offensive physically displaced more than half a million Palestinians, accounting for 28 percent of Gaza’s total population. As of July 2015, over 100,000 of them remained displaced.¹⁰⁵

⁹⁸ “Figures Obtained by Palestinian Central Bureau of Statistics (PCBS) Official.”

⁹⁹ Internal Displacement M, “Palestine IDP Figures Analysis” (Geneva, Switzerland: Internal Displacement Monitoring Centre, December 2014), <http://www.internal-displacement.org/middle-east-and-north-africa/palestine/figures-analysis>.

¹⁰⁰ OCHA, “Forced Displacement: Overview” (OCHA - United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, April 2015), <http://www.ochaopt.org/content.aspx?id=1010137>.

¹⁰¹ Crispian Balmer, “‘Doomsday’ Hill May Be One Israeli Settlement Too Far,” *Ma’an News Agency*, December 3, 2012, <http://www.maannews.com/Content.aspx?id=544635>.

¹⁰² UNRWA, “UNRWA Urges Donor Community to Take Firm Stand against Mass Forcible Transfer of Palestinian Bedouins,” September 21, 2014.

¹⁰³ OCHA, “Gaza Crisis: Facts and Figures,” October 15, 2014, <http://www.ochaopt.org/content.aspx?id=1010361>.

¹⁰⁴ Israel Ministry of Foreign Affairs, “The Human Rights Council Commission of Inquiry on Gaza,” 17.

¹⁰⁵ IDMC, “Palestine IDP Figures Analysis,” Figures Analysis, (July 2015), <http://www.internal-displacement.org/middle-east-and-north-africa/palestine/figures-analysis>.

1.3. Forced Secondary Displacement: ongoing displacement in and from Arab countries

Approximately two thirds of all displaced Palestinians continue to live as refugees in forced exile outside the borders of Mandatory Palestine.¹⁰⁶ However, many of them have experienced further forced displacement due to the political crises in the region. Armed conflict, unstable relations between Arab countries and the PLO or PA, and discriminatory policies result in multiple displacements of Palestinian refugees, displacements which would not occur if Israel respected Palestinians' internationally-recognized right of return. By denying the right of Palestinian refugees to return to their places of origin, Israel has a major responsibility for the current situation of Palestinian refugees abroad.¹⁰⁷ This denial, coupled with discriminatory policies in host countries, have left Palestinians in limbo and unable to find even temporary refuge in case of mass exodus.

Palestinian refugees frequently face forced displacement within and from their Arab host countries. The major causes of such secondary Palestinian displacement inside and outside the Arab world are the political and socio-economic changes, unstable relations with the PLO, political parties or the PA, and crises, as well as international and non-international armed conflicts. The following political situations illustrate some critical examples.

Before 2011

In the 1950s, Arab Gulf oil-producing states expelled striking Palestinian workers.¹⁰⁸ When the PLO challenged the power of the Jordanian Hashemite Kingdom in 1970, between 18,000 and 20,000 Palestinians were expelled and their camps were brutally demolished. This war, known as "Black September", also resulted in the expulsion of the PLO from Jordan and its relocation to Lebanon.¹⁰⁹

In southern Lebanon, Israeli warplanes bombed the al-Nabatieh refugee camp in 1974. Refugees were displaced to Ein el-Hilweh refugee camp and other camps in Beirut. Two years later, Christian Phalangist forces razed Dekwaneh and Jisr al-Bashah refugee camps in eastern Beirut. The 1982 Israeli invasion of Lebanon led to the massacre of several thousand Palestinian refugees in the refugee camp of Shatilla and the neighborhood of Sabra by Israeli-allied Christian Phalangists. Palestinian refugees were also displaced as a result of the "war of the camps" (1985–87) between the Lebanese army and PLO forces

¹⁰⁶UNRWA, "In Figures as of 1 July 2014" (Jerusalem, July 2014), http://www.unrwa.org/sites/default/files/in_figures_july_2014_en_06jan2015_1.pdf.

¹⁰⁷Abbas Shibliak, "The Palestinian Refugee Issue: A Palestinian Perspective" (Chatham House: The Royal Institute of International Affairs, February 2009), http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Middle%20East/bp0209_pri_shibliak.pdf; Isabel Kershner, "Netanyahu Rejects Calls for Israel to Accept Syrian Refugees," Haaretz, September 6, 2015, http://www.nytimes.com/2015/09/07/world/middleeast/netanyahu-rejects-calls-to-accept-syrian-refugees.html?_r=0.

¹⁰⁸Laurie A. Brand, *Palestinians in the Arab World: Institution Building and the Search for a State* (New York: Columbia University Press, 1988), 126-127: "In the mid-1950s, Palestinian workers supported by indigenous nationalist elements who opposed the continuation of Western economic domination led a series of strikes throughout the Gulf to protest conditions in the oil sector. Deportations of Palestinians from Saudi Arabia, Iraq, Libya, and Kuwait followed."

¹⁰⁹Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford : New York: Oxford University Press, 1998), 17.

that remained after the departure of the PLO.¹¹⁰ The vast scale of the damage affected some 73,500 refugees or 90 percent of the camp population in those areas.¹¹¹

In Kuwait, during the 1990-1991 Gulf War, most of the 350,000 to 400,000 Palestinians were forced to leave the country as collective punishment for PLO support for Iraq.¹¹² Many were UNRWA-registered 1948 refugees with Jordanian passports or holders of Egyptian travel documents from Gaza. The majority fled to Jordan, as most were Jordanian citizens. Many Palestinians with residency status in the occupied Palestinian territory were able to return to the oPt.¹¹³

In 1994, Libya announced its intention to expel the estimated 35,000 Palestinians in Libya as an expression of its dissatisfaction with the Oslo peace process. Measures taken by the Libyan government included non-renewal of Palestinian residency permits and cancellation of valid ones. In September 1995, President Qaddafi reiterated his intention to expel all Palestinians. Hundreds of Palestinians were put on ships and trucks and expelled from Libyan territory. Some were allowed entry into Jordan, the occupied Palestinian territory, Syria and Lebanon, but many who had no valid travel documents were left stranded in extremely harsh conditions in the Saloum refugee camp on the border between Egypt and Libya. Only in January 1997 could Palestinians who had been stranded for 16 months at the Egyptian border return to Libya.¹¹⁴

Hundreds of Palestinians have been stuck in the no-man's land between Iraq and Syria at al-Tanf refugee camp, May 2006 (©UNHCR)



¹¹⁰ Jaber Suleiman, "Marginalised Community: The Case of Palestinian Refugees in Lebanon" (Falmer, Brighton: Development Research Centre on Migration, Globalisation and Poverty University of Sussex, April 2006), 6, <http://r4d.dfid.gov.uk/pdf/outputs/migrationglobpov/jaberedited.pdf>.

¹¹¹ Suheil al-Natour, *Awda' al-Sha'ab al Falastini fi Lubnan [Arabic]* (Beirut: Dar al-Takadum al-Arabi, 1993); Suheil al-Natour, *Al-Mohajjarun al-Falastinyoun fi Lubnan [Arabic]* (Beirut: Ajial, 2003).

¹¹² Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 18.

¹¹³ Helena Lindholm Schulz, *The Palestinian Diaspora* (Routledge, 2003), 64–67.

¹¹⁴ BADIL Staff, "The Palestinian Crisis in Libya 1994-1996 - Interview with Professor Bassem Sirhan," *Al-Majdal*, Forced Secondary Displacement: Palestinian Refugees in the Gaza Strip, Iraq, Jordan, and Libya, no. 45 (Winter 2010), http://www.badil.org/phocodownload/Badil_docs/publications/al-majdal-45.pdf.

In Iraq, the situation of Palestinian refugees has deteriorated dramatically. In 2003, as a result of the US-led war and occupation, Palestinian refugees again became victims of the general violence and were persecuted on grounds of nationality. Persecution took the form of eviction from their homes, arbitrary detention, kidnapping, torture, rape, and extra-judicial killings.¹¹⁵ The US/UK forces and the Iraqi authorities were unable or unwilling to protect Palestinian refugees in Iraq.¹¹⁶ According to UNHCR, 34,000 Palestinians lived in Iraq before 2003 while only about 12,000 Palestinian refugees remained in January 2015.¹¹⁷

Israel's war with Lebanon in the summer of 2006 led to inflows and outflows of displaced persons from Palestinian refugee camps. Many times, bombing and shelling took place in the immediate vicinity of the camps. At least 25,000 Palestinian refugees residing outside the camps in the southern villages near the Israeli border faced the same conditions as the Lebanese population.¹¹⁸ Around 16,000 Palestinian refugees fled from the camps in southern Lebanon and the camps in Beirut to escape the fighting.¹¹⁹ Moreover, in 2007, the conflict that took place in Nahr el-Bared refugee camp resulted in the displacement of most of the inhabitants of the camp. Around 27,000 Palestinian refugees were displaced from Nahr el-Bared camp and its adjacent areas in northern Lebanon. An estimated 95 per cent of all buildings and infrastructure were either destroyed or damaged beyond repair. Nearly 5,900 families remain uprooted from their homes and are completely reliant on UNRWA's assistance.

After 2011

More recently, as of 2011, changes resulting from the so-called 'Arab Spring' affected the lives of many Palestinian refugees. In Libya, the escalation of anti-government protests into a major conflict between pro-and anti-Qaddafi forces prompted the flight of an estimated 750,000 people, including about 267,000 non-Libyans between February 2011 and 9 May 2011.¹²⁰ As happened in 1995, the presence of Palestinians in Libya was dependent on the political relations between Gaddafi and the PLO. At the outbreak of the conflict there were around 70,000 Palestinians in Libya.¹²¹ Around 100 students were evacuated from Libya by March 2011 and 300 Palestinians were allowed by Israel into the occupied Palestinian territory as a "humanitarian gesture".¹²² Approximately 3000 Palestinians tried to cross into Egypt, but were denied entry by the Egyptian military. They had received instructions to refuse entry to Palestinians without national identity

¹¹⁵ UNHCR, "Aide-Mémoire: Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country," December 2006, 2, <http://www.refworld.org/docid/45b0fc2e2.html>.

¹¹⁶ UNHCR, "Iraq: UNHCR Deeply Disturbed by Security Forces Raid in Palestinian Area," Briefing Notes (UNHCR, March 16, 2007), <http://www.unhcr.org/45fa703ab.html>.

¹¹⁷ UNHCR, "UNHCR Concerned for Palestinians Travelling to Iraqi-Jordanian Border," Briefing Notes (UNHCR, March 21, 2006), <http://www.unhcr.org/441fe86d1f.html>; UNHCR, "2015 UNHCR Country Operations Profile - Iraq," accessed March 20, 2015, <http://www.unhcr.org/pages/49e486426.html>.

¹¹⁸ "Situation of Palestine Refugees in South Lebanon - UNRWA Press Release (15 August 2006)" (UNRWA, August 2006), <http://unispal.un.org/UNISPAL.NSF/0/961808D098F0D27C852571CB004DB361>.

¹¹⁹ UNRWA, "Flash Appeal: Lebanon" (UNRWA Headquarters Gaza: UNRWA, 2006), 2, <http://www.unrwa.org/userfiles/2010011921340.pdf>.

¹²⁰ Elena Fiddian-Qasbiyeh and UNHCR, "Invisible Refugees: Protecting Sahrawis and Palestinians Displaced by the 2011 Libyan Uprising," Research Paper (Geneva, Switzerland: UNHCR, November 2011), 2, <http://www.unhcr.org/4eb945c39.pdf>.

¹²¹ *Ibid.*, 6.

¹²² *Ibid.*, 5; Franklin Lamb, "Libya's Palestinian Refugees and the Current Crisis," *Al-Manar*, July 18, 2011, <http://www.almanar.com.lb/english/adetails.php?eid=21956&cid=41&fromval=1>.



cards or valid residency in Egypt.¹²³ The total number of Palestinians who tried to flee from Libya is unknown.

At the time of writing, the majority of Palestinian refugees from Syria (560,000 registered refugees) are suffering from forced displacement as a result of the conflict that erupted in 2011. UNRWA is undermined by chronic underfunding for humanitarian interventions inside Syria,¹²⁴ and it reports that approximately 98 percent of the Palestinian refugees in Syria are in need of urgent humanitarian assistance.¹²⁵

Since 2011, more than 60 percent of the Palestinian refugees have been forcibly displaced to different parts in and outside Syria.¹²⁶ Of the approximately 560,000 Palestinian refugees registered with UNRWA in Syria before the conflict started, over 280,000 have become internally displaced within Syria and more than 80,000 have fled to neighboring countries. Around 44,000 Palestinian refugees from Syria are now assisted by UNRWA in Lebanon, close to 15,000 in Jordan and around 1,000 in Gaza.¹²⁷ About 4,000 Palestinian refugees from Syria are registered in Egypt, with smaller numbers in Libya, Turkey and East Asia.¹²⁸

¹²³Franklin Lamb, "Libya's Palestinian Refugees and the Current Crisis," *Al-Manar*, July 18, 2011, <http://www.almanar.com.lb/english/adetails.php?eid=21956&cid=41&fromval=1>

¹²⁴UNRWA, "Yarmouk Situation Update 19," *UNRWA*, April 21, 2015, <http://www.unrwa.org/newsroom/emergency-reports/yarmouk-situation-update-19>.

¹²⁵Robert Tait, "Syrian Forces 'Committing War Crimes by Starving Palestinian Camp,'" *The Telegraph*, March 10, 2014, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10686208/Syrian-forces-committing-war-crimes-by-starving-Palestinian-camp.html>.

¹²⁶Palestinian Return Centre, Action Group for Palestinians of Syria, and Filistin Dayanışma Derneği (FIDDER), "Report on the Conditions of Palestinian Refugees in Syria."

¹²⁷UNRWA, "Syria Regional Crisis Response Update 84."

¹²⁸Ibid.

Although *refoulement* is forbidden by customary and codified international law,¹²⁹ it is a common threat faced by Palestinian refugees fleeing Syria. In April 2014, the Lebanese government closed the border to Palestinians from Syria.¹³⁰ Those who managed to safely cross the border into Lebanon are still officially unrecognized and face considerable uncertainty as they are left at risk of arrest and deportation.¹³¹ In August 2012, Jordan prohibited entry to Palestinian refugees from Syria, including women and children. Some *refoulement* cases have also been reported in Egypt.¹³²

More than 100 Palestinian refugees are known to have been deported from Jordan in 2014; a 40 percent increase from 2013.¹³³ UNRWA warns that the actual number of deportations is likely to be much higher.¹³⁴ Furthermore, about 4,500 Palestinians are imprisoned in Cyber City near Ramtha until they return back to Syria.¹³⁵ Given their precarious legal status, many Palestinian refugees endure a considerable degree of discrimination and insecurity, face difficulties in civil processes such as registration of births or access to government services, and are at constant risk of being deported from Jordanian soil.¹³⁶

Egypt is not part of UNRWA's area of operations and, therefore, Palestinian refugees cannot be excluded from the benefits of the 1951 Refugee convention and UNCHR's protection regime under Article 1D of the Convention.¹³⁷ Nevertheless, Egyptian authorities refuse to allow UNHCR to carry out its mandate towards Palestinian refugees from Syria which means that Palestinian refugees find themselves in a situation of particular vulnerability.¹³⁸ In November 2013, Human Rights Watch reported that Egypt had detained at least 400 Palestinian refugees

¹²⁹The principle of non-refoulement is a core principle of refugee law that prohibits states from returning refugees in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion. This prohibition, which is generally recognized as being part of customary international law, is not limited to those formally recognized as refugees but also extends protection against refoulement to asylum seekers. See: Erika Feller, Volker Türk, and Frances Nicholson, eds., "The Scope and Content of the Principle of Non-Refoulement: Opinion," in *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (Cambridge: Cambridge University Press, 2003), 149, 116–118, <http://www.refworld.org/docid/470a33af0.html>.

¹³⁰Susan M. Akram et al., "Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing" (International Human Rights Clinic - Boston University School of Law, July 2014), <http://www.bu.edu/law/central/jd/programs/clinics/international-human-rights/documents/FINALFullReport.pdf>.

¹³¹Amnesty International, "Families Ripped Apart as Palestinian Refugees from Syria Denied Entry to Lebanon," *Amnesty International*, July 1, 2014, <https://www.amnesty.org/en/articles/news/2014/07/families-ripped-apart-palestinian-refugees-syria-denied-entry-lebanon/>.

¹³²Human Rights Watch, "Egypt: Don't Force Palestinians back to Syria" (Human Rights Watch, January 18, 2013), <http://www.hrw.org/news/2013/01/18/egypt-don-t-force-palestinians-back-syria>.

¹³³ACAPS, "Regional Analysis for Syria, Part B - Host Countries," Syria Needs Assessment (SNAP), January 28, 2015, 14 and 17, <http://www.acaps.org/img/reports/p-regional-analysis-for-syria---part-b-host-countries-oct-dec-2014.pdf>.

¹³⁴*Ibid.*

¹³⁵Rosemary Sayigh, "The Price of Statelessness: Palestinian Refugees From Syria," *Al Shabaka: The Palestinian Policy Network*, May 15, 2013, <http://al-shabaka.org/commentaries/the-price-of-statelessness-palestinian-refugees-from-syria/>.

¹³⁶UNRWA, "PRS in Jordan," accessed July 4, 2014, <http://www.unrwa.org/prs-jordan>; Ricardo Santos, "Palestinian Refugees from Syria in Jordan: An Overview," *Al-Majdal*, Palestinian refugees from Syria: Ongoing Nakba, Ongoing Discrimination, no. 56 (Autumn 2014): 26–27.

¹³⁷For an analysis of the applicability of Article 1D, see BADIL Resource Center for Palestinian Residency and Refugee Rights, *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention (2nd Edition)*.

¹³⁸Human Rights Watch, "Egypt: Syria Refugees Detained, Coerced to Return," November 11, 2013, <http://www.hrw.org/news/2013/11/10/egypt-syria-refugees-detained-coerced-return>.

from Syria, while 200 were coerced to depart, many of them back to Syria.¹³⁹ In November 2014, Amnesty International claimed that Egyptian authorities issued deportation orders against 66 refugees, including 56 Palestinian refugees from Syria and five Palestinians who fled the Gaza Strip due to Israel's military offensive in the summer of 2014.¹⁴⁰

Finally, since December 2014, the constantly changing security situation in Iraq has prompted new and secondary movements of some 2.1 million internally displaced people across central Iraq and the Kurdistan Region of Iraq.¹⁴¹ As of November 2014, roughly 120 Palestinian families have emigrated from Mosul in northern Iraq to the Kurdistan Region of Iraq due to fear of threats from the so-called 'Islamic State', which has taken over the city early June 2014.¹⁴²

Fleeing to Europe

As a result of the increasing instability in Arab countries and the worsening conditions faced by those Palestinian refugees being again displaced, many have decided to flee to Europe in search of safety and security. In the last few years the Mediterranean has become one of the deadliest transitory routes for refugees seeking safe haven.¹⁴³ An increasing number of Palestinians are among those attempting this journey, mainly as a result of the conflicts in Syria and Gaza, exacerbated by the lack of respect for the *non-refoulement* principle. Although the number of people who have crossed to Europe is unknown, the presence of Palestinian refugees have been reported in many European countries, and also amongst those who have lost their lives in the so-called "death boats".¹⁴⁴ There were reportedly 400 Palestinian refugees from Gaza amongst the 500 people who died in September 2014, when their boat sank off the coast of Libya.¹⁴⁵ The Euro-Mediterranean Human Rights Monitor reported that at least 2,200 Syrian and Palestinian refugees had reached Italy in the first three months of 2015.¹⁴⁶

The conflict in Syria and the legal limbo in which Palestinian refugees find themselves when fleeing to neighboring countries are behind this recent trend of trying to reach Europe, either by sea or land. On top of that, the effects of the occupation and blockade of the Gaza Strip –

¹³⁹ Ibid.

¹⁴⁰ Amnesty International, "Scores of Syrian and Palestinian Refugees at Imminent Risk of Deportation from Egypt," November 14, 2014, <https://www.amnesty.org/en/articles/news/2014/11/scores-syrian-and-palestinian-refugees-imminent-risk-deportation-egypt/>.

¹⁴¹ OCHA, "Iraq - Strategic Response Plan 2014/2015 (Revision)," October 2014.; OCHA, "Iraq: Displacement - Humanitarian Snapshot (as of 09 December 2014)" (OCHA, December 9, 2014), http://reliefweb.int/sites/reliefweb.int/files/resources/IRQ_snapshot_141209_1.pdf.; UNHCR, "2015 UNHCR Country Operations Profile - Iraq."

¹⁴² Maan News Agency, "Fearing IS, Palestinian Families Leave Mosul for Iraqi Kurdistan," November 18, 2014, <http://www.maannews.com/eng/ViewDetails.aspx?id=740478>.; Sheren Khalel and Matthew Vickery, "Palestinian Refugees Displaced Again as They Flee Islamic State in Iraq," Mondoweiss, August 6, 2014, <http://mondoweiss.net/2014/08/palestinian-refugees-displaced>.; ACAPS, "Briefing Note - Iraq: Humanitarian Implications of Violence in Northern and Central Iraq (26 June 2014)," June 26, 2014, <http://geo.acaps.org/pdf/doc/520.pdf>.

¹⁴³ International Organization for Migration, *Fatal Journeys. Tracking Lives Lost during Migration* (International Organization for Migration, 2014), 20, http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf.

¹⁴⁴ Medical Aid for Palestinians, "Palestinians Increasingly Attempting to Cross the Mediterranean," April 24, 2015, <http://www.map-uk.org/news/archive/post/266-palestinians-increasingly-attempting-to-cross-the-mediterranean>.

¹⁴⁵ Shlomi Eldar, "Escaping Gaza, Hundreds of Palestinians Drown," Al-Monitor, September 19, 2014, <http://www.al-monitor.com/pulse/originals/2014/09/tragedy-sea-boat-smugglers-gaza-despair-young-people.html>.

¹⁴⁶ Euro-Mediterranean Human Rights Monitor, "One Migrant Drowns Every 4 Hours in the Mediterranean," March 19, 2015, <http://www.euromedmonitor.org/en/article/748/One-Migrant-drowns-every-4-hours-in-the-Mediterranean>.

shortly set to become uninhabitable according to a UN report published in July 2015¹⁴⁷ - have devastated the homes, lives and income of Palestinians. The residents of the Gaza Strip are losing hope for a secure and dignified future, and are resorting to tunnels and “death boats” in an attempt to reach a safe haven and build a better future.

In March 2015, UNRWA spokesperson. Chris Gunness, stated that:

“These tragedies involving men, women and children drowning at sea stem not only from armed conflict, occupation and a lack of protection of human rights, but more fundamentally from the failure to resolve the Palestine refugee problem. At a time of rising extremism in the Middle East region, the failure of the international community to resolve the Palestinian issue takes on an added significance.”¹⁴⁸

At the time of writing, dozens of refugees are arriving daily at the coast of Europe, where they face an uncertain destiny. Their legal status and the conditions they will encounter will depend on the country they arrive to, as each country has different policies and deals with refugees in different ways. What is clear is that until the conflict in Syria ends; the legal status and conditions of Palestinian refugees in their host states improves and, most importantly, until the Palestine refugee problem is addressed and resolved, Palestinian refugees will continue to suffer multiple displacements from this ongoing Nakba.



Hundreds of Palestinian and Syrian refugees continue to flee from the Middle East towards Europe, 2015 (©aljazeera.com)

¹⁴⁷ United Nations Conference on Trade and Development (UNCTAD), “Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory” (UNCTAD, July 6, 2015), TD/B/62/3, http://unctad.org/en/PublicationsLibrary/tdb62d3_en.pdf.

¹⁴⁸ Statement by UNRWA Spokesperson, Chris Gunness, “Drowning of Palestinians off the Coast of Sicily a ‘Clear and Tragic Sign’ of Untenable Situation” (UNRWA, March 19, 2015), <http://www.unrwa.org/newsroom/official-statements/drowning-palestinians-coast-sicily-%E2%80%98clear-and-tragic-sign%E2%80%99-untenable>.

1.4 Country Profiles

SYRIA

Roughly 85-90,000 Palestinians found refuge in Syria after the Nakba in 1948.¹⁴⁹ In the 1950s, the Syrian government issued new legislation establishing equal treatment between its citizens and Palestinian refugees regarding civil, social, economic and cultural rights.¹⁵⁰ In 1967, another 16,000 Palestinians were displaced to Syria.¹⁵¹ 13 refugee camps were established for Palestinian refugees, though UNRWA acknowledged only nine of them.¹⁵² By the beginning of the Syrian uprising in 2011, the Palestinian refugee population in the country had grown to more than 500,000, representing almost 3 percent of the population.¹⁵³ As of July 2015, more than 60 percent of the Palestinian refugees in Syria had been forcibly displaced to different parts in, and outside Syria, as a result of the current crisis in the country.¹⁵⁴

Rights and Legal Status:

- **Legal Status:** Very few Palestinians in Syria have been able to obtain citizenship, and those who have obtained it were from families settled before 1948.¹⁵⁵ According to Law no. 260 of 1965, Palestinians residing in Syria have not been granted full citizenship, but are considered equal to Syrians in matters related to trade, education, residence, military service, health and employment ‘without jeopardizing their national identity and citizenship’. Palestinians in Syria cannot be naturalized, vote or stand as candidates in municipal and parliamentary elections.¹⁵⁶
- **Education:** Palestinian refugees have access to UNRWA elementary schools and to Syrian secondary schools and universities.¹⁵⁷
- **Work:** Registered Palestinian refugees have full access to the labor market, with the exception of those who arrived after 10 July 1956, who are not entitled to take civil positions in the government.¹⁵⁸

¹⁴⁹Dr. Hamad Said Al- Mawed, “The Palestinian Refugees In Syria Their Past, Present and Future” (International Development Research Centre, 1999), 4, <http://prn.mcgill.ca/prn/al-mawed.pdf>.

¹⁵⁰Mohammed Khaled Al-Az’ar, “Arab Protection for Palestinian Refugees, Analysis and Prospects for Development,” in *Rights in Principle - Rights in Practice: Revisiting the Role of International Law in Crafting Durable Solutions for Palestinian Refugees*, by Terry Rempel (Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2009), 233; Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 167. by Terry Rempel (Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2009).

¹⁵¹Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford : New York: Oxford University Press, 1998), 7.

¹⁵²UNRWA, “Where We Work - Syria: Camp Profiles,” accessed July 3, 2014, <http://www.unrwa.org/where-we-work/syria/camp-profiles?field=16>.

¹⁵³Ibid.

¹⁵⁴UNRWA, “Syria Crisis.”

¹⁵⁵Abbas Shibliak, “Residency Status and Civil Rights of Palestinian Refugees in Arab Countries,” *Journal of Palestine Studies* 25, no. 3 (April 1996): 39, doi:10.2307/2538257.

¹⁵⁶UNICEF, “The Situation of Palestinian Children in the Occupied Palestinian Territory, Jordan, Syria and Lebanon” (Amman, Jordan: UNICEF Regional Office for the Middle East and North Africa, June 2011), 63, http://www.unicef.org/oPt/PALESTINIAN_SITAN-final.pdf.

¹⁵⁷Asem Khalil, “Socioeconomic Rights of Palestinian Refugees in Arab Countries,” *International Journal of Refugee Law* 23, no. 4 (December 1, 2011): 700, doi:10.1093/ijrl/eer027.

¹⁵⁸Paul McCann, “The Role of UNRWA and the Palestine Refugees,” *Palestine-Israel Journal of Politics, Economics & Culture* 15/16, no. 4/1 (December 2008): 87. Khalil, “Socioeconomic Rights of Palestinian Refugees in Arab Countries,” 698.

- **Healthcare:** Palestinian refugees have the same rights as Syrian citizens.¹⁵⁹ The Syrian Government does not operate an insurance program, but provides primary health care free of charge at the public health centers.¹⁶⁰ Patients have to share part of the hospitalization costs, with the exception of emergency cases.¹⁶¹ Furthermore, UNRWA and the Palestinian Red Crescent offer health services.¹⁶² Notably, the ongoing armed conflict in Syria has affected the provision of health services. According to UNRWA, when the government stopped referring Palestinian refugees to the Ministry of Health, UNRWA became the sole provider of health care.¹⁶³
- **Property:** Although Palestinians enjoy full residency rights with regard to adequate housing, some restrictions prevent them from owning property except for a personal residence, and they are banned from purchasing arable land.¹⁶⁴
- **Travel:** On 2 October 1963, Law 1311 was adopted, entitling Palestinian refugees to travel documents. Unlike Syrian nationals, they were not allowed to travel using their ID cards only, although, a law was adopted allowing Palestinian refugees in Syria to travel to and from Lebanon using their ID cards since the beginning of 1 July 1999.¹⁶⁵

JORDAN

Jordan has hosted the largest number of Palestinian refugees since the Nakba.¹⁶⁶ After Jordan's annexation of the West Bank, Palestinians amounted to half of the country's population.¹⁶⁷ Furthermore, more than 200,000 Palestinians displaced in 1967 subsequently found refuge in Jordan.¹⁶⁸ Ten recognized and three unofficial Palestinian refugee camps were established in Jordan, accommodating nearly 370,000 refugees.¹⁶⁹ By July 2014, nearly 2,200,000 Palestinian refugees were registered in the country,¹⁷⁰ though it should be noted that this number does not include unregistered Palestinian refugees or those fleeing the Syrian crisis.

Rights and Legal Status:

- **Legal Status:** The 1954 Nationality Law granted 1948 Palestinian refugees citizenship

¹⁵⁹Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," 702.

¹⁶⁰Åge A. Tiltnes, ed., *Palestinian Refugees in Syria: Human Capital, Economic Resources and Living Conditions*, Fafo-Report 514 (Norway: Fafo, 2006), 92, <http://www.fafo.no/index.php>.

¹⁶¹Ibid.

¹⁶²Ibid.

¹⁶³UNRWA, "Health in Syria," *UNRWA*, accessed August 18, 2015, <http://www.unrwa.org/activity/health-syria>.

¹⁶⁴Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," 704.

¹⁶⁵Nabil Mahmoud, "Development Indicators Among Palestinian Refugees in Syria 1948-2000," *Al-Majdal*, September 1999, 16.

¹⁶⁶Al-Az'ar, "Arab Protection for Palestinian Refugees, Analysis and Prospects for Development," 227.

¹⁶⁷Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 155.

¹⁶⁸UN General Assembly, "Report of the Secretary General under General Assembly Resolution 2252 (ES-V)," September 15, 1967, <http://unispal.un.org/UNISPAL.NSF/0/CC2CFE1A52BDEC852568D20051B645>.

¹⁶⁹UNRWA, "Where We Work: Jordan," *UNRWA*, July 1, 2014, <http://www.unrwa.org/where-we-work/jordan>.

¹⁷⁰"UNRWA in Figures (as of 1 July 2014)" (UNRWA, July 1, 2014), http://www.unrwa.org/sites/default/files/in_figures_july_2014_en_06jan2015_1.pdf.

while their rights and obligations became equal to those of Jordanian nationals. Palestinians displaced in 1967 did not enjoy this favorable treatment and only have a temporary residency status.¹⁷¹

- **Education:** Palestinian refugees with full Jordanian citizenship have access to both public and private education. Those living in the refugees camps generally use UNRWA's educational services.¹⁷² However, Palestinians with two or five-year temporary passports are treated as foreigners and are required to pay their fees in foreign currency.¹⁷³
- **Work:** 1948 Palestinian refugees have the right to work on a par with Jordanian citizens but face significant informal discrimination.¹⁷⁴ Notably, they are less often employed in the public sector.¹⁷⁵ Those displaced in 1967 face greater difficulties as they are treated as foreigners with regard to the right to work.¹⁷⁶
- **Healthcare:** Palestinian refugees who have Jordanian citizenship have full access to health facilities. However, 1967 refugees are treated as foreigners.¹⁷⁷ UNRWA is considered the predominant provider of primary health in camps and an important provider for Palestinians living outside the camps.¹⁷⁸ UNRWA also provides health services to Palestinian refugees from Syria in Jordan.¹⁷⁹
- **Property:** There are no restrictions to owning property for Palestinians with full Jordanian citizenship. Again, 1967 refugees, like other foreigners, are subject to new regulations.¹⁸⁰ Palestinians holding temporary passports do not have the right to own property individually. They are requested to have a local Jordanian partner in any property they own and to obtain the approval of a ministerial council.¹⁸¹
- **Travel:** The temporary residency status of Palestinians displaced to Jordan in 1967 limits their freedom of movement since it does not entail a right to return to Jordan.¹⁸²

¹⁷¹ Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," 698.

¹⁷² Oroub al-Abed, "Palestinian Refugees in Jordan — Forced Migration Online," Page, (February 2004), <http://www.forcedmigration.org/research-resources/expert-guides/palestinian-refugees-in-jordan>.

¹⁷³ Ibid.

¹⁷⁴ Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," 698.

¹⁷⁵ A. Åge Tiltnes and Huafeng Zhang, "Progress, Challenges, Diversity: Insights into the Socio-Economic Conditions of Palestinian Refugees in Jordan" (Norway: Institute for Applied Social Science (FAFO), 2013), 173.

¹⁷⁶ A. Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," *International Journal of Refugee Law* 23, no. 4 (December 1, 2011): 698, doi:10.1093/ijrl/eer027.

¹⁷⁷ Ibid., 702.

¹⁷⁸ Tiltnes and Zhang, "Progress, Challenges, Diversity: Insights into the Socio-Economic Conditions of Palestinian Refugees in Jordan," 79.

¹⁷⁹ "UNRWA Health Department Annual Report 2014," Text, (May 21, 2015), 21, <http://reliefweb.int/report/occupied-palestinian-territory/unrwa-health-department-annual-report-2014>.

¹⁸⁰ A. Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," *International Journal of Refugee Law* 23, no. 4 (December 1, 2011): 698, doi:10.1093/ijrl/eer027, 704.

¹⁸¹ Oroub al-Abed, "Palestinian Refugees in Jordan — Forced Migration Online."

¹⁸² Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," 698.

LEBANON

Roughly 104,000 Palestinians sought shelter in Lebanon as a result of the Nakba.¹⁸³ A small number of Palestinians found refuge in Lebanon in 1967. Over time, the number of Palestinian refugees in the country has decreased due to internal conflict, conflict between the PLO and Israel in Lebanon and legal and political obstacles that militated against Palestinian refugees' temporary asylum in Lebanon. During the 1980s, many Palestinian refugees fled from Lebanon to other countries. As of July 2014, approximately 450,000 Palestinian refugees were registered in Lebanon.¹⁸⁴ Some 251,000 of them are hosted in the 12 official and six unofficial refugee camps. (See Table 1.4, Chapter 2). This does not include those Palestinian refugees fleeing the Syrian crisis.



Rights and Legal Status:

- **Legal Status:** Refugees registered with UNRWA and/or with the Lebanese authorities have been classified as foreigners by the Lebanese Government since 1962. These refugees are those who fled their homes in Mandate Palestine in 1948 and 1967. Since the early 1990's, Lebanon has placed immense restrictions on Palestinians through legislation, depriving these refugees of their political, social and civil rights. There also exist Palestinian refugees residing in Lebanon who do not possess official documentation, and thus cannot access education, work and health services or be permitted to travel. They are deemed illegal aliens and live in a legal limbo. The number of non-registered refugees is subject to controversy, but are thought to comprise mostly of refugees who fled to Lebanon following the Black September events in

¹⁸³ "Overview of Palestinian Forced Displacement in and from Lebanon 1948-1990," accessed June 29, 2015, <http://badil.org/ar/haq-alawda/item/1512-art02>.

¹⁸⁴ UNRWA, "Where We Work - Lebanon," July 1, 2014, <http://www.unrwa.org/where-we-work/lebanon>

Jordan in 1970.¹⁸⁵ Others were displaced as a result of the Israeli occupation of the Palestinian territory and, more recently, an unknown number of Palestinian refugees from Syria have entered Lebanon illegally.

- **Education:** Public schools are reserved for Lebanese nationals, and private schools charge expensive tuition fees. UNRWA is the primary provider of education services.¹⁸⁶
- **Work:** Palestinian refugees have no access to work in the public sector. Some professions in the private sector are also restricted to non-nationals. The “reciprocity of treatment” clause obligates all foreigners to obtain a work permit which is often an impossible condition for Palestinians since they are considered stateless.¹⁸⁷
- **Healthcare:** Palestinian refugees have no access to government hospitals or other related public health services. The health services provided by UNRWA, the Palestinian Red Crescent Society (PRCS) and other NGOs are insufficient to meet demand.¹⁸⁸
- **Property:** Renovating a residence inside refugee camps is strict and involves difficult procedures. Palestinians legally residing in Lebanon go through expensive and long procedures in order to purchase any personal residence. New restrictive measures, approved in 2001, make it impossible for Palestinians to own property or to inherit it.¹⁸⁹
- **Travel:** Palestinian refugees registered with UNRWA can obtain a travel document valid for a period of five years.¹⁹⁰

EGYPT

During the Nakba, an estimated 11,600 Palestinians fled to Egypt.¹⁹¹ The legal position and rights of Palestinian refugees has changed along with the political situation in the country. During the rule of President Nasser, these refugees were not treated as foreigners and had access to public services.¹⁹² After the assassination of Yousef Al-Sibai by a Palestinian, many rights were abolished.¹⁹³ Palestinian refugees enjoyed the most favorable policies under the rule of former

¹⁸⁵ Sherifa Shafie, “Palestinian Refugees in Lebanon.”

¹⁸⁶ Khalil, “Socioeconomic Rights of Palestinian Refugees in Arab Countries,” 700.

¹⁸⁷ The reciprocity clause establishes that employment of Arab country nationals should be reciprocated in the country of origin. Ibid., 699; Shiblak, “Residency Status and Civil Rights of Palestinian Refugees in Arab Countries,” 43.

¹⁸⁸ Khalil, “Socioeconomic Rights of Palestinian Refugees in Arab Countries,” 702.

¹⁸⁹ Souheil El-Natour and Dalal Yassine, “Insight on the Legal Status Governing Daily Lives of Palestinian Refugees in Lebanon” (Human Development Center, July 31, 2006), 38, prn.mcgill.ca/research/papers/NatourPalestiniansLebanon.pdf.

¹⁹⁰ Ibid., 9–11.

¹⁹¹ Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 150.

¹⁹² Oroub El-Abed, “Palestinian Refugees of Egypt: What Exit Options Are Left for Them?” (Centre for Refugee Studies, January 1, 2005), 17, <http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/21329/20000>.

¹⁹³ Aaron David Miller, *Arab States and the Palestine Question: Between Ideology and Self-Interest*, Washington Papers (Book 120) (New York: Praeger, 1986). Also, Article 27 of Law 137 enacted in 1981 stipulated that foreigners could not practice their professions without a permit from the Ministry of Labor and a valid residence permit. Adding to the difficulties, a quota for foreigners in the private sector was introduced. Article 4 (Law 25 of 1982) stipulated that foreigners could not exceed 10 percent of the total workforce in any enterprise so as not to compete with the national labor force.

President, Mohamed Morsi.¹⁹⁴ Today, Egypt considers Palestinian refugees as all other foreigners.¹⁹⁵ In 2014, there were roughly 160,000 Palestinian refugees residing in Egypt.¹⁹⁶

Rights and Legal Status:

Legal Status: The residency of Palestinian refugees is conditional upon payment of fees and a provision of reason of stay.¹⁹⁷

- **Work:** Priority is given to Egyptian nationals; concessions are made to Palestinians married to Egyptians or who can prove continuous residence for a specific period of time. Egyptian Law No.66/1962 was issued to permit Palestinians to work in government and public-sector jobs, and to be treated as nationals. However, Law No. 48 of 1978 stipulated that employment of Arab country nationals should be conducted on a reciprocal basis. This presents obvious difficulties for Palestinians, who do not have their own country.¹⁹⁸
- **Education:** Palestinian children are not allowed to attend public schools, so they are forced to pay special fees to attend private schools. Exceptions are made for children of Palestinians who work for the Egyptian government, the public sector or Egypt's military, and children of members of the above classifications who are now retired. Palestinians pay extra fees to access universities and are not allowed to attend colleges of medicine, pharmacy, journalism, political science and economics.¹⁹⁹
- **Healthcare:** Palestinians have no access to medical care or social benefits provided to Egyptian nationals.²⁰⁰
- **Property:** New legislation with regard to property ownership was passed in the early 1980s and has ended previous ownership of agricultural land with retroactive effect.²⁰¹
- **Travel:** Tight travel restrictions apply to Palestinians. If they spend more than six months abroad, their residency may be revoked.²⁰²

¹⁹⁴Kelsey P. Norman, "Different Policies, the Same Game: Syrian and Palestinian Refugees in Egypt," *Jadaliyya*, January 28, 2014, http://www.jadaliyya.com/pages/index/16221/different-policies-the-same-game_syrian-and-palest.

¹⁹⁵Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," 698; Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 152.

¹⁹⁶Akram et al., "Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing," 84.

¹⁹⁷Oroub El-Abed, "The Forgotten Palestinians: How Palestinian Refugees Survive in Egypt" 20 (May 2004): 30, <http://www.fmreview.org/FMRpdfs/FMR20/FMR2013.pdf>.

¹⁹⁸Asem Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," Center for Migration and Refugee Studies, American University in Cairo (2010), p. 698–699.

¹⁹⁹*Ibid.*, 701.

²⁰⁰*Ibid.*, 702.

²⁰¹*Ibid.*, 698–699.

²⁰²Oroub El-Abed, "The Forgotten Palestinians: How Palestinian Refugees Survive in Egypt," 30.

LIBYA

Libya has historically hosted thousands of Palestinian migrant workers. Estimates show that the Palestinian population in Libya grew from approximately 5,000 Palestinians in 1970 to more than 29,000 by the end of 1992.²⁰³ Children of Palestinian refugees also received the support of the Libyan government, including scholarships for secondary and tertiary studies.²⁰⁴ In 1995, protesting the PLO's entry into agreement with Israel, Libya adopted a discriminatory policy against Palestinian refugees. Former leader Qaddafi threatened to expel all estimated 30,000 Palestinians in Libya and asked other Arab states to do the same.²⁰⁵ About 13,000 Palestinians were deported.²⁰⁶ Those who were not, were left in Libya without work or income and their residency rights suspended.²⁰⁷ At the outbreak of the Arab Revolutions in 2011, Libya was home to some 70,000 Palestinian workers, more than 100 Palestinian students, and over 8,000 Palestinians recognized as refugees by the UNHCR.²⁰⁸

Rights and Legal Status:

- **Legal Status:** Palestinian refugees get the same treatment as Libyan citizens,²⁰⁹ though their residency rights were suspended between 1995 and 1997.²¹⁰
- **Work:** Palestinians in Libya are granted the same treatment as Libyan citizens.²¹¹ In general, refugees do not have the right to run businesses, obtain necessary licenses, or own property, but the Government allows a small number of Palestinian and Iraqi refugees to run businesses.²¹²
- **Education:** Since the 1970s, Palestinian refugee communities received the provision of scholarships to refugee children to complete their secondary and tertiary studies.²¹³
- **Healthcare:** Palestinian refugees receive free health services and education from the Government, while other refugees receive health services through UNHCR.²¹⁴

²⁰³E. Fiddian-Qasmiyeh, "Invisible Refugees And/or Overlapping Refugeeedom? Protecting Sahrawis and Palestinians Displaced by the 2011 Libyan Uprising," *International Journal of Refugee Law* 24, no. 2 (May 1, 2012): 271, doi:10.1093/ijrl/ees027.

²⁰⁴Ibid., 270.

²⁰⁵Ibid., 280; Abbas Shiblak, "A Time of Hardship and Agony: Palestinian Refugees in Libya," *Palestine-Israel Journal* 2, no. 4 (1995), <http://www.pij.org/details.php?id=596>; Efraim Karsh, "The Palestinians' Real Enemies," *Middle East Quarterly* 21, no. 2 (Spring 2014), <http://www.meforum.org/3766/palestinians-enemies>; Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 18.

²⁰⁶Fiddian-Qasmiyeh, "Invisible Refugees And/or Overlapping Refugeeedom?," 280.

²⁰⁷BADIL Staff, "The Palestinian Crisis in Libya 1994-1996 - Interview with Professor Bassem Sirhan," 46.

²⁰⁸Elena Fiddian-Qasmiyeh, "Palestinian Refugees Affected by the 2011 Libyan Uprising: A Brief Overview" 2 (1) (February 2011): 7-11.

²⁰⁹Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 166.

²¹⁰BADIL Staff, "The Palestinian Crisis in Libya 1994-1996 - Interview with Professor Bassem Sirhan," 44.

²¹¹Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 166.

²¹²"World Refugee Survey 2009 - Libya" (United States Committee for Refugees and Immigrants, June 17, 2009), <http://www.refworld.org/publisher,USCRI,,LBY,4a40d2acc,0.html>.

²¹³Fiddian-Qasmiyeh, "Invisible Refugees And/or Overlapping Refugeeedom?," 270.

²¹⁴"World Refugee Survey 2009 - Libya."

- **Property:** In 1978, Muammar Qaddafi forbid the ownership of more than one house, and in 1986 he abolished land ownership altogether. Qaddafi used different redistribution policies to mobilize support, and for years many Palestinians received subsidized housing.²¹⁵ Since the revolution, property disputes have become a primary threat to the national security of Libya. Although they mainly affect Libyans, the Palestinian refugee community has also been significantly affected. Many are suffering from forced evictions by the original owners of the houses, exacerbating their insecure status and displacement.²¹⁶ So far, attempts to reform property laws have failed in Libya,²¹⁷ and the current situation regarding property is unstable and chaotic.
- **Travel:** Palestinians in Libya enjoy the same travel rights as Libyan citizens.²¹⁸

IRAQ

About 5,000 Palestinian refugees found refuge in Iraq in 1948. Other Palestinian refugees reached Iraq in 1967 and after the 1990-1991 Gulf War.²¹⁹ In the context of the 2003 US-led invasion, Palestinian refugees became victims of rumors, insults, accusations of collaboration with the former regime and physical attacks. This triggered the displacement of many Palestinian families.²²⁰ After the 22 February 2006 bombings of the al-Askariyya Mosque in Samarra, acts of discrimination and violence against Palestinians escalated again.²²¹ According to UNHCR, 34,000 Palestinians resided in Iraq before the 2003 war and, at best, only 10,000 Palestinian refugees remained in 2012.²²²

Rights and Legal Status:

- **Legal Status:** During Saddam Hussein's rule, Palestinian refugees were generally granted preferential treatment and given five-year residency permits with five year validity. They also enjoyed preferential treatment with regard to naturalization.²²³
- **Work:** After the fall of the Saddam Hussein regime, Palestinians became subject to the same

²¹⁵Mary Fitzgerald and Tarek Megerisi, "Libya: Whose Land Is It? Property Rights and Transition," Case Study (Legatum Institute, April 2015), <https://lif.blob.core.windows.net/lif/docs/default-source/publications/libya---whose-land-is-it-2015-transitions-forum.pdf?sfvrsn=8>.

²¹⁶Rebecca Murray, "Palestinians Live on the Edge in New Libya," *Inter Press Service*, August 23, 2012, <http://www.ipsnews.net/2012/08/palestinians-live-on-the-edge-in-new-libya/>.

²¹⁷Mary Fitzgerald and Tarek Megerisi, "Libya: Whose Land Is It? Property Rights and Transition," 2.

²¹⁸Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 166.

²¹⁹Gabriela Wengert and Michelle Alfaro, "Can Palestinian Refugees in Iraq Find Protection?," *Forced Migration Review*, no. 26 (August 2006): 19. Noura Erakat, "Palestinian Refugees and the Syrian Uprising: Filling the Protection Gap during Secondary Forced Displacement," *International Journal of Refugee Law* 26, no. 4 (2014): 591.

²²⁰Al-Az'ar, "Arab Protection for Palestinian Refugees, Analysis and Prospects for Development," 232; see also Human Rights Watch, "Nowhere to Flee: The Perilous Situation of Palestinians in Iraq," September 2006, 14–16, <http://www.hrw.org/sites/default/files/reports/iraq0706web.pdf>.

²²¹Wengert and Alfaro, "Can Palestinian Refugees in Iraq Find Protection?," 19.

²²²Legal Dept. at PRC, "Palestinian Refugees in Iraq: 'Displaced in Exile'" 2, no. 1 (Spring 2012), 46.

²²³UNHCR, "Update of UNHCR Aide-Memoire of 2006. Protection Considerations for Palestinian Refugees in Iraq," July 2012, 2, <http://www.refworld.org/docid/500ebee2.html>; Human Rights Watch, "Nowhere to Flee: The Perilous Situation of Palestinians in Iraq," 8.



employment laws applicable to foreigners.²²⁴ They face discrimination from employers, especially in the public sector.²²⁵

- **Education:** Palestinians enjoy the same rights as Iraqi nationals.²²⁶ After the fall of the Saddam Hussein regime, Palestinian students became subject to discrimination from teachers.²²⁷
- **Healthcare:** Palestinian refugees should be guaranteed the same medical care as Iraqi nationals.²²⁸ After the fall of the Saddam Hussein regime, Palestinians became subject to discrimination from medical staff.²²⁹
- **Property:** Palestinians in Iraq are not allowed to own property, including land.²³⁰
- **Travel:** Until 2003, Palestinians were allowed to leave the country twice per year, upon authorization of the Minister of Interior.²³¹

²²⁴UNHCR, "Update of UNHCR Aide-Memoire of 2006. Protection Considerations for Palestinian Refugees in Iraq," 2 and 5.

²²⁵Ibid., 9.

²²⁶Ibid., 4–5; BADIL, *Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, I (Bethlehem, Palestine: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2005), 19, <http://www.badil.org/en/lawyers-resources/itemlist/category/206-2005handbook>.

²²⁷UNHCR, "Update of UNHCR Aide-Memoire of 2006. Protection Considerations for Palestinian Refugees in Iraq," 9.

²²⁸Ibid., 4 and 5.

²²⁹Ibid., 9.

²³⁰Al-Az'ar, "Arab Protection for Palestinian Refugees, Analysis and Prospects for Development," 232.

²³¹UNHCR, "Update of UNHCR Aide-Memoire of 2006. Protection Considerations for Palestinian Refugees in Iraq," 4, 5 and 11; BADIL, *Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, 19.

TUNISIA

Only a small number of Palestinians arrived in Tunisia in 1948.²³² In 1982, following the Israeli invasion of Lebanon, thousands of Palestinian refugees from Lebanon fled to Tunisia where the PLO established its temporary headquarters.²³³ Their evacuation from Lebanon was carried out in conformity with special arrangements between the US, France, Israel, Lebanon, Tunisia and the PLO. During their ten years of stay, the number of Palestinians increased to 5,000. However, most of them left Tunisia in the early 1990s following the Oslo Agreements and the establishment of the PLO headquarters in the Gaza Strip.²³⁴ As of 2009, roughly 1000 Palestinians resided in Tunisia.²³⁵

Rights and Legal Status:

- **Legal Status:** Palestinians are afforded residency on par with Tunisian citizens.²³⁶
- **Work:** Palestinians enjoy the same rights with regard to work as Tunisian citizens.²³⁷
- **Education:** Access to higher education is open to anyone who successfully completes secondary education. Education is free at State universities and the government offers grants for students from vulnerable families.²³⁸ Education is free in public schools for all children and the government provides assistance at all levels of education without exception.²³⁹
- **Healthcare:** Tunisia provides those with low household income free healthcare through the Free Medical Assistance Program.²⁴⁰
- **Right to own property:** Property ownership by foreigners is subject to the consent of the governor of the locality where the property is located, though this consent was waived in 2005 for the lease or acquisition of buildings and lands in industrial or tourist zones for economic projects. However, Palestinians are prohibited from owning agricultural lands.²⁴¹
- **Travel:** Palestinians enjoy the same right of entry, exit and return as Tunisian citizens.²⁴²

²³²ALRAY-Palestinian Media Agency, "Palestinian Refugees in 'Arab Magreb' Awaiting for Return," May 15, 2013, <http://alray.ps/en/index.php?act=post&id=584>; Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 169.

²³³Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 169; Asem Khalil, "Palestinian Refugees in Arab States: A Rights-Based Approach," CARIM Research Reports 2009/08 (The Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM), 2009), 28, http://cadmus.eui.eu/bitstream/handle/1814/10792/CARIM_RR_2009_08REV.pdf.

²³⁴Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 169; Khalil, "Palestinian Refugees in Arab States: A Rights-Based Approach," 28.

²³⁵Khalil, "Palestinian Refugees in Arab States: A Rights-Based Approach," 28.

²³⁶Ibid., 16.

²³⁷Ibid.

²³⁸Education, Audiovisual and Culture Executive Agency (European Commission), "Higher Education in Tunisia" (Brussels, Belgium: Education, Audiovisual and Culture Executive Agency (European Commission)), July 2012, 4, http://eacea.ec.europa.eu/tempus/participating_countries/overview/tunisia_tempus_country_fiche_final.pdf.

²³⁹United Nations, "Tunisia: National Report on Millennium Development Goals" (United Nations, May 2004), 11, http://www.un.org/en/development/desa/policy/mdg_workshops/mdgreports/tunisia/national_report.pdf.

²⁴⁰Heba Elgazzar and Chokri Arfa, "Tunisia - Consolidation and Transparency : Transforming Tunisia's Health Care for the Poor" (The World Bank, January 1, 2013), 6, <http://documents.worldbank.org/curated/en/2013/01/17207923/tunisia-consolidation-transparency-transforming-tunisia-health-care-poor>.

²⁴¹OECD, *OECD Investment Policy Reviews OECD Investment Policy Reviews: Tunisia 2012* (Paris: OECD Publishing, 2012), 103, http://www.keepeek.com/Digital-Asset-Management/oecd/finance-and-investment/oecd-investment-policy-reviews-tunisia-2012_9789264179172-en#page200.

²⁴²Khalil, "Palestinian Refugees in Arab States: A Rights-Based Approach," 16.

KUWAIT

The first flight of Palestinians to Kuwait happened in 1948. By 1965, an estimated 78,000 Palestinians composed around 17 percent of the population of Kuwait.²⁴³ Other waves of Palestinians to Kuwait happened in 1967 and in 1970, following ‘Black September’ in Jordan. Their number grew to 205,000 in 1975.²⁴⁴ During the 1990-1991 Gulf War, Palestinians became the scapegoat for a war in which they had been caught in the middle of. More than 400,000 Palestinians were expelled from Kuwait in retaliation for the PLO’s political support of the Iraq invasion.²⁴⁵ Only some 32,000 people were not expelled.²⁴⁶ Since 2002, Arab citizens/residents from non-Gulf Cooperation Council (GCC) states, including Palestinian refugees, have not been allowed to stay in Kuwait for more than three months.²⁴⁷

Rights and Legal Status:

- **Legal Status:** Refugees in Kuwait are considered foreign residents according to the 1959 Alien Residence Law, and Palestinians are considered migrants workers. Furthermore, their residency is related to their employment status.²⁴⁸ Palestinians obtain residency through their employer. Their right to residency terminates as soon as their employment ends.²⁴⁹ The law in Kuwait does not provide for refugee status or the granting of asylum, and there is no system for providing protection to refugees.²⁵⁰
- **Work:** Kuwait does not grant Palestinian refugees the same right to work as other foreigners; they are excluded from equal rights in private business with Kuwaiti citizens.²⁵¹ Palestinians need to obtain a guarantor - a Kuwaiti employer responsible for his non-Kuwaiti employee - both in legal and financial matters.²⁵²
- **Education:** A quota system limits Palestinian enrollment in public schools and universities.²⁵³

²⁴³Ann M. Lesch, “Palestinians in Kuwait,” *Journal of Palestine Studies* 20, no. 4 (July 1991): 43, DOI:10.2307/2537434.

²⁴⁴Ibid.

²⁴⁵Noura Erakat, “Palestinian Refugees and the Syrian Uprising: Filling the Protection Gap during Secondary Forced Displacement,” 591.

²⁴⁶Ibid., 591.

²⁴⁷Middle East Newslines, “Kuwait Restricts Stay of Non-GCC Arabs,” *Middle East Newslines*, December 12, 2002 “Kuwait has imposed new measures to reduce the presence of Arab nationals from outside the Gulf region. Officials said the measures target four countries that have friendly relations with Iraq. They said the restrictions are part of increased security imposed by the sheikdom in the wake of threats by Iraqi President Saddam Hussein. Under the new measures, those from Jordan, the Palestinian Authority, Sudan and Yemen will not be allowed to stay in Kuwait for more than three months. But officials said authorities could insist that these nationals could be expelled after one month in Kuwait.”

²⁴⁸United States Committee for Refugees and Immigrants, “World Refugee Survey 2009 - Kuwait” (United States Committee for Refugees and Immigrants, June 17, 2009), <http://www.refworld.org/publisher,USCRI,,KWT,4a40d2abc,0.html>.

²⁴⁹Lesch, “Palestinians in Kuwait,” 43; BADIL, *Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, 18.

²⁵⁰Bureau of Democracy, Human Rights and Labor, “Kuwait 2013 Human Rights Report” (United States Department of State, 2013), 13, <http://www.state.gov/documents/organization/220573.pdf>.

²⁵¹“Survey of Palestinian Refugees and Internally Displaced Persons 2008-2009” (BADIL Resource Center for Palestinian Residency and Refugee Rights, December 2009), 113.

²⁵²Lesch, “Palestinians in Kuwait,” 43; Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, 158; Noura Erakat, “Palestinian Refugees and the Syrian Uprising: Filling the Protection Gap during Secondary Forced Displacement,” 591.

²⁵³Lesch, “Palestinians in Kuwait,” 43; BADIL, *Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, 19.

- **Right to own property:** According to Law No 74 (1979), Palestinians have a conditional right to own a single piece of real estate.²⁵⁴
- **Travel:** The Kuwaiti constitution provides for freedom of movement, but some laws constrain foreign travel and the government restricts freedom of movement in the country.²⁵⁵

SAUDI ARABIA

During and after the 1990-1991 Gulf War, Palestinians were targeted by different regimes due to the PLO's support of Iraq's invasion of Kuwait. As a result, hundreds of thousands of Palestinians were expelled from various Gulf States following Iraq's withdrawal.²⁵⁶ As of mid-2008, Saudi Arabia hosted 365,000 Palestinians.²⁵⁷

Rights and Legal Status:

- **Legal Status:** Citizenship is derived from the individual's father.²⁵⁸ Under the Saudi law, the 'state will grant political asylum if public interest so dictates'. Despite that, the country has no mechanisms to implement this provision, though UNHCR-recognized refugees were permitted to stay in the country 'temporarily' pending identification of a durable solution. Generally, the government refused to accept refugees or grant asylum for settlement from third countries.²⁵⁹ Residency permits must be obtained through sponsorship by a Saudi employer.²⁶⁰
- **Work:** Palestinians are dealt with as other foreign workers.²⁶¹
- **Education:** Public schools are free for citizens and non-citizens.²⁶² Higher education is free only for Saudi citizens. The children of foreign workers are not allowed to access higher education institutions unless they are granted scholarships.²⁶³

²⁵⁴Kuwait, Law No. 74 of 1979 *Regulating the Ownership of Real Estate by Non-Kuwaitis*, 1979. Arab citizens from other Arab states may purchase only a single piece of real estate with government approval. The person must have residence in Kuwait for a minimum of ten years, sufficient income and a clean security record. The property must not exceed 1,000m². It is also based on reciprocal treatment. The land must not be under joint ownership with a Kuwaiti.

²⁵⁵Bureau of Democracy, Human Rights and Labor, "Kuwait 2013 Human Rights Report," 13.

²⁵⁶Sharif Nashashibi, "Why the Nakba Is Bigger than the Events of 1948," *Middle East Eye*, May 19, 2014, <http://www.middleeasteye.net/columns/why-nakba-bigger-events-1948-33073288>. Immigration and Refugee Board of Canada, "Saudi Arabia: Present Treatment of Palestinians in Saudi Arabia," June 1, 1991, SAU8822, <http://www.refworld.org/docid/3ae6ab884c.html>.

²⁵⁷Miriam Itani and Mo'in Manna', *The suffering of the Palestinian refugee* (Beirut: al-Zaytounah Centre for Studies and Consultations, 2010), 36, http://www.alzaytouna.net/english/books/Book_Human6_Suffering_Refugee_ENG.pdf.

²⁵⁸Bureau of Democracy, Human Rights and Labor, "Saudi Arabia 2013 Human Rights Report" (United States Department of State, 2013), 26, <http://www.state.gov/documents/organization/220586.pdf>.

²⁵⁹*Ibid.*, 25.

²⁶⁰Franklin Lamb, "Palestinians Right Of Return: Where? - Officially Stateless Hezbollah and Palestinians," *Akashma Online News*, accessed March 30, 2015, <http://akashmanews.com/palestine/palestinians-refugees/>.

²⁶¹U.S. Department of State, *Country Reports on Human Rights Practices for 1988* (Washington: Government Printing Office, 1988), 1489, <https://archive.org/stream/countryreportson1988unit#page/1488/mode/2up>.

²⁶²Majed Alamri, "Higher Education in Saudi Arabia," *Journal of Higher Education Theory and Practice* 11, no. 4 (2011): 15, <http://www.na-businesspress.com/JHETP/AlamriWeb11-4.pdf>.

²⁶³Hujaylan Alhujaylan, "The Higher Education of Women in The Kingdom of Saudi Arabia: Relationship of Gender and Academic Performance in High School to the Selection of College Major Among Undergraduate Students" (University of Akron, 2014), 2, https://etd.ohiolink.edu/etd.send_file?accession=akron1399523302&disposition=inline.

- **Healthcare:** Saudi Arabia follows a free-care policy which covers Saudis as well as expatriates in the public sector. In the private sector, medical care for expatriates is the responsibility of the employer, and employees in private companies that do not provide healthcare benefit instead from governmental policy which states that medical care should be offered regardless of sponsorship.²⁶⁴
- **Property:** Article 2 of the Regulation of Ownership and Investment in Real Estate by Non-Saudis stipulates that: '[n]on-Saudi natural persons enjoying normal legal residency status in Saudi Arabia may own real estate for use as a personal residence, subject to obtaining a permit from the Ministry of Interior'.²⁶⁵
- **Travel:** Palestinians are not allowed to travel outside the city of their employment or to change their work place without the permission of their sponsor.²⁶⁶ Palestinians who leave Saudi Arabia for six months or more are not allowed to return without acquiring a new employer or sponsor, which is almost impossible from abroad.²⁶⁷

QATAR

The number of Palestinians in Qatar is 20,500, which is around one percent of the whole population.²⁶⁸ They have been living in Qatar for decades.

Rights and Legal Status:

Legal Status: Qatari law does not explicitly provide for the granting of asylum or refugee status, but occasionally the government has accepted such individuals as “guests” on a temporary basis. The government legally classified the small number of persons granted residence on humanitarian grounds as ‘visitors’.²⁶⁹

Work: For refugees to be allowed to enter they must obtain local sponsorship or employment and if they leave their employment, they are expected to leave the country or face deportation.²⁷⁰ Qatar agreed in January 2014 to grant work visas to 20,000 Palestinians, following a period of 20 years during which time Palestinians were unable to apply for work in this prosperous Gulf state.

²⁶⁴Mohammed H. Mufti, *Healthcare Development Strategies in the Kingdom of Saudi Arabia* (New York: Kluwer Academic/Plenum, 2000), 54.

²⁶⁵Saudi Arabia, *Regulation of Ownership and Investment in Real Estate by Non-Saudis*, April 2000, https://www.sagja.gov.sa/Documents/Laws/Real_Estate_by_Foreigners.pdf.

²⁶⁶U.S. Department of State, *Country Reports on Human Rights Practices for 1988*, 1489.

²⁶⁷United States Committee for Refugees and Immigrants, “World Refugee Survey 2008 - Saudi Arabia,” June 19, 2008, <http://www.refworld.org/docid/485f50cec.html>.

²⁶⁸Jure Snoj, “Population of Qatar by Nationality,” *Bq Magazine*, December 18, 2013, <http://www.bqdoha.com/2013/12/population-qatar>.

²⁶⁹Bureau of Democracy, Human Rights and Labor, “Qatar 2013 Human Rights Report” (United States Department of State, 2014), 12, <http://www.state.gov/documents/organization/236830.pdf>.

²⁷⁰Immigration and Refugee Board of Canada, “Asylum Procedures for Palestinians in Qatar; Situation of Palestinian Workers in Qatar” (European Country of Origin Information network, March 31, 1990), http://www.ecoi.net/local_link/191983/295639_en.html.

The first group of Palestinian employees is expected to start working after July 2015.²⁷¹

Education: Since refugees must obtain local sponsorship or employment to enter Qatar, they are considered non-citizens. Education is low-cost for non-citizen children, with only a nominal fee payable.²⁷²

Property: As of 2002, non-citizens were not allowed to own property “as a general rule [...] except within certain limits”.²⁷³

Travel: As of 1996, Palestinians residing in Qatar, like other non-citizens, were required to report to the authorities every six months, which prevented them from being out of the country for the date in question.²⁷⁴ The 2009 Sponsorship Law also establishes that all foreign workers must obtain a sponsor’s permission to leave Qatar.²⁷⁵

²⁷¹ Maan News Agency, “Ambassador: Qatar to employ 20,000 Palestinians”, 28 June 2015.

²⁷² Bureau of Democracy, Human Rights and Labor, “Qatar 2013 Human Rights Report,” 18.

²⁷³ Canada: Immigration and Refugee Board of Canada, “Qatar: Rights of Palestinians; Conditions Relating to Residence and Work Permits; Maximum Age for a Child to Be Registered on Father’s Residency Permit; Conditions of Residency Renewal; Treatment of Palestinians,” June 3, 2002, <http://www.refworld.org/docid/3df4be981c.html>.

²⁷⁴ Ministry of Citizenship and Immigration, *Altawil v. MCI* (1996) “A stateless Palestinian who had been residing in Qatar and had left temporarily in order to attend university in Afghanistan was unable to return to Qatar in time to report to the authorities due to the war in Afghanistan (in order to be able to return to Qatar, noncitizens residing outside the country were required by law to return to Qatar every six months and to report to the authorities). As he had breached the law, his residency status expired, and he was denied re-entry.” (Paragraph 11).

²⁷⁵ Amnesty International, “Qatar: Submission to the UN Universal Periodic Review 19th Session of the UPR Working Group,” April 2014, 4, <http://www.refworld.org/docid/533e7c544.html>.

POPULATION SIZE, DISTRIBUTION AND CHARACTERISTICS

By the end of 2014, roughly 7.98 million (66 percent) of 12.10 million Palestinians worldwide were forcibly displaced persons. Among them are roughly 7.26 million Palestinian refugees and 720,000 internally displaced persons (IDPs). Despite the current crises in the Middle East and the resultant mass population displacement; Palestinians still constitute the largest displaced population in the world.

Palestinian refugees fall into three main categories. The largest of which (6.14 million) is composed of those who were forced to flee their homes and country during the 1948 War, and their descendants. Those displaced during the 1967 War and their descendants (1.11 million) form the second major category, whilst the third is comprised of an unknown number of Palestinians who are neither 1948 nor 1967 refugees but who have also been displaced outside the area of Mandate/historic Palestine (Israel and the oPt) and are likely to be refugees.

There are two main categories of Palestinian IDPs. The first (384,200) is composed of Palestinians who have been internally displaced inside Israel since 1948, and their descendants. The second (334,600) is composed of Palestinians who have been internally displaced in the oPt since 1967. This second category also includes a number of Palestinians who were originally Palestinian refugees but who have suffered subsequent forms of further, or secondary, displacement in the oPt.

There is no single authoritative source for the global Palestinian refugee and IDP population. Estimates of the current size of Palestinian refugee and IDP population are based on available data which is uneven and shifting, primarily due to the absence of a comprehensive registration system, frequent forced displacement, and the lack of a uniform definition of what constitutes a Palestinian refugee.

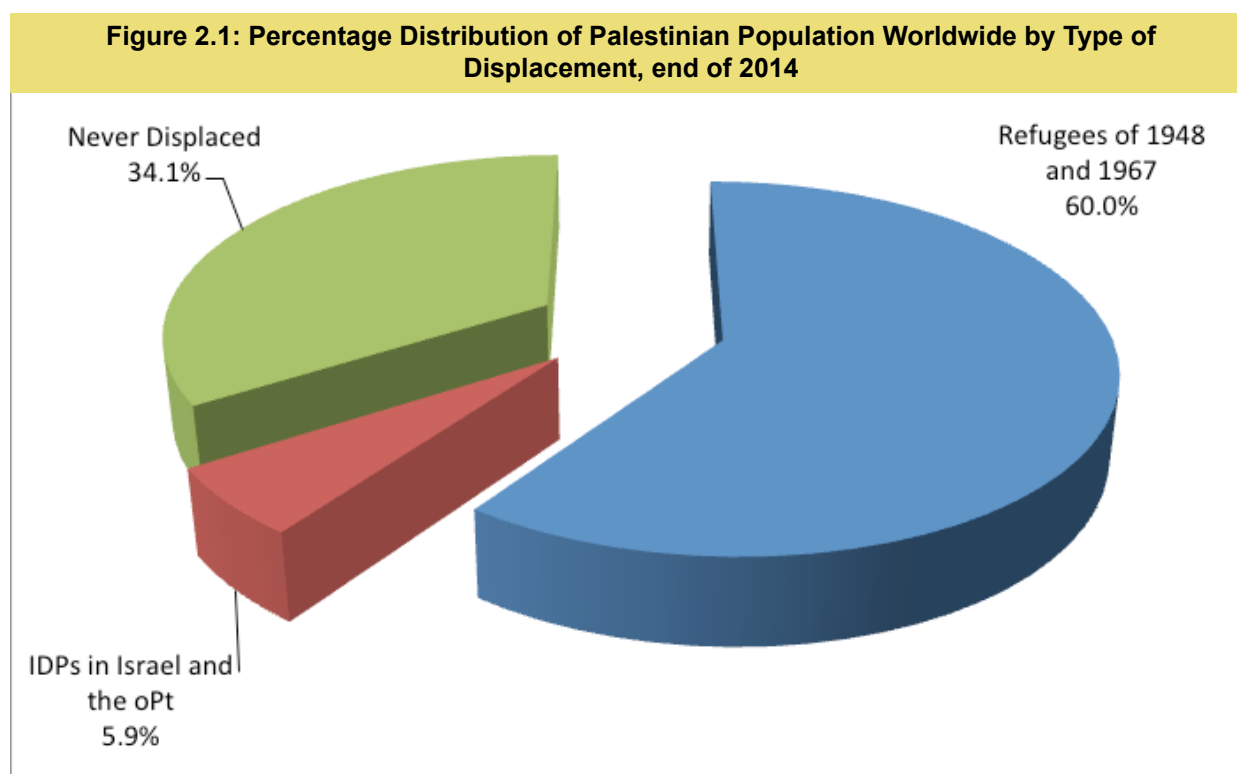
There is also minimal data available on the demographic and socioeconomic characteristics of Palestinian refugee populations outside UNRWA's area of operation.

2.1 The Current Scope of Palestinian Displacement

The Palestinian refugee and IDP population described here comprises the total estimated number of Palestinians and their descendants who have been forcibly displaced from their homes and properties located in Mandate/historic Palestine (now divided into Israel and the oPt), who lack

protection and are denied durable solutions or reparations. The most just durable solution is that of voluntary repatriation to the place of origin, while relevant reparations include restitution and compensation. Estimates are as per the end of 2014, unless stated otherwise. Information about the methodology applied is included in Appendix 1.1 at the end of this chapter.

By the end of 2014, roughly 7.98 million were forcibly displaced persons (66 percent of the entire, worldwide Palestinian population of 12.10 million²⁷⁶). Among them were at least 7.26 million Palestinian refugees and approximately 720,000 IDPs.



The largest group of displaced Palestinians is made up of those who were forced to leave their homes and country in 1948 (an event referred to as the *Nakba*) and their descendants. These total approximately 6.14 million, a figure that includes the 5.09 million Palestinian refugees who are registered with and assisted by UNRWA (often referred to as “registered refugees” or “Palestine refugees”), and a further one million refugees who were also displaced in 1948, but are not eligible or did not register for assistance with UNRWA. (See: *Non-registered 1948 refugees, Appendix 1.1*)

The second major group of displaced Palestinians is comprised of those displaced for the first time from their homes and country in the context of the 1967 war, and their descendants. The estimated total of 1967 Palestinian refugees numbers approximately 1,113,463 persons. (See: *1967 Palestinian refugees, Appendix 1.1*)

Internally displaced Palestinians can be divided into two groups. The first is composed of persons displaced in the area that became the state of Israel in 1948. This group includes those who were displaced during the 1948 *Nakba*, (approximately 384,200 persons) as well as those subsequently displaced by the state of Israel; no authoritative data exists for this second category (See *Appendix 1.1 and 2.1*). The second group (approximately 334,600 persons) is composed of Palestinians

²⁷⁶ “Special Statistical Bulletin On the 67th Anniversary of the Palestinian Nakba” (Palestinian Central Bureau of Statistics, December 5, 2015), <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1391&mid=3171&wverson=Staging>.

internally displaced within the oPt since 1967 as a result of Israel's occupation, apartheid and colonization of the area. This figure includes Palestinian refugees who suffered subsequent secondary forced displacement inside the oPt.

Table 2.1: Palestinian refugees and IDPs by group, 1950-2014

Year	UNRWA registered 1948 Refugees*	Non-registered 1948 Refugees**	1967 Refugees	IDPs in Israel since 1948	IDPs in the oPt since 1967***
1950	914,221****	304,740	–	47,610	–
1955	905,986	301,995	–	56,546	–
1960	1,120,889	373,630	–	67,159	–
1965	1,280,823	426,941	–	79,763	–
1970	1,425,219	475,073	266,092	94,734	16,240
1975	1,632,707	544,236	316,034	112,514	23,901
1980	1,844,318	614,773	375,349	133,631	31,920
1985	2,093,545	697,848	445,797	158,712	41,041
1990	2,422,514	840,838	529,467	188,500	49,889
1995	3,172,641	1,057,547	628,841	223,879	59,444
2000	3,737,494	827,022	743,257	264,613	72,758
2005	4,283,892	935,641	861,639	306,759	98,673
2006	4,396,209	957,963	887,488	315,962	102,798
2007	4,510,510	975,373	912,870	325,441	111,803
2008	4,671,811	999,993	939,070	335,204	128,708
2009	4,766,670	1,017,639	966,115	343,250	153,367
2010	4,966,664	1,042,420	993,939	351,488	156,182
2011	4,797,723	1,028,130	1,022,546	359,924	159,447
2012	4,871,341	1,007,027	1,051,995	367,842	223,948
2013	4,976,920	1,026,634	1,082,293	375,935	225,693
2014	5,094,886	1,049,848	1,113,463	384,205	334,618

* Recent digitization of UNRWA's registration records enables us to present more detailed beneficiary statistics. Other registered persons include those eligible to receive services. In 2014 there were 398,229 persons recorded as "other registered persons" that were not included in the stated figure of registered refugees.

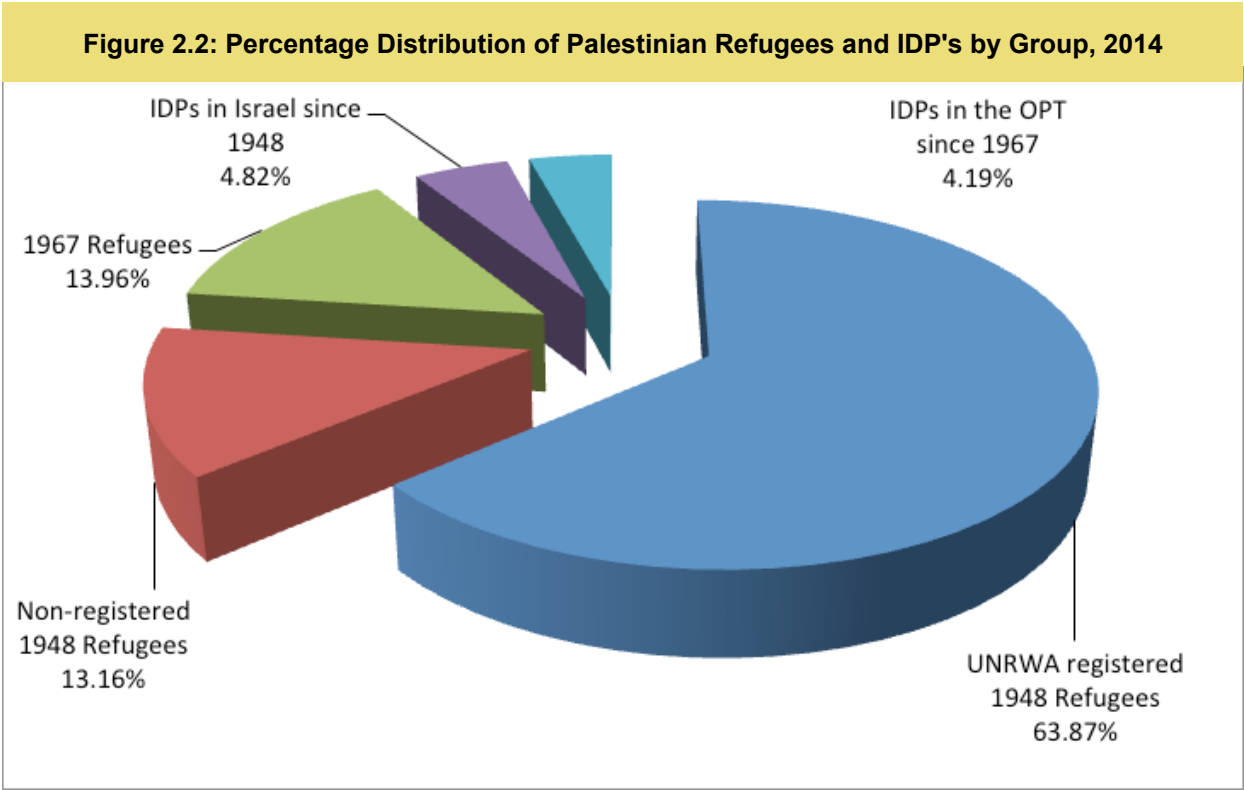
** The figures were revised starting from 2007 based on the final percentage of non-registered refugees in West Bank and the Gaza Strip, which is estimated at 1.43%.

*** Including refugees displaced at least secondarily. The figures above reflect estimates according to the best available sources and population growth projections. Figures are therefore indicative rather than conclusive. For more details about these estimates, see Appendix 2.1 at the end of this chapter.

**** Excluding the 45,800 persons (1948) in Israel who received relief from UNRWA until June 1952.

This estimation does not include a further unknown number of displaced Palestinians who are neither 1948 nor 1967 refugees, but who have also been displaced outside the area of Mandate Palestine (Israel and the oPt) and are also likely to qualify as refugees under international law. The majority of the latter have likely been forcibly displaced from the occupied West Bank and Gaza Strip since 1967 as a result of the policies and practices of Israel's regime, which combines occupation, apartheid and colonization, and effecting ongoing forcible population transfer. They now reside abroad and are unable or unwilling to return to the oPt or Israel owing to a well-founded fear of persecution.

UNHCR also regards 104,072 Palestinians as a Population of Concern. This number includes 97,235 refugees; 3,669 asylum seekers; and 3,166 persons categorized as “Various”, which refers to individuals who do not necessarily fall directly into any of the other groups but to whom UNHCR may extend its protection and/or assistance services. This group includes Palestinians displaced in 1948, in 1967 and also refugees that were not displaced in 1948 or 1967. These Palestinians fall under UNHCR’s mandate because they are eligible under the 1951 Refugee Convention, and fall outside of UNRWA’s area of operations (*for more information, see: Chapter 3, Section 2A, 1951 Convention Relating to the Status of Refugee and the 1967 Protocol*).



2.2 Distribution

During the major waves of displacement in the 20th century, Palestinian refugees tended to remain as close as possible to their homes and villages of origin, based on the assumption that they would return once armed conflict had ceased. In 1948, an estimated 65 percent of the Palestinian refugees remained in areas of Palestine not under Israeli control – i.e., the West Bank and Gaza Strip, which comprised 22 percent of the territory of Mandate Palestine. In the West Bank, the Palestinian population swelled from 460,000 to 740,000 due to the mass influx of refugees at that time.

The impact of this mass influx into the areas of the former Gaza District that became known as the Gaza Strip was even more dramatic. The population almost quadrupled. The remaining 35 percent of the Palestinian refugee population displaced in 1948 found refuge in neighboring states, including Jordan, Lebanon, Syria and Egypt. An unknown number of Palestinian Arab citizens were abroad at the time of the 1948 *Nakba* in Palestine, and were unable to return to their places of origin inside Israel following the cessation of hostilities, thereby becoming refugees *sur place*.

In 2014, approximately 40 percent (2,187,286) of UNRWA-registered persons, of which 2,097,338 were registered refugees (RRs) and 89,948 were other registered persons eligible to receive services (ORPs), were registered in Jordan. About 24 percent (1,328,351) of UNRWA-registered persons, of which 1,258,559 were RRs and 69,792 were ORPs, were registered in the occupied Gaza Strip. Around 17 percent (925,191) of UNRWA-registered persons, of which 762,288 were RRs and 162,903 were ORPs, were registered in the occupied West Bank. Almost 10 percent (564,074) of UNRWA-registered persons of which 526,744 were RRs and 37,330 were ORPs, were registered in Syria. Around 9 percent (488,213) of UNRWA-registered persons of which 449,957 were RRs and 38,256 were ORPs, were registered in Lebanon.²⁷⁷

Table 2.2: Registered Palestinian 1948 refugees by category, July 2014

	Jordan	Lebanon	Syria ⁽¹⁾	West Bank	Gaza Strip	Total
REGISTERED REFUGEES (RR)	2,097,338	449,957	526,744	762,288	1,258,559	5,094,886
Other Registered Persons (RPs)	89,948	38,256	37,330	162,903	69,792	398,229
Total Registered Persons	2,187,286	488,213	564,074 ⁽²⁾	925,191	1,328,351	5,493,115
Existing Official Camps	10	12	9	19	8	58
Registered Persons in Camps	381,919	246,608	175,983	223,602	555,680	1,583,792

(1): All Syria figures represent a working estimate, as the situation in Syria remains volatile.

(2): An estimated 480,000 remain in Syria.

277 "UNRWA in Figures (as of 1 July 2014)."

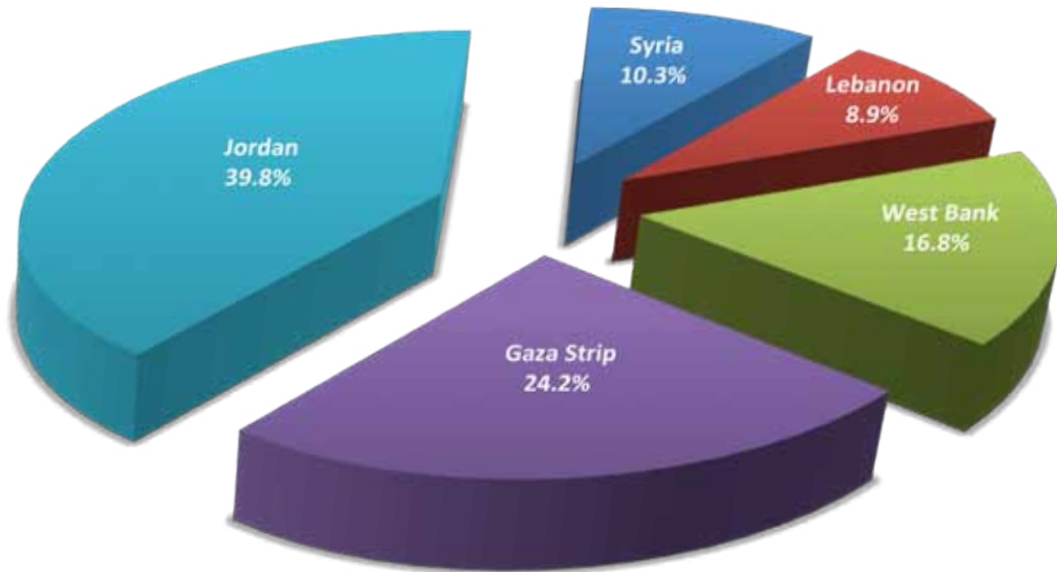
280,000 PALESTINIAN REFUGEES FROM SYRIA ARE INTERNALLY DISPLACED

There are 560,000 Palestinian refugees registered with UNRWA in Syria. All of them have been affected by the ongoing conflict. There are 480,000 who remain in Syria, of which 280,000 are internally displaced, while there are 45,000 Palestinian refugees from Syria in Lebanon; in Jordan close to 15,000, and in Gaza around 1,000. UNRWA has received reports of 4,000 Palestinian refugees from Syria in Egypt, and smaller numbers in Libya, Turkey and East Asia.

Palestinians refugees in Syria flee to Lebanon, Beirut 2014 (Source: Wafa)



Figure 2.3: Percentage Distribution of Registered Refugees by Area, 2014



The majority of Palestinian IDPs in Israel who were displaced in 1948 were from the north and the center of the country. At that time, these respective groups amounted to 85.5 percent of the total Palestinian population of the north and 75.1 percent of the center's total Palestinian population. A smaller number were displaced between 1949 and 1967 (7.1 percent of the Palestinian population in the north and 18.1 percent in the center). These IDPs took refuge in some 47 Palestinian Arab-populated cities, towns and villages that found themselves located within the state of Israel after the 1948 war. As a result of the Nakba, only 12 percent of the original Palestinian population in the Naqab remained in their homes, with the rest expelled to the Gaza area or Jordan.²⁷⁸



The depopulated village of Lifta, West Jerusalem, May 2013 (©R.Wiles/BADIL)

The larger part of those 12 percent who remained were internally displaced after 1967. Roughly 77 percent of those Palestinian residents of the Naqab who had avoided displacement during the initial stages of the Nakba, have subsequently become victims of internal displacement since 1967.²⁷⁹

The majority of those Palestinians displaced from the oPt during the 1967 war found refuge in neighboring states. Around 200,000 Palestinians were

²⁷⁸Adalah, "Nomads Against Their Will," September 2011, 5, <http://www.adalah.org/uploads/oldfiles/eng/publications/Nomads%20Against%20their%20Will%20English%20pdf%20final.pdf>.

²⁷⁹Ahmad El-Sheikh Muhammad and Shefa-Amr, "Palestinians in Israel: Socio-Economic Survey 2004" (The Galilee Society, Rizak and Mada al-Carmel, July 2005), 78.

displaced to Jordan, with smaller numbers being displaced to Syria, Egypt and Lebanon.²⁸⁰ The areas of the West Bank closest to Jordan suffered the highest population loss, while in the central highlands most Palestinians sought temporary refuge in nearby fields and villages, and were able to return to their homes after the war.²⁸¹ In addition, it is estimated that some 60,000 Palestinians were abroad at the time of the war and were subsequently unable to return to the oPt.²⁸²

The distribution of the displaced Palestinians from and within the oPt since 1967, including those displaced for the first time, is difficult to determine given the lack of a registration system and frequent and recurring displacement over four decades of Israeli occupation policies which have resulted in forced population transfer.

Today, Palestinian refugees are living in forced exile in many parts of the world. Despite the changes in the pattern of distribution of Palestinian refugees over the last 67 years, the majority of refugees still live within 100 km of the borders of Mandate Palestine, where their homes and places of origin are located. In Syria, for example, 70 percent of the registered 1948 refugees are from the Galilee. The number is slightly higher in Lebanon, where 72 percent of the registered 1948 refugees are from the Galilee.

Refugees in Camps²⁸³

According to UNRWA records, 1,583,792 Palestinian refugees were registered in 58 official UNRWA refugee camps throughout the West Bank, Gaza Strip, Jordan, Lebanon and Syria by mid-2014. Registered refugees in camps comprise 28.7 percent of the total figure of UNRWA registered persons. In addition, more than two hundred thousand Palestinian refugees reside in one of at least 17 unofficial camps in the oPt, Jordan, Lebanon and Syria. The majority of Palestinian refugees registered in camps are 1948 refugees, including their descendants.

A smaller number of refugees displaced for the first time in 1967 also reside in refugee camps, primarily in Jordan and Syria. A small but growing number of poor non-refugees, including Palestinians and other Arabs, also reside in refugee camps. The results of the Opinion Poll carried out by BADIL between March and June 2012, included in the previous edition of this Survey, showed that 0.8 percent of the camp residents are non-refugees. Jordan has the highest percentage with 1.5 percent, followed by Lebanon with 1 percent. The opinion poll was carried out in UNRWA camps within all five areas of UNRWA operations, with a sample group of 3,856 Palestinian refugees.

²⁸⁰UN General Assembly, "Report of the Secretary General under General Assembly Resolution 2252 (ES-V)," 159.

²⁸¹For more details see: William Harris, *Taking Root: Israeli Settlement in the West Bank, the Golan and the Gaza-Sinai*, 1967–198 (New York: John Wiley & Sons, Ltd, 1980), 1967–198.

²⁸²Tayseer Amro, "Table 5, 'Palestinian Estimate of Displaced Persons and Refugees during the 1967 War,'" in *Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee]*, Article 74, No. 14, December 1995.

²⁸³A camp, according to UNRWA's working definition, is a plot of land placed at the disposal of the Agency by a host government for accommodating Palestine refugees, and for setting up facilities to cater to their needs. The plots of land on which camps were originally set up either belong to the state, or, in most cases, are leased from local landowners by the host government. This means that the refugees in camps do not "own" the land on which their shelters stand, but have the right to "use" the land for a residence.

Table 2.3: Total UNRWA-registered refugees and registered refugees in camps, selected years

Year	Total Registered Refugees	Registered Refugees in Camps	% Registered Refugees in Camps
1953	870,158	300,785	34.6%
1955	912,425	351,532	38.5%
1960	1,136,487	409,223	36.0%
1965	1,300,117	508,042	39.1%
1970	1,445,022	500,985	34.7%
1975	1,652,436	551,643	33.4%
1980	1,863,162	613,149	32.9%
1985	2,119,862	805,482	38.0%
1990	2,466,516	697,709	28.3%
1995	3,246,044	1,007,375	31.0%
2000	3,806,055	1,227,954	32.3%
2005	4,283,892	1,265,987	30.0%
2006	4,396,209	1,321,525	29.7%
2007	4,504,169	1,337,388	29.7%
2008	4,618,141	1,363,496	29.5%
2009	4,718,899	1,385,316	29.4%
2010	4,820,229	1,417,370	29.4%
2011*	4,797,723	1,485,598	31.0%
2012	5,271,893	1,524,698	28.9%
2013	5,350,544	1,546,117	28.9%
2014	5,493,115	1,583,792	28.8%

* Figures as of 30 June each year except 2011 and 2012 for end of year, 2011 data exclude 318, 032 other registered persons.

Source: <http://www.unrwa.org/userfiles/2013042435340.pdf>

http://www.unrwa.org/sites/default/files/unrwa_in_figures_new2014_10nov2014.pdf

http://www.unrwa.org/sites/default/files/in_figures_july_2014_en_06jan2015_1.pdf

It should be noted that not all Palestinian refugees that are registered as residing in UNRWA camps, actually physically reside in an official refugee camp. Due to factors which include high population density, poor infrastructure and lack of work/business, many refugees have moved to areas outside the camp but are still registered as living within its boundaries.

Several factors explain why Palestinian refugees have remained in, or maintained ties with, the camps after 67 years of exile:

- The refugee camp acts as a symbol of the temporary nature of exile and the preservation of the individual and collective demand to exercise the right of return;
- The presence of familial and village support structures in the camp;
- A lack of financial resources to rent or buy alternative accommodation outside the camp;
- A lack of living space outside the camp due to overcrowding;
- Legal, political and social obstacles that force refugees to remain in the camp;
- Issues concerning physical safety.

The largest camp-based Palestinian refugee population resides in the occupied Gaza Strip (555,680 or about 42 percent of UNRWA-registered refugees in Gaza, as of 2014), comprising about 35 percent of all camp-registered refugees in all of UNRWA's five areas of operations. In the occupied West Bank, there are fewer refugees in camps (223,602). Approximately 29 percent of all UNRWA-registered refugees in the oPt reside in camps.

The second-highest number of camp-based refugees is found in Jordan (381,919). However, Jordan is also the host country with the lowest percentage of Palestinian refugees residing in camps. Only 18 percent of the UNRWA-registered Palestinian refugees in Jordan reside in camps. This reflects the status afforded to most Palestinian refugees in Jordan as being on a par with Jordanian citizens.

Lebanon and Syria are the host countries with the largest portion of camp-based refugees. In Lebanon, approximately 51 percent (246,608) live in official camps. The high percentage of camp refugees in Lebanon is directly related to the restrictions placed on right to property, freedom of movement by the Lebanese government, the lack of financial resources available for securing alternative housing outside of the camps, and concerns about physical safety. In Syria, approximately 31 percent are official camp-based refugees. The number of Palestinian refugees who live in unofficial camps in Syria is relatively high because some unofficial camps, such as Yarmouk, are located close to the capital Damascus and – prior to the outbreak of extreme violence - offered good services. As a result of the ongoing conflict in Syria, however, thousands of Palestinian refugees are being forced to leave these locations to seek safer places of residential, including outside Syria. Although the number of the Palestinian refugees who have left UNRWA camps in Syria is not clear, it is certain that the distribution of the Palestinians in Syria throughout the camps and other communities has witnessed dramatic change, and that thousands have crossed national borders into other countries. Lebanon and Jordan, as two main host countries, have also faced many changes in the structure and distribution of the Palestinian refugees within their borders on account of the arrival of thousands of Palestinians refugees fleeing Syria.



Palestinian refugee Fatem Redwan, 76, walks next to her grandchildren in the narrow alleys of Jabalya refugee camp at the northern Gaza Strip. May 2013 (@Suhail Salem)

Table 2.4: Estimated population of Palestinian refugees in camps (official and unofficial), end of 2014

Host Country	Camp (local name)	Population	Year established
Gaza Strip^a			
	Jabalia	120,268	1948
<i>Official camps</i>	Beach (Shati)	91,583	1948
	Nuseirat	69,351	1948
	Bureij	34,817	1948
	Deir el-Balah	23,182	1948
	Maghazi	26,636	1948
	Khan Younis	75,842	1948
	Rafah	110,742	1948
Sub-total		552,421	
West Bank^b			
<i>Official Camps</i>	Aqbat Jaber	7,436	1948
	Ein el-Sultan	2,227	1948
	Shu'fat ^c	12,683	1965
	Am'ari	12,155	1949
	Kalandia	12,708	1949
	Deir Ammar	2,740	1949
	Jalazone	12,930	1949
	Fawwar	9,365	1949
	al-Arroub	12,050	1950
	Dheisheh	14,919	1949
	Aida	5,498	1950
	Beit Jibrin (al-Azzeh)	2,408	1950
	al-Far'a	8,761	1949
	Camp No. 1	7,806	1950
	Askar	18,372	1950
	Balata	26,911	1950
	Tulkarm	21,163	1950
	Nur Shams	10,602	1952
	Jenin	18,642	1953
	M'ascar ^d		1948-1955/1956
Sub-total		219,377	
<i>Unofficial Camps^e</i>	Silwad	469	1971/1972
	Abu Shukheidim	NA	1948
	Qaddoura	1,482	1948
	Birzeit (As-Saqeif)	NA	1948
Sub-total		1,951	
WB&GS: Total		773,748	
Jordan			
<i>Official camps</i>	Amman New Camp (Wihdat)	57,352	1955
	Talbieh	7,583	1968
	Irbid	28,184	1950/1951
	Husn ('Azmi al-Mufti)	24,715	1968
	Souf	22,420	1967
	Jerash (Gaza)	26,661	1968
	Jabal el-Husseini	33,123	1952

	Baqa'a	104,383	1968
	Zarqa	20,698	1949
	Marka (Hittin) ^f	50,707	1968
Sub-total		375,826	
<i>Unofficial camps</i> ^g	Madaba	8,005	1956
	Sakhna	6,913	1969
	Al-Hassan	13,099	1967
Sub-total		28,017	
Jordan : Total		403,843	
Lebanon			
<i>Official camps</i>	Mar Elias	674	1952
	Burj el-Barajneh	17,389	1948
	Dekwaneh (Tel al-Zaatar) (Destroyed in the 1970s) ^h	10,240	1948
	Dbayeh	4,402	1956
	Shatilla	9,330	1949
	Ein el-Hilweh	51,434	1948/1949
	al-Nabatieh (Destroyed in the 1970s) ^h	8,100	1956
	Mieh Mieh	5,062	1954
	Al-Buss	10,625	1948
	Rashidieh	29,654	1948
	Burj al-Shamali	21,330	1948
	Nahr al-Bared	35,657	1950
	Bedawi	17,871	1955
	Wavell (al-Jalil)	8,524	1948
	Jisr al-Bashah	Destroyed in 1970's	1952
	Gouraudi ⁱ	Evacuated in 1975	1948
Sub-total		230,293	
<i>Unofficial camps</i> ^j	Al-Ma'ashouq	4,768	NA
	Shabiha	6,680	NA
	Al-Qasmia	3,643	NA
	Kufr Bada (Abu al-U'sod)	1,125	NA
	Al-U'rash (Adlon)	2,004	NA
	Shhim	2,737	NA
Sub-total		20,957	
Lebanon: Total		251,250	
Syria^k			
<i>Official camps</i>	Khan Eshieh	22,581	1949
	Khan Dynoun	11,815	1949
	Sbeineh	25,233	1958
	Qabr Essit (As-Sayyida Zeinab)	26,693	1968–1967
	Jaramana	4,578	1949
	Dera'a	6,451	1950–1951
	Dera'a Emergency	5,775	1967
	Homs	17,458	1949
	Hama	10,069	1949–1950
	Neirab	23,469	
Sub total		175,983	
<i>Unofficial camps</i>	Ein el-Tal (Hindrat)	5,417	1962

	Al-Yarmouk	140,842	1956–1957
	Ramadani	1,251	1956
	Latakia	7,951	
Sub total		155,461	
Syria: Total			
		331,444	
Grand Total		1,760,285	

Sources: BADIL, UNRWA website: www.unrwa.org, based on proportion of camps for 2008.

The growth rate for the year 2014 is based on UNRWA's publications as of July 2014.

- a. During the 1970s, the Israeli military administration destroyed thousands of refugee shelters in the occupied Gaza Strip under security pretexts. Large refugee camps were targeted in particular. Refugees were forcibly resettled in other areas of the occupied Gaza Strip, with a smaller number transferred to the occupied West Bank. In the occupied Gaza Strip, several housing projects were established for these refugees. Some of these projects today are referred to as camps. These include the Canada project (1972), the Shuqairi project (1973), the Brazil project (1973), the Sheikh Radwan project (1974), and the al-Amal project (1979).
- b. There are thousands of former Gaza refugees distributed throughout the West Bank camps.
- c. Thousands of Palestinians are estimated by UNRWA to be living in the camp as a result of Israel's policy of residency revocation in Jerusalem.
- d. The camp was closed because of unsanitary living conditions, and residents were relocated to Shu'fat refugee camp.
- e. Estimated figures based on 2007 PCBS census considering the growth rate for the years 2008-2014: http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/ramallah.htm. NA refers to not available.
- f. Locally known as Shlinnar camp also, most of its residents originally from the Gaza Strip.
- g. Population figures for unofficial camps in Jordan are for 2000, including annual population growth of 3 percent from 2000 to 2008 and 2.4 percent for the years 2009-2011. In 2000, the population of Madaba was 5,500; Sakhna, 4,750; and al-Hassan, 9,000.
- h. Dikwaneh and al-Nabatieh were completely destroyed in the 1970s, but refugees who lived in these camps maintain their registration numbers with these centers until such a time as UNRWA's new Refugee Registration Information System (RRIS) is developed.
- i. The camp was evacuated and residents moved to Rashidieh camp.
- j. Population figures for unofficial camps in Lebanon are for 2001, updated based on 3 percent annual growth until 2008, and 2.0 percent for the years 2009-2011. In 2001, the population of al-Ma'ashouq was 3,447; Shabiha, 4,829; al-Qasmia, 2,634; KufriBada (Abu al-U'sod), 813; al-U'rash (Adlon), 1,448; and Shhim, 1,978.
- k. The statistics for the unofficial camps in Syria are for 2002, including annual population growth of 3 percent until 2008 and 1.6 percent for the years 2009-2011. The 2002 population of Ein el-Tal was 4,329; al-Yarmouk, 112,550; Ramadani, 1,000; and Latakia 6,354. The specific data per camp for 2014 represent those of 2011 as no accurate numbers are available due to the current crisis in Syria. The total for the official camps refers to UNRWA statistics.



Palestinian refugee children from Syria in a shelter in Lebanon, 2013 (©ANERA)

Refugees Outside of Camps

Most Palestinian registered refugees (approximately 71 percent of registered refugees) live outside UNRWA's 58 camps. These refugees reside in and around cities and towns in the host countries, often in areas adjacent to refugee camps.²⁸⁴ Many West Bank villages and towns host a significant refugee population. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50 percent of the total population.

Governorate	% of Refugees	
	1997 ^a	2007 ^b
Gaza	52.2%	52.8%
Deir al-Balah	85.5%	86.1%
North Gaza	70.9%	72.1%
Rafah	83.9%	84.3%
Khan Younis	56.9%	58.0%
Gaza Strip	65.1%	66.8%
Tubas	15.8%	15.7%
Jericho	49.7%	51.3%
Jerusalem	40.8%	31.4%
Ramallah	28.9%	29.3%
Jenin	28.8%	32.8%
Tulkarem	31.5%	33.6%
Nablus	25.4%	26.3%
Bethlehem	28.0%	28.4%
Qalqilya	39.9%	47.0%
Hebron	17.4%	17.9%
Salfit	7.7%	8.3%
West Bank ^c	26.5%	27.4%
oPt	41.4%	42.0%

Sources:
a. PCBS, 1998. Population, Housing and Establishment Census 1997.
b. PCBS, 2012. Population, Housing and Establishment Census 2007. Census Final Results in The Palestinian Territory – Summary (Population and Housing).
c. UNRWA, West Bank and Gaza Population census of 2007, Briefing Paper, January 2010. Available at: <http://www.unrwa.org/userfiles/2010012035949.pdf>

Refugees accounted for roughly 41.2 percent of the total Palestinian population of the oPt as of June 2015. Refugees comprised 66.8 percent of the total population in the Gaza Strip and 25.2 percent in the West Bank.²⁸⁵

Based on the Palestinian Census in 2007, between 1997 and 2007, the proportion of refugees living in the West Bank showed significant fluctuations in certain governorates. For instance, the percentage of refugees in Jerusalem decreased from 40.8 percent to 31.4 percent, while the refugee population of Qalqilya increased from 39.9 percent to 47.0 percent, as well as in Jenin, rising from 28.8 percent to 32.8 percent.

In Lebanon, UNRWA reported that 49.5 percent of the Palestinian refugee population was registered outside of camps. Other sources report that between one third and 40 percent of the Palestinian refugee population resides in 'gatherings', cities and villages, and other non-camp localities.²⁸⁶ A gathering is defined as a community of 25 or more Palestinian households living together. In Syria, almost 40 percent of Palestinian refugees live in urban centers and only a small number live in rural areas. Moreover, the exact number of Palestinian refugees in UNRWA camps is not fully clear as the country continues to suffer from conflict.

²⁸⁴ UN General Assembly, "Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East," General Assembly Official Records: Sixtieth Session, (1 July 2004-30 June 2005), A/60/13, para 114, p. 27.

²⁸⁵ Palestinian Central Bureau of Statistics (PCBS), "On the Eve of the International Day of Refugees 2015," June 20, 2015, http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_IntDyRef2015E.pdf.

²⁸⁶ Hussein Ali Sha'aban, "Palestinian Refugees in Lebanon from Hosting through Discrimination" (Jerusalem: PASSIA - Palestinian Academic Society for the Study of International Affairs, 2002); see also: Ole Ugland, "Difficult Past, Uncertain Future: Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon" (Oslo: FAFO Institute for Applied Social Science, 2003); and, Sari Hanafi and Åge A. Tiltnes, "The Employability of Palestinian Professionals in Lebanon: Constraints and Transgression," *Knowledge, Work and Society* 5, no. 1 (2008), http://staff.aub.edu.lb/~sh41/files/10_2008_Pal_professionals_Eng.pdf.

2.3 Characteristics of the Refugee and IDP Population

Demographic and socio-economic indicators reflect the vulnerability of internally displaced Palestinians and refugees during six decades of displacement. Lack of personal security and socio-economic wellbeing and stability are the result of Israel's policies and practices of occupation, apartheid and colonization and of a series of armed conflicts in the region,²⁸⁷ in particular where refugeehood is compounded by statelessness, ineffective protection and insufficient assistance.²⁸⁸

Due to lack of registration and documentation, no statistical data is available on the demographic and socioeconomic characteristics of Palestinian refugee populations outside UNRWA's area of operations, and little reliable data is available on the characteristics of internally displaced Palestinians on both sides of the Green Line. Such data is available almost exclusively for the population of UNRWA registered 1948 refugees, who constitute 66 percent of all displaced Palestinians.

Demographic Indicators

With regards to demographic indicators, differences between the Palestinian refugee populations and the local non-refugee populations are negligible in most Arab host states, with Lebanon constituting the only major exception.²⁸⁹ No new data has been gathered regarding the age structure or fertility rate of Palestinian refugees since our last Survey. Below are outlined the latest available figures relating to these issues.

The Palestinian refugee population is a youthful one. Approximately 27 percent of all registered refugees are below the age of 15. The Gaza Strip has the youngest refugee population, with 34.4 percent younger than 15 years old. The oldest refugee population is in Lebanon, where those under 15 years make up just 19.3 percent of the registered refugee population. The large share of children and youth gives rise to high dependency ratios, a large burden on the refugee labor force, and a strong need for health and education services.²⁹⁰ Moreover, about one fifth of the registered refugees are in youth age (15-24 years). This means that almost half of the registered refugees are young (under the age of 24). No data is available about the age structure and other demographic indicators of Palestinian IDPs. However, as socio-economic differences between refugee and non-refugee populations in major Arab host states are negligible, the age structure and fertility rate of Palestinian IDPs in Israel and in the oPt are likely to be similar to that of the general Palestinian population in Israel and in the oPt.

²⁸⁷ See Chapter 1, Section iii Forced Secondary Displacement: ongoing displacement in and from Arab countries, for examples of armed conflicts that have impacted Palestinian refugees in Arab host countries.

²⁸⁸ For a discussion on statelessness and the "protection gaps" that impact the situation of Palestinian refugees and IDPs, see Chapter 3.

²⁸⁹ Laurie Blome Jacobsen, "Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions. Volume I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip" (Oslo: FAFO Institute for Applied Social Science, 2003), 20.

²⁹⁰ UNRWA, "UNRWA Statistics- 2010 Selected Indicators" (Amman: Programme Coordination and Support Unit, November 2011), <http://www.unrwa.org/userfiles/2011120434013.pdf>.

Table 2.6: UNRWA-registered Palestinian refugees by major age groups, 2010

Age	0-14		15-24		25-64		65+		Total	
	M	F	M	F	M	F	M	F	M	F
Jordan	25.0	25.2	19.7	20.3	46.1	45.3	9.2	9.2	100	100
Syria	26.8	24.6	18.3	18.2	46.5	47.6	8.4	9.5	100	100
Lebanon	19.2	19.5	17.5	18.2	53.2	50.6	10.1	11.7	100	100
West Bank	25.8	25.9	19.8	20.8	47.4	43.3	7.0	10.0	100	100
Gaza	34.2	34.6	21.9	20.5	38.7	38.1	5.2	6.8	100	100
Total	26.9	26.9	19.9	20.5	45.3	43.5	7.9	9.1	100	100

Source: UNRWA Statistics-2010, selected indicators. First Issue-November, 2011.

Although the above data refers to 2010, no significant change is expected regarding the age structure of refugees in any region.

Refugees have a high fertility rate (calculated as the average number of children per woman), but there has been a general, consistent decline in the fertility rate among Palestinian refugees: in the occupied West Bank (from 6.17 in 1983-1994 to 4.2 in 2006 and 3.9 in 2010), in Jordan (from 6.2 in 1983-1986 to 4.6 in 2000 and 3.5 in 2010), in Lebanon (from 4.49 in 1991 to 2.3 in 2006 and 2.8 in 2011) and in Syria (from 3.8 in 2000 to 2.4 in 2006 and 2.5 in 2010). In the occupied Gaza Strip, the fertility rate increased between 1983 and 1994 (from 7.15 to 7.69), followed by a slow decrease from 2000 onwards. It reached 4.3 in 2010. The total fertility rate in 2013 among Palestinian women living in Israel was 3.4 births compared to 3.1 births among Jewish women.²⁹¹ Declining Palestinian fertility rates are the result of later marriage, more female enrollment in higher education, increased use of contraceptives, and a slight rise in the participation rate of women in the labor force. The Palestinian refugee and IDP population has a high, albeit declining, growth rate. This is similar to the Palestinian population as a whole. The average annual growth rate of the UNRWA-registered refugee population for the period 1955 – 2008 is 3.3 percent, according to the agency's records, while according to the Palestinian Central Bureau of Statistics, the average annual growth rate of the entire Palestinian population was 3.5 percent for 1949 – 1999, and 3 percent for 2000 – 2008. In 2010 the annual growth rate for the Palestinian population in Jordan was 2.4, while it was 1.6 in Syria, 2.1 in Lebanon, 2.3 in the West Bank and 2.6 in the Gaza Strip.

Table 2.7: Total fertility and annual growth rates by region, 2011-2014

Region	Total Fertility Rate	Annual Growth Rate
Jordan	3.3	2.4
Syria	2.5	1.6
Lebanon	2.8	2.1
West Bank	3.7	2.3
Gaza	4.5	2.6

Source: UNRWA Statistics – 2010: selected indicators. First Issue - November, 2011. Palestinians at the end of 2014 (PCBS report).

The fertility rate for the Palestinians in the oPt Palestine (refugees and non-refugees) in the period of 2011-2013 was 4.1. Broken down by region, these rates stand at 3.7 in the West Bank and 4.5 in Gaza Strip, while the growth rate in 2014 inside the oPt amounted to 2.9, with the West Bank standing at 2.6, and 3.4 inside the Gaza Strip.²⁹²

²⁹¹ Palestinian Central Bureau of Statistics (PCBS), "Palestinians at the End of 2014," December 29, 2014, <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1292&mid=3171&wversion=Staging>.

²⁹² Palestinian Central Bureau of Statistics, Jerusalem Statistical Yearbook 2014, No. 16, June 2014, <http://pcbs.gov.ps/Downloads/book2057.pdf>

Labor Force Indicators

Levels of labor force participation and unemployment rates²⁹³ indicate the level of economic wellbeing of populations. High rates of labor force participation and low unemployment are indicators of a healthy economy that, in turn, provides a good quality of life for the resident population. Low levels of participation in the labor force and high unemployment are related to low income levels, high poverty rates and unhealthy living conditions.

The labor force participation rate was highest among refugees in the occupied West Bank, though this figure excludes Syria, which had a 49 percent participation rate as of 2011. The lowest participation rate was found in Jordan, at roughly 41 percent. The highest female labor force participation rate, at 25.2 percent, was found among the Palestinian population in Israel, while the lowest was in Jordan at roughly 13 percent. It must be noted that the data regarding Palestinian citizens of Israel is not limited to IDPs, but includes the total Palestinian population on account of the lack of specific data regarding IDPs within Israel. Labour force participation among refugee women is very low compared to that of refugee men. Participation generally increases with higher education, especially among women.

Table 2.8: Refugee and IDP – Labor force participation

Country	Total Labor Force Participation %	Participation by women %
Jordan ^a	40.9%	12.9%
Lebanon ^b	42.5%	15.2%
Syria ^a	49.3%	18.0%
Israel ^c	44.4%	25.2%
West Bank ^d	46.6%	19.1%
Gaza Strip ^d	44.4%	20.0%

It should be noted that the economic characteristics of Palestinian refugees in Syria may have dramatically changed due to the current conflict.

Sources:

- The data relating to Jordan and Syria was sourced in “Statistical Abstract of Palestine 11”, Palestinian Central Bureau of Statistics, 2010.
- Data for Lebanon was sourced in Palestinian Central Bureau of Statistics, 2012. Labor Force Survey of Palestinian Refugees in Lebanon, October 2011: Main Results.
- This number reflects the labor force of the entire Palestinian population in Israel, including IDPs. See: (PCBS, 2014. Statistical Yearbook of Palestine 2014, No. 15. Page 240).
- PCBS, 2015. Labor Force Survey Database 2014.

Poverty and Food Insecurity

In the oPt, households in refugee camps suffer from the highest rates of poverty as measured according to consumption patterns. Approximately 35.4 percent of camp households are deemed poor compared to 19.4 percent in rural areas and 26.1 percent in urban areas.²⁹⁴ Application of

²⁹³ The labor force participation rate is defined as the proportion of employed and working persons above the age of 15 to the total population of that age. Employed persons include everyone who has worked for at least one hour within a set reference period for pay in cash or in kind, as well as those temporarily absent from a job they perform on a regular basis. The unemployment rate is defined as the proportion of unemployed persons among the total labor force. Unemployed persons include everyone who did not work in the set reference period, not even for one hour, although they were available for work and actively sought work during that period.

²⁹⁴ Palestinian Central Bureau of Statistics (PCBS), “On the Eve of the International Day of Refugees 2015.”

a poverty index also showed that the situation is worse for refugee households (31.2 percent) as compared with non-refugee households (21.8 percent).²⁹⁵ This can be explained by the higher unemployment rates, the high dependency ratio and the large size of refugee camp households in comparison with urban and rural households. Another explanation is provided by the higher poverty level in the Gaza Strip, where the majority of the population is composed of refugees and camp populations. The percentage of poverty among individuals in the Gaza Strip reached 38.8 percent against 17.8 percent in the West Bank.²⁹⁶

Food insecurity in the oPt remains at very high levels, with a third of households – 33 percent – classed as being ‘food insecure’, according to a 2013 survey. In Gaza, the level of food insecurity stands at 57 per cent, while in the West Bank, food insecurity remains at 19 per cent – both unchanged from 2012 levels. Although the food insecurity situation improved slightly for refugees in the West Bank (from 23 to 20 percent), the rates of food insecurity remain higher for refugees than non-refugees, at 20 per cent and 19 per cent respectively. Refugees in the Gaza Strip have lower food-insecurity rates - 54 percent - than non-refugees, standing at 63 per cent. This may be a result of the assistance provided by the UN and other entities.²⁹⁷

Lebanon has the highest percentage of Palestinian refugees living in extreme poverty. Two out of three Palestinian refugees subsist on less than \$6 a day.²⁹⁸ In 2010, 66.4 percent of Palestine refugees in Lebanon were classed as poor and 6.6 percent were classed as extremely poor. This indicates that almost 160,000 refugees could not meet their basic food and non-food needs, and 16,000 refugees found to be extremely poor could not meet their essential food requirements. Poverty in its two forms (general and extreme) was higher for refugees living inside the camps than for those in gatherings: the poverty headcount reached 73.2 percent in the camps, compared to 55 percent in gatherings, while the extreme poverty rate within camps was almost double that of surrounding areas (7.9 percent compared to 4.2 percent). A significantly higher percentage of residents of camps report food insecurity at all levels of food insecurity, indicating that camp dwellers experience food insecurity more commonly than those who live in gatherings (Table 4-3). 71 percent of those reporting severe food insecurity reside in camps.²⁹⁹

In Jordan, amongst Palestinian refugees annual income is significantly lower, and poverty higher, inside than outside camps. However, there is a more even income distribution among refugees inside camps than among those who reside outside. The likelihood of being poor for a Palestinian refugees increases with household size, health problems, poor education, unemployment or the lack of Jordanian nationality.³⁰⁰

UNRWA statistics show that some 300,000 registered refugees were recorded in a special hardship assistance program in 2014, which amounts to roughly 5.5 percent of registered refugees. Although,

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ “Joint Press Release by the Palestinian Central Bureau of Statistics (PCBS), the Food and Agriculture Organization (FAO), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the World Food Programme (WFP),” June 3, 2014, <http://www.unrwa.org/newsroom/press-releases/food-insecurity-palestine-remains-high>.

²⁹⁸ ANERA, “Palestinian Refugees in Lebanon,” June 2012, <http://www.anera.org/wp-content/uploads/2013/03/LEBRefugeeReport.pdf>.

²⁹⁹ American University of Beirut in cooperation with UNRWA, “Socio-Economic Survey of Palestinian Refugees in Lebanon,” December 2010, <http://www.unrwa.org/userfiles/2011012074253.pdf>.

³⁰⁰ Tiltne and Zhang, “Progress, Challenges, Diversity: Insights into the Socio-Economic Conditions of Palestinian Refugees in Jordan.” (2013).

it is a significant contribution towards poverty reduction, it is still not enough to provide all those in need with assistance.

It should be noted that the economic characteristics of the Palestinian refugees in Syria may have changed dramatically due to the current situation, characterized by widespread violence and chronic political instability. Currently, some 460,000 Palestinian refugees in Syria require a broad range of humanitarian assistance to meet their minimum needs. UNRWA has stated that it believes the armed conflict in Syria will continue in the short to medium term.³⁰¹

Table 2.9: Registered refugees recorded in Special Hardship Assistance Program, 2011-2014							
Year	Detail	Jordan	Syria	Lebanon	West Bank	Gaza	Grand Total
July 2014	Number Percentage	59,169 2.7%	38,230 6.6%	61,031 12.5%	36,050 3.9%	106,535 8.0%	301,015 5.5%
2013	Number Percentage	60,877 2.9%	37,402 6.8%	54,681 11.4%	34,422 3.8%	107,354 8.4%	294,736 5.5%
2012	Number Percentage	57,880 3%	36,393 7%	52,790 11%	35,712 4%	109,484 9%	292,259 6%
2011	Number Percentage	54,761 2.6%	37,613 12.1%	56,656 7.3%	38,686 4.4%	106,002 8.7%	293,718 5.7%

Source: UNRWA Statistics – 2010: selected indicators. First Issue-November, 2011. UNRWA in Figures as of December 2012, July, 2013, July 2014.

Housing

Sub-standard housing is an indicator of a lack of development. It is also linked to poor health and has a disproportionately severe impact on women and caregivers, children, handicapped people, and the elderly.³⁰²

Housing problems tend to be more pronounced in camps. Nevertheless, as a result of international assistance, refugee camps often have better infrastructure services, such as electricity, water or sewage infrastructure, than areas outside camps. However, when assistance decreases for housing due to resource limitations or other impediments, many difficulties arise which lead to an unsustainable situation as camps are almost entirely dependent on external aid. While the refugee camps' territorial area has generally remained the same over the last 67 years, the population of these camps has more than quadrupled. In areas where construction is permitted, this has led to vertical expansion of the camps. In some areas, including Lebanon, expansion of the camps to accommodate the increased population is prohibited by local laws.³⁰³

Data from 2013 indicates that 36.9 percent of refugees in the oPt live in an independent house, as opposed to 54.2 of non-refugees. Moreover, 60.2 percent of refugees live in an apartment against

³⁰¹ UNRWA, "Syria Regional Crisis Emergency Appeal 2015," December 2014, http://www.unrwa.org/sites/default/files/syria_regional_crisis_emergency_appeal_2015_english.pdf.

³⁰² Laurie Blome Jacobsen, "Finding Means: UNRWA's Financial Crisis and Refugee Living Conditions. Volume I: Socio-Economic Situation of Palestinian Refugees in Jordan, Lebanon, Syria and the West Bank and Gaza Strip," 2003, p. 58.

³⁰³ ANERA, "Palestinian Refugees in Lebanon", Volume 3, June 2012, <http://www.anera.org/wp-content/uploads/2013/03/LEBRefugeeReport.pdf>

44.5 percent of non-refugees. The majority of refugees live in owned housing units, 77.8 percent, and only 10.9 percent live in rented accommodation.³⁰⁴

UNRWA data states that almost all registered refugee shelters are connected to supplies of drinking water, though connections to sewage facilities are by no means as comprehensive, particularly in West Bank camps.³⁰⁵

A recent report published by the United Nations Conference on Trade and Development has warned that the Gaza Strip could become “uninhabitable” by 2020 if the current situation persists. The three wars over the last seven years have ravaged the already debilitated infrastructure of the Strip, and have left no time for reconstruction. The report also highlights the severe crises in Gaza related to water and electricity, as well as the destruction of vital infrastructure in the war of 2014. According to the findings, coastal aquifers act as the main source of fresh water for the inhabitants of the Gaza Strip, even though 95 percent of this water is not safe to drink. Moreover, more than 20,000 Palestinian homes, 148 schools and 15 hospitals were destroyed in the summer of 2014 by Israel.³⁰⁶

Table 2.10: Percentage of camp shelters with access to water network and sewerage facilities by region, 2010

Region	Jordan	Syria	Lebanon	West Bank	Gaza
Access to Water Network %	99.4%	100%	100%	100%	100%
Access to Sewerage Facilities %	93.0%	96.1%	91.7%	62.5%	93.4%

Source: UNRWA Statistics-2010, selected indicators. First Issue - November, 2011.

In Syria, all Palestinian refugee camps and gatherings have been profoundly affected by the current conflict. Several camps, such as al-Yarmouk, Dera'a, Ein el-Tal and Sbeineh have suffered extreme damage, and almost all of their residents have been forcibly displaced.³⁰⁷



Al-Yarmouk Palestinian Refugee Camp, 2015 (Source: al-Ayyam)

³⁰⁴ Palestinian Central Bureau of Statistics (PCBS), “On the Eve of the International Day of Refugees 2015.”

³⁰⁵ “UNRWA Statistics- 2010 Selected Indicators” (Amman: Programme Coordination and Support Unit, November 2011), <http://www.unrwa.org/userfiles/2011120434013.pdf>.

³⁰⁶ United Nations Conference on Trade and Development (UNCTAD), “Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory”, July 2015, http://unctad.org/en/PublicationsLibrary/tdb62d3_en.pdf

³⁰⁷ UNRWA, “Syria Regional Crisis Emergency Appeal 2015.”

Overcrowding continues to be a defining feature of the refugee camps, further exacerbating risks to the physical and mental health of residents. The international standard for overcrowding is three or more persons per room. Overcrowding is related to lack of resources with which to expand existing shelters or build new ones, planning and building restrictions, and household size. Overcrowding is most severe in Palestinian refugee camps in Jordan, where one in three households experience this issue. Inside the oPt, Syria and Lebanon, overcrowding is slightly less of a problem.

Education

Education is highly valued in the face of the protracted nature of the Palestinian refugee crisis. It is seen both as offering an opportunity for a better life and as a means of reaffirming identity. Most refugees benefit from elementary and preparatory education provided by UNRWA schools, which is usually provided until the age of 16, with the exception of Lebanon where it is provided until the age of 18. Others study in the public schools of host countries. Few study in private schools. Access to secondary and higher education is restricted in some host countries. Many factors - notably, financial constraints - prevent other refugees from continuing their education.

Nearly all refugee children are enrolled at the elementary stage, and no statistical differences exist between male and female enrolment at the elementary and preparatory stages. About 72 percent of UNRWA schools still use double shift systems, meaning that there are two shifts or periods every day in order to accommodate all students. This affects the quality of the education delivered, placing severe limitations on education time and greatly reducing the possibility of extra-curricular activities. In Syria, enrolment figures are increasing, although they remain far below pre-crisis levels. UNRWA announced that identifying out-of-school Palestinian refugee children would be a critical agency priority in 2015.³⁰⁸ Inside the Gaza Strip, at the height of Israel's 2014 military assault, nearly 300,000 displaced people took shelter in 90 UNRWA schools located around this enclave.³⁰⁹ UNRWA reported that it had closed the last two schools sheltering displaced Palestinians on 17 June, in order to prepare them to be used as schools again for the upcoming academic year. The use of school buildings as shelters during these 11 months resulted in increased pressure on students, teachers and the education programme generally. A greater number of schools had to operate on a double or triple shift basis to compensate for the unavailable school buildings.³¹⁰

Table 2.11: UNRWA schools and pupils by shift, gender and region, 2012-2013

Region	Schools	% Double shift	Pupils Enrollment	% Girls
Jordan	173	90.7	116,953	48.9
Syria	42*	96.6	46,385	47.8
Lebanon	75	22.9	32,350	53.3
West Bank	97	1.0	51,327	58.4
Gaza	245	90.3	232,504	48.2
Total	632	71.9	479,519	49.8

* 76 schools are unusable due to damage, inaccessibility, or because they are housing IDPs; 43 alternative school buildings are used in afternoon shifts. Figures do not include temporary teaching points.

Source: UNRWA in Figures as of July 2014

³⁰⁸ Ibid.

³⁰⁹ UNRWA, "A Year after the Gaza War Started, the Causes of Conflict Remain Unaddressed," July 8, 2015, <http://www.unrwa.org/newsroom/official-statements/year-after-gaza-war-started-causes-conflict-remain-unaddressed>.

³¹⁰ UNRWA, "Gaza Situation Report 98," June 24, 2015, 98, <http://www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-98>.



Palestinians demand their basic rights in the refugee camp of Ain El-Helweh in Lebanon, 18 December 2012 (Mahmoud Zayyat/dailystar.com.lb)

Health

The health status of Palestinian refugees is presently in transition from a developing to a developed stage. The health of women and children has improved dramatically over the course of the last six decades. Although UNRWA has supervised health and other medical centers, it also facilitates some services through the existing health centers in the host countries. UNRWA has only one hospital, located in the West Bank city of Qalqilya. This hospital cannot meet the needs of the total refugee population inside the West Bank. In addition, the location of the hospital and the difficulties of access from other areas of the West Bank results in few refugees using or benefiting from this service. This situation leads to a delay in treatment, as transferring patients to a suitable hospital or clinic is typically a long process, while budget constraints and other issues also present impediments.

Table 2.12: UNRWAs health infrastructure by region, July 2014

Region/ Infrastructure	Jordan	Lebanon	Syria	West Bank	Gaza	TOTAL
Primary health care centers	23	27	14*	42	22	128
Primary health care centers offering mother and child services, health, and family planning	23	27	19	41	22	136
Primary health care centers offering diabetes/ hypertension	23	27	26	42	21	136
Laboratories	23	17	16	41	21	123
Dental Clinics**	33	21	11	23	22	119
Hospitals	0	0	0	1	0	1

* Nine health centers are unusable; UNRWA has established an additional 12 health points.

** Including stationed and mobile clinics.

Source: UNRWA in Figures as of July 2014.

APPENDIX 2.1

NOTES REGARDING ESTIMATES OF PALESTINIAN REFUGEES AND DISPLACEMENT IN TABLE 2.1

UNRWA registered 1948 refugees

UNRWA reported 5,094,886 registered refugees as of July 1st 2014. UNRWA figures are based on data voluntarily supplied by registered refugees. UNRWA registration statistics do not claim to be - and should not be taken as - statistically-sound or comprehensive demographic data. This information is collected by UNRWA for its own internal management purposes, and to facilitate certification of refugee eligibility to receive education, health, and relief and social services. New information on births, marriages, deaths, and changes in place of residence is recorded only when a refugee requests the updating of the family registration card issued by the agency. UNRWA does not carry out a census, house-to-house survey, or any other means of verifying place of residence. Refugees will normally report births, deaths, and marriages when they seek a service from the agency. Births, for instance, are reported if the family makes use of UNRWA maternity and child health services, or when the child reaches school age if admission is sought to an UNRWA school, or even later if neither of these services is needed. Deaths tend to remain under-reported. While families are encouraged to have a separate registration card for each nuclear family (parents and children), this is not obligatory. Information on family size may therefore include a mix of nuclear and extended families, in some cases including as many as four generations.

Non-registered 1948 refugees

The calculation of 1,049,848 persons as 1948 non-registered refugees is based on the assumption that “UNRWA registered refugees represent approximately three-quarters of Palestinian refugees worldwide.”³¹¹ This assumption was applied to the calculation for the three regions: Syria, Lebanon and Jordan. As for the oPt, the results of the 2007 PCBS censuses revealed that non-registered 1948 refugees represent 1.43 percent of the total Palestinian population in the oPt. With regards to the growth rate, it was revised to 2.86 for 2007, 2.87 for 2008 and, for the years 2009-2014, at 2.88.³¹²

Alternative estimates: Based on *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine*, London, issued by the Palestinian Return Center in 1998, non-registered refugees compose roughly 27.1 percent of registered refugees. This would result in a total of 1,380,714, which is higher than the above estimated figure.

Estimates of the 1948 Palestinian refugee population

The total number of 1948 refugees is calculated by combining UNRWA-registered refugees and non-registered refugees as described above; this figure amounted to 6,475,600 at the end of 2014.

³¹¹ UNRWA, *Annual Growth Rate of Registered Palestine Refugees and Female Percentage, 1953-2000*. <http://www.palestineremembered.com/download/RefugeesStats.pdf>

³¹² Palestinian Central Bureau of Statistics, *Palestine in Figures 2012*, March 2013, Ramallah, <http://www.pcbs.gov.ps/Downloads/book1967.pdf>; Palestinian Central Bureau of Statistics, *Census Final Results in The Palestinian Territory Summary (Population and Housing)*, January 2012, Ramallah, <http://www.pcbs.gov.ps/Downloads/book1822.pdf>

Alternative estimates: The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine, London - issued by the Palestinian Return Center in 1998 - assumes an average annual growth rate of 3.5 percent for the Palestinian refugee population, based on demographic data collated by British authorities in 1947. Accordingly, the total number of estimated 1948 refugees at the end of 1998 was estimated at 4,942,121. If an adjusted annual growth of 2.5 percent is applied from 1999 onwards – giving proper consideration to the decline of the fertility rate and the annual growth rate - the total number of 1948 refugees (registered and non-registered) would amount to 7,336,606 by the end of 2014.

1967 Palestinian refugees

It is estimated that there were approximately 1,113,500 1967 refugees by the end of 2014. This was calculated by a projection of 240,000 Palestinians who were displaced for the first time in 1967. Using this 240,000 as a starting point, the calculations are based on a growth rate of 3.5 percent until 1999, 3.0 percent during 2000-2006, 2.86 percent for 2007, 2.87 percent for 2008 and of 2.88 percent between the years 2009-2014.³¹³

This figure includes only persons who were externally displaced for the first time in 1967. It does not include internally displaced persons or 1948 refugees displaced for a second time in 1967.³¹⁴ Approximately 193,500 Palestinian refugees were displaced for a second time as a result of Israel's 1967 phase of occupation, while 240,000 non-refugees were displaced for the first time, bringing the total of forcibly displaced persons for this period to more than 430,000. This figure also excludes those refugees who returned under a limited repatriation program between August and September 1967, nor does the figure account for Palestinians who were abroad at the time of the 1967 war and were subsequently unable to return, refugees reunified with family inside the oPt, or those refugees who returned after 1994 as part of agreements formed under the Oslo peace process.

Palestinian IDPs in Israel since 1948

According to Hillel Cohen, the author of a study on displaced Palestinians in Israel, and as stated by the National Committee for the Rights of the Internally Displaced in Israel: “[O]f the estimated 150,000 Palestinians who remained in Israel proper when the last armistice agreement was signed in 1949, some 46,000 were internally displaced, as per UNRWA’s 1950 registry record.”³¹⁵

Data was calculated on the basis of an estimated average annual growth rate of the Palestinian population inside Israel of 3.5 percent for the period 1949-1999, 3.0 percent for 2000-2008, 2.4 percent for the years 2009-2011 and 2.2 for the years 2012-2014.

Palestinian IDPs in the oPt since 1967

It is estimated that there are around 334,600 Palestinians internally displaced within the oPt. The estimate includes:

³¹³ Figures are derived from *The Report of the Secretary-General under General Assembly Resolution 2252 (EX-V) and Security Council Resolution 237 (1967)*, UN Doc. A/6797, 15 September 1967.

³¹⁴ Takkenberg, Lex, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press Oxford, 1998, p. 17.

³¹⁵ <http://www.internal-displacement.org/assets/library/Middle-East/Israel/pdf/Israel+-January+2002.pdf>

- a) During the 1967 war 10,000 people were displaced as a result of the destruction of three Palestinian villages, ‘Imwas, Bayt Nuba and Yalu, in the oPt.³¹⁶ This figure has been adjusted on the basis of the average annual growth rate (3.5 percent until 2005, 3.0 percent for the year 2006, 2.86 for 2007, 2.87 for 2008 and 2.88 for the years 2009-2014). At the end of 2014, those displaced and their descendants numbered 47,763.³¹⁷
- b) According to the available data 227,732 Palestinians have been displaced between 1967 and 2014. 64,343 Palestinians were displaced between 1967 and 2011 due to house demolitions by Israeli forces. The estimated number of demolished houses since 1967 is 24,130. This number includes the 6,000 houses demolished directly after the 1967 war in the three villages of ‘Imwas, Bayt Nuba, and Yalu (mentioned above). In a study conducted by OCHA and other agencies, it is stated that 57 percent of the habitants of demolished houses never return to their homes. Excluding those houses demolished in the villages covered in the previous point, a total of 18,130 houses were demolished between 1967 and 2011. If we apply an average household size of six people, we can estimate that approximately 108,800 people were displaced. Of these, if 57 percent never returned to their home of origin, around 62,000 remain displaced ($24130 - 6000 = 18130 * 57\% = 10334 * 6$ persons).³¹⁸ This figure includes those displaced as a result of the establishment of the “security zone” south of Rafah in the Gaza Strip in 2004-2005. It also includes the home demolitions that took place during the 2008-2009 war on the Gaza Strip (estimations vary between 2,000 and 4,000), most of which have not been rebuilt as of yet. On top of these estimated 62,000 IDPs, 2,343 people were displaced between 2009 and 2011, bringing the total number to 64,343.

During the years 2012-2014, two significant events further impacted existing IDPs and created new IDPs. 52,916 people became IDPs across the West Bank and the Gaza Strip in 2012-2013. This includes those displaced during the 2012 military assault on the Gaza Strip and those displaced by home demolitions in the West Bank. Most of those displaced inside the Gaza Strip were a result of damage and destruction caused by Israeli warfare practices, suggesting that, for many, re-building of destroyed homes was not possible. Moreover, 517 people became internally displaced in Jerusalem due to home demolitions.³¹⁹ In 2014, another Israeli military assault on the Gaza Strip forcibly displaced more than half a million Palestinians, leaving 109,956 as IDPs at the time of writing. The total number of housing units completely destroyed during the 2012 and 2014 military assaults on the Gaza Strip was 19,257.³²⁰

In total, around 227,732 Palestinians became internally displaced, mainly due to home demolitions or destruction between 1967 and 2014 ($64,343 + 52,916 + 517 + 109,956 = 227,732$).³²¹

³¹⁶ BADIL Resource Center, Internally Displaced Palestinians, International Protection, and Durable Solutions, Information & Discussion Brief No. 9, November 2002, https://www.badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.9.pdf

³¹⁷ 'Palestinian Central Bureau of Statistics, PCBS estimation for annual growth rate, n.d., PCBS.gov.ps.

³¹⁸ MIFTAH, House Demolitions, 29 March 2011, <http://www.miftah.org/Display.cfm?DocId=14882&CategoryId=4>; also see, The Israeli Committee Against House Demolitions (ICAHD), <http://icahd.org>.

³¹⁹ Palestinian Central Bureau of Statistics, Jerusalem Statistical Yearbook 2014, No. 16, June 2014, <http://pcbs.gov.ps/Downloads/book2057.pdf>.

³²⁰ National committee for reconstruction Gaza: Document submitted to the donors on Reconstruction conference of Gaza, 2014.

³²¹ Calculations by the author.

7,287 persons have been displaced as a result of harassment by Jewish settlers in the oPt. At least 1,014 Palestinian housing units in the center of Hebron had been vacated by their occupants by 2007. Considering average household size in Hebron city is 6.6 persons, and taking into account the population growth from 2011 to 2014, at least 7,287 individuals were displaced in Hebron by 2014.³²²

- c) Persons displaced as a result of revocation of residency rights in Jerusalem. The total number of Jerusalem ID cards held by Palestinians and subsequently confiscated by Israeli authorities since 1967 amounts to 18,824.³²³ This number does not include the children (under the age of 16 years) of persons whose resident status was revoked (other sources estimate that 80,000 Palestinians have been affected by the revocation of Jerusalem ID cards since 1967), nor does it take into account ID cards that may have been reinstated due to a lack of supporting evidence for their original revocation.

- d) 33,011 persons who were displaced by the construction of the Annexation Wall. This number was calculated by adjusting the 2008 number (27,841 displaced persons) with the population growth of 2.88 percent for 2009-2014.³²⁴

Palestinian IDPs conduct their annual symbolic return to one of the villages depopulated in 1948, Lubyia/ Tiberias, May 2014 (©Taghreed Suleiman)



Note: Estimates include 1948 Palestinian refugees who have subsequently undergone internal displacement in the oPt, as no reliable data exists to indicate the percentage of 1967 IDPs who were also 1948 refugees.

³²² B'Tselem and the Association for Civil Rights in Israel, *Ghost Town*, May 2007, https://www.btselem.org/download/200705_hebron_eng.pdf.

³²³ Palestinian Central Bureau of Statistics, *Jerusalem Statistical Yearbook 2014*, June 2014, p. 194, <http://www.pcbs.gov.ps/Downloads/book2057.pdf>.

³²⁴ Palestinian Central Bureau of Statistics, *Jerusalem Statistical Yearbook 2012*, June 2012, p. 218, <http://www.pcbs.gov.ps/Downloads/book1891.pdf>.



FRAMEWORK FOR INTERNATIONAL PROTECTION

The ongoing Palestinian Nakba, or catastrophe, is one of the world's longest and largest refugee crises, having now spanned 67 years and encompassing an estimated 7.9 million refugees and internally displaced persons. While the political will to meaningfully solve the Palestinian refugee issue is glaringly lacking, Palestinian refugees face a further crucial hurdle in the securing of their rights and entitlements as refugees and displaced persons – a unique “protection gap”. This protection gap flows from a flawed and deficient system of refugee protection, unique to Palestinian refugees. While all other refugee groups throughout the world are subject to a framework of protection as overseen by the UNHCR and which seeks to secure their rights and a durable solution to their plight, Palestinian refugees have been left effectively bereft of such protections to which they are entitled, particularly that of a durable solution to their plight. This chapter will explore those protection frameworks as applying to refugees in general and to Palestinian refugees, respectively, and will thus shed light on the unacceptable protection gaps faced by Palestinian refugees worldwide.

3.1. Introduction

Protection and Assistance comprise the two arms of humanitarian response or action.³²⁵ While humanitarian assistance is envisaged as “aid that seeks to save lives and alleviate suffering of a crisis-affected population”,³²⁶ the International Committee of the Red Cross (ICRC) recognizes protection as encompassing “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law)”.³²⁷

As crises-affected populations, and given their particularly precarious position having been forcibly displaced and lacking the protection of their own governments, refugees and internally displaced persons (IDPs) are entitled to a considerable level of protection and assistance under International

³²⁵The Sphere Project, “The Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response,” <http://www.spherehandbook.org/en/the-humanitarian-charter/>, Principle 1.

³²⁶OCHA - Occupied Palestinian Territories, “Glossary of Humanitarian Terms in Relation to the Protection of Civilians in Armed Conflict” (New York: United Nations, 2003), 32, <https://www.humanitarianresponse.info/system/files/documents/files/ocha%20glossary.pdf>; Relief Web, “Glossary of Humanitarian Terms, Draft Version” (ReliefWeb, August 2008), <http://www.who.int/hac/about/reliefweb-aug2008.pdf>32.

³²⁷ICRC, “Refugees and Displaced Persons Protected under International Humanitarian Law” (ICRC, October 29, 2010), 21, <https://www.icrc.org/eng/war-and-law/protected-persons/refugees-displaced-persons/overview-displaced-protected.htm>; IASC, “Growing the Sheltering Tree: Protecting Rights through Humanitarian Action” (IASC, 2002), 11, <http://www.refworld.org/docid/483eb0d62.html>.

Law, flowing from norms of International and Regional Refugee Law, International Human Rights Law (IHRL), International Humanitarian Law (IHL) - in situations of armed conflict - and customary international law.³²⁸ This entitlement is duly reflected in the international and regional protection frameworks applying to refugees, the objective of which is “to assure refugees the widest possible exercise of... fundamental rights and freedoms” that all “human beings [should] enjoy... without discrimination.”³²⁹ Furthermore, the ultimate goal of international protection is to reach a satisfactory durable solution for the refugee, where the optimum solution is voluntary repatriation, or resettlement or local integration where safe repatriation is impossible.³³⁰

The general framework for international protection is grounded in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol³³¹ (“1951 Refugee Convention”) and the Statute of the Office of the High Commissioner for Refugees³³² (UNHCR) which mandates the High Commissioner, *inter alia*, to oversee the 1951 Refugee Convention framework. Other basis and sets of protections for refugees and IDPs are found in regional instruments, national legislation, IHRL, IHL, the UN Conventions on Statelessness, the UN Guidelines on Internal Displacement, General Assembly Resolutions and UNHCR Executive Committee Conclusions.

Critically, however, owing to the unique characteristics of the Palestinian situation and the role played by the UN in the generation of their catastrophe (among other factors), a separate, disjointed and ultimately deficient protection regime was established for Palestinian refugees. Rather than falling under the protection of the 1951 Convention or the Statute of the UNHCR frameworks, the majority of Palestinian refugees and displaced persons (out of estimated total of 7.9 million Palestinian refugees and displaced persons worldwide) are instead subject to the framework for protection and assistance established under the United Nations Conciliation Commission on Palestine (UNCCP)³³³ and the United Nations Relief Works Agency for Palestine Refugees (UNRWA)³³⁴ – and, to a lesser extent, UNHCR.³³⁵ (*See sections 3 & 4, below*). Only a small and indeterminate group of Palestinian refugees, asylum seekers and “others”, however, are currently benefiting from UNHCR’s mandate.³³⁶

³²⁸ ICRC, “ICRC, Refugees and Displaced Persons Protected under International Humanitarian Law”; UNHCR Executive Committee (last), “General Conclusion on International Protection No. 68 (XLIII),” October 9, 1992, <http://www.unhcr.org/3ae68c6e1c.html>.

³²⁹ UN General Assembly, “Convention Relating to the Status of Refugees,” July 28, 1951 Preamble; UN General Assembly, “Note on International Protection,” September 7, 1994, para. 11, <http://www.refworld.org/type,UNHCRNOTES,,3f0a935f2,0.html>.

³³⁰ UN General Assembly, “Note on International Protection,” para. 12; James C. Hathaway, *The Rights of Refugees Under International Law* (Cambridge: Cambridge University Press, 2005), 913; See, *inter alia* UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 1950, chap. I: General Provisions, <http://www.unhcr.org/3b66c39e1.html>; UNHCR Executive Committee, “UNHCR Executive Committee Conclusion No. 56 (XL) Durable Solutions and Refugee Protection,” October 13, 1989, <http://www.unhcr.org/3ae68c428.html>.

³³¹ UN General Assembly, “Convention Relating to the Status of Refugees”; UN General Assembly, *Protocol Relating to the Status of Refugees*, 1967, <http://www.refworld.org/docid/3ae6b3ae4.html>.

³³² UN General Assembly Resolution 428 (V), *UNHCR Statute, 14 December 1950*.

³³³ Established under UN General Assembly, “Resolution 194 (III). Palestine - Progress Report of the United Nations Mediator,” December 11, 1948, <http://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A>.

³³⁴ Established under UN General Assembly, “Resolution 302 (IV). Assistance to Palestine Refugees,” December 8, 1949, <http://www.refworld.org/docid/4fe2ffa52.html>.

³³⁵ Susan M. Akram, “Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution,” *Journal of Palestine Studies* 31, no. 3 (April 2002): 36–51, doi:10.1525/jps.2002.31.3.36.

³³⁶ According to UNHCR’s statistics, as of July 2014 only 103,950 Refugees (96,658), Asylum Seekers (3,260) and “Various” other people (4,032) of “Palestinian Origin” were being served by UNHCR, “2015 UNHCR Subregional Operations Profile - Middle East: State of Palestine,” 2015, <http://www.unhcr.org/pages/49e486826.html>.

This UNCCP-UNRWA framework was established to provide protection and assistance, respectively, to Palestinian refugees, exclusively, following the 1948 Nakba. UNCCP was mandated to provide protection for Palestinian refugees including the search for durable solutions to their plight, while UNRWA was established as a separate entity mandated to provide short-term assistance.³³⁷ However, UNCCP has long-since ceased providing protection for Palestinian refugees for reasons that will be outlined below.

While Palestinian refugees were left without protection, UNCCP was neither restored nor replaced, nor was its mandate transferred to any other UN agency. It has thus been left to UNRWA to attempt to fill this protection gap generated by UNCCP's effective cessation. UNRWA's mandate has been expanded somewhat to include a measure of protection activities, and to accommodate a larger group of Palestinian refugees and displaced persons than it was originally mandated to cater for. However, its lack of an explicit protection mandate - including the limited geographic scope and, crucially, the authority to actively pursue and secure durable solutions - has resulted in the Palestinian refugee population falling both within and outside UNRWA's areas of operations, and thus demonstrably deprived of the full scope of protection to which they are entitled. As such, most Palestinian refugees now receive lesser protection than other refugees globally.³³⁸ This goes against the objectives of the special regime envisaged and designed for them in 1948, and contributes to what is referred to as the "protection gap" which is characterized by a number of factors as will be outlined below.



Palestinian children cross through an Israeli checkpoint in Hebron, West Bank, July 2012 (©Taro Yamasaki/ISM)

The displaced Palestinians' experience is further compounded by statelessness, which has obvious consequences *vis-à-vis* their protection – particularly with regards to pursuing durable solutions – given that nationality is the principle link between the state and the individual and between the individual and international law. Furthermore, the protection framework applicable to Palestinian IDPs is even weaker than that applied to Palestinian refugees, as will be outlined below.

This chapter will outline the international framework for the protection of refugees and IDPs in general, with a particular focus on Palestinian refugees and IDPs. As such, the various instruments, bodies and mechanisms applicable to the protection of refugees and IDPs in general will be framed, as well as those unique to the distinct framework applicable to most Palestinian refugees. In so doing, the various protection gaps experienced by Palestinian refugees and IDPs will become evident.

³³⁷Susan Akram, "Reinterpreting Palestinian Refugee Rights under International Law," in *Palestinian Refugees: The Right of Return*, ed. Naseer Aruri (London: Pluto Press, 2001), 169.

³³⁸Brenda Goddard, "UNHCR and the International Protection of Palestinian Refugees," *Refugee Survey Quarterly* 28, no. 2–3 (2009): 475–510, doi:10.1093/rsq/hdp045.

3.2. Responsibility to Protect Palestinian Refugees and IDPs

Individual States bear the primary responsibility for protecting the rights of their citizens and those subject to their authority and jurisdiction.³³⁹ Notwithstanding, patterns of displacement *ipso facto* exhibit States' inability or unwillingness to protect those subject to their jurisdiction. Refugees, by definition, are unable or unwilling, owing to a well-founded fear of persecution, to avail themselves of the protection of their country of nationality. Since refugees are not protected by their own Governments, it then falls to the international community to ensure their protection.³⁴⁰ As such, the international framework of protection was designed to protect and assist persons affected by forced displacement and statelessness when States themselves cannot or will not do so.

Israel

As states are primarily responsible for safeguarding the rights of their citizens and those subject to their authority and jurisdiction, Israel, as the occupying power, is under obligation to protect the occupied Palestinian population.³⁴¹ Israel thereby is under obligation, *inter alia*, to facilitate the Right of Return of Palestinian refugees and IDPs and to issue reparations to that extent.³⁴²

Furthermore, under the Law of State Responsibility as set out in the International Law Commission's (ILC) Draft Articles on the Responsibility of States for Internationally Wrongful Acts ("Draft Articles"), Israel is under an obligation not to commit an internationally wrongful act, meaning a breach of an international obligation of the State.³⁴³ Upon the commission of such an act, Israel is thereby under obligation to:

- Cease the act if it is continuing;
- Offer assurances of non-repetition;
- Make full reparation for injury caused. (*Reparation may take the form of restitution, compensation or satisfaction.*³⁴⁴ Furthermore, in its commentary to the Draft Articles, the ILC further clarifies that for a State to make 'full reparation', it must endeavor to "wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed". Clearly, this would include the realization of the right of return.)³⁴⁵

³³⁹UN General Assembly, "ICCPR", Article 2; UN General Assembly, "Universal Declaration of Human Rights" Preamble, December 1948; UNHCR Executive Committee (last), "General Conclusion on International Protection No. 81 (XLVIII)," para. (d), October 1997.

³⁴⁰Kate Jastram and Marilyn Achiron, *Refugee Protection: A Guide to International Refugee Law* (Geneva, Switzerland: UNHCR, IPU, 2001), 8, <http://www.unhcr.org/3d4aba564.html>; UN General Assembly, "Note on International Protection," para. 10.

³⁴¹Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 102–113 (International Court of Justice, July 2004).

³⁴²UN General Assembly, "Universal Declaration of Human Rights" Article 13, December 1948; UN Security Council, "Resolution 237 (1967)"; UN General Assembly, "Resolution 194 (III). Palestine - Progress Report of the United Nations Mediator", December 1948; UN General Assembly, "Resolution 2452 (XXIII). Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East", December 1968; UNHCR, "Guiding Principles on Internal Displacement" Principle 28, September 2004; International Law Commission, "ILC Draft Articles on State Responsibility", Articles 1 and 2 (2001).

³⁴³International Law Commission, "ILC Draft Articles on State Responsibility", Article 31.

³⁴⁴Ibid. Articles 28-39.; Forms of reparations as per the Draft Articles include restitution, compensation and satisfaction.

³⁴⁵Ibid, Article 31.

In addition, where a serious breach of an obligation arising under peremptory norms of international law has been committed, international responsibility is also triggered, thereby invoking obligations and entitlements of third states to take action.³⁴⁶ Israel has violated, and continues to violate its international obligations including serious breaches of peremptory norms as a result, *inter alia*, of its forced displacement and transfer of Palestinians.³⁴⁷ Indeed Israel, as a new state, is also responsible for the conduct of Zionist militias during its establishment and is required to provide reparations for the consequences of wrongful acts committed by them.³⁴⁸

OCHA has identified certain Israeli practices that have created a coercive environment, generating a “push factor” which renders habitation in affected areas untenable, and thus potentially amounting to forcible transfer.³⁴⁹ These practices include: restricting access to markets and grazing land; denial of access to basic infrastructure, services and resources; denial of building permits and significantly modifying applicable planning laws; demolitions and the threat of demolitions of homes, schools and animal shelters; and colonist/settler violence.³⁵⁰ Colony (settlement) expansion and the arbitrary designation of military zones/firing zones, nature reserves and national parks are also key factors in causing forced displacement, as is the Annexation and Separation Wall and its associated regime.³⁵¹ In its implementation of these practices and policies - which often culminate in internal displacement and forcible population transfer - Israel is demonstrably in breach of its obligations under IHL, *inter alia*:

- To restore and ensure public order and security while respecting the laws in force in the country;³⁵²
- To refrain from any destruction of real or personal property unless rendered absolutely necessary by military operations;³⁵³
- To refrain from the confiscation of private property;³⁵⁴

³⁴⁶ Ibid. Articles 40-48.

³⁴⁷ UN Secretary-General, “Report by the Secretary-General on the Human Rights Situation in the Occupied Palestinian Territory Including East Jerusalem, Human Rights Council 28th Session” (United Nation General Assembly, March, 2015), para. 45, <http://unispal.un.org/unispal.nsf/0080ef30efce525585256c38006eacae/880ce950882ae80985257e06005b6d63?OpenDocument>.

³⁴⁸ See Article 10 of the International Law Commission, “ILC Draft Articles on State Responsibility”; James Crawford, *The International Law Commission’s Articles on State Responsibility: Introduction, Text and Commentaries* (Cambridge: Cambridge University Press, 2002), 116–118.

³⁴⁹ Forcible transfer has been described by the ICTY as “the movement of individuals under duress from where they reside to a place that is not of their choosing”, Prosecutor v. Mladen Naletilic aka “Tuta”, Vinko Martinovic aka “Stela” (Trial Judgement) IT-98-34-T, 519 (International Criminal Tribunal for the former Yugoslavia 2003); BADIL, “Displacement of Palestinians as a War Crime: Information for the Consideration of the Commission of Inquiry, Established under the United Nations Human Rights Council Resolutions S-21/1”, February 2015.

³⁵⁰ OCHA, “Bedouin Communities at Risk of Forcible Transfer” (Jerusalem, September 2014).

³⁵¹ UNRWA and BIMKOM, “Al Jabal: A Study on the Transfer of Bedouin Palestine Refugees”, Jerusalem (May 2013).

³⁵² Second International Peace Conference, *The Hague, Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 1907, <http://www.refworld.org/docid/4374cae64.html> Article 43, which is recognized as customary international law.

³⁵³ ICRC, *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, 1949, <http://www.refworld.org/docid/3ae6b36d2.html> Article 53.

³⁵⁴ Second International Peace Conference, *The Hague, Hague Regulations (IV)* Article 46, October 1907.

- To refrain from the forcible transfer of the protected Palestinian population;³⁵⁵ and
- To refrain from transferring the civilian population of the occupying power into the occupied territory.³⁵⁶

Article 147 of the Fourth Geneva Convention provides that “unlawful deportation or transfer” and “extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly” amount to ‘grave breaches’. As such, the UN Secretary General recently reported that such acts of forcible transfer as are occurring in the occupied Palestinian territory could potentially incur the individual criminal responsibility of officials engaged in forcible transfers and that practices amounting to transfer “would contravene Israel’s international human rights law obligations, in particular the right to adequate housing.”³⁵⁷

The state of Israel has displaced and dispossessed the majority of the Palestinian population over a period of more than six decades, while its current policies offer concrete evidence of its intention to persist with this trajectory of illegality. Therefore, Israel, by definition, is not providing Palestinians with the protection required under international law and so it is left to the whim of host states, or to the restricted mandate of the international community to assume a role in the protection of Palestinian refugees and IDPs.

The Palestinian Authority and the PLO

The Palestinian Authority (PA) is also endowed with protection responsibilities towards the Palestinian population under its nebulous effective control in pockets of the occupied Palestinian territory, but its ability to protect is constrained by the Israeli occupying power, which exercises effective control over both the West Bank and the Gaza Strip.³⁵⁸ Indeed, in the West Bank, the majority of forced displacement of Palestinians currently takes place within or from Area C³⁵⁹ which is under full Israeli civil and security control, and as such, is beyond the control of the PA.

The Palestine Liberation Organization (PLO) is recognized as the legitimate representative of the Palestinian people. As such, it is responsible for defending and advocating for the rights of Palestinian refugees, and to pressure duty bearers - in particular, states and UN bodies and agencies - to comply with the international protection responsibilities regarding these refugees. The General Assembly of the UN recognized in its resolution 3236 of 22 November 1974 the inalienable rights of the Palestinian people. This resolution recognizes the right of return of Palestinian refugees as one of those inalienable rights, and made official the United Nations

³⁵⁵ ICRC, *Fourth Geneva Convention* Article 49; ICRC, “Customary International Humanitarian Law, Volume I: Rules” (ICRC, 2005), <http://www.refworld.org/docid/5305e3de4.html> Rule 129; Forcible transfer is also condemned as a Grave Breach under Article 147 of the ICRC, *Fourth Geneva Convention*; UN Security Council, *Statute of the International Criminal Tribunal for the Former Yugoslavia*, 1993, <http://www.refworld.org/docid/3dda28414.html> Article 2(g); ICRC, *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 1977, <http://www.refworld.org/docid/3ae6b37f40.html> Article 85(4)(a); International Law Commission, “Draft Code of Crimes against the Peace and Security of Mankind,” 1996, http://legal.un.org/ilc/texts/instruments/english/draft%20articles/7_4_1996.pdf Article 18.

³⁵⁶ ICRC, *Fourth Geneva Convention*, Article 49, August 1949.

³⁵⁷ UN Secretary-General, “Report by the Secretary General on Israeli Settlements in the Occupied Palestinian Territory Including East Jerusalem, and the Occupied Syrian Golan, A/69/348” (United Nation General Assembly, August 25, 2014), para. 16, <http://unispal.un.org/unispal.nsf/eed216406b50bf6485256ce10072f637/f94cd758d45ae6d985257d88006eccba?OpenDocument>.

³⁵⁸ Diakonia, “The Gaza Strip: Status under International Humanitarian Law” (Diakonia IHL Resource Centre, September 2014), <http://www.diakonia.se/globalassets/blocks-ihl-site/ihl-file-list/ihl---briefs/status-of-the-gaza-strip-final.30.9.2014.pdf>.

³⁵⁹ OCHA, “Forced Displacement: Overview”, 2014.

contact with the PLO by requesting the Secretary-General to establish contacts with it on all matters concerning the question of Palestine, including the refugee issue.³⁶⁰

Arab Host States

Most Arab states in the Middle East and North Africa where the majority of Palestinian refugees reside are not party to the 1951 *Refugee Convention* and its 1967 *Protocol*, or to either of the two conventions on statelessness. Of the 22 Arab member states of the Arab League, only 9 are party to both the 1951 Refugee Convention and its Protocol.³⁶¹ Arab host states are nonetheless obliged to protect Palestinian refugees in accordance with the international standards set by the human rights conventions to which they are party, and under customary international law. Arab host states largely fail to meet this obligation. The level of protection provided to Palestinian refugees under Arab regional and national instruments and mechanisms is significantly less than that provided to other refugees internationally and regionally elsewhere in the world.

In 1965 the League of Arab States formulated the Protocol on Treatment of Palestinians (Casablanca Protocol), which is the primary League of Arab States instrument governing the status and treatment of Palestinian refugees in Arab States. Under the Casablanca Protocol Palestinians have the right to employment on par with citizens of the host country, the right to leave and enter host states, freedom of movement, the right to a travel document, and the right to the same treatment as League of Arab States citizens with regard to visas and residency applications.³⁶² However, the Casablanca Protocol is not binding, and in any case, not all of the states in the Arab League are signatories to it. Although the majority of member states ratified the Protocol, Kuwait, Libya and Lebanon endorsed it with major reservations contradicting its provisions and purposes.³⁶³ Implementation varies from state to state. Furthermore, League of Arab States Council (LASC) Resolution 5093 adopted in 1991 effectively revoked the Protocol by recommending that internal laws of states would govern the application of the Protocol.³⁶⁴ The result is an insecure and inadequate framework for protection of Palestinian refugees in those countries.

State Signatories to the 1951 Refugee Convention

Most states hosting Palestinian Refugees in Europe and the Americas³⁶⁵ are party to the 1951 *Refugee Convention* and the 1967 *Protocol*, and some states are also signatories of the 1954 Convention on Stateless Persons and/or the 1961 *Convention on Statelessness*. Many, however, fail to accord Palestinian refugees the protection they are entitled to under these international instruments due to inconsistencies and ambiguities in interpreting and applying

³⁶⁰UN General Assembly, "UNGA Resolution 3236 (XXIX). Question of Palestine," November 22, 1974, <http://domino.un.org/UNISPAL.NSF/0/025974039acfb171852560de00548bbe>.

³⁶¹ The nine states are: Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen. UNHCR, "States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol"; Reem Salahi, "Reinterpreting Article 1D: Seeking Viable Solutions to the Palestinians Refugee Anomaly," *Berkeley Journal of Middle Eastern and Islamic Law* 1, no. 3 (2008): 143.

³⁶² League of Arab States, "Protocol for the Treatment of Palestinians in Arab States ('Casablanca Protocol')," September 11, 1965, <http://www.refworld.org/docid/460a2b252.html> Articles 1-5.

³⁶³Salahi, "Reinterpreting Article 1D: Seeking Viable Solutions to the Palestinians Refugee Anomaly," 1 *Berkeley J. Middle E. & Islamic L.* 127 (2008), p. 145.

³⁶⁴*Ibid.*

³⁶⁵ The United States is party only to the Protocol and not the Convention.

the Refugee Convention to Palestinian refugees, particularly in light of Article 1D of that Convention.³⁶⁶

International Community

In light of Israel's failure to protect, and particularly with regards to its policies which result in population transfer, the international community³⁶⁷ has an obligation to protect the rights of Palestinians, in particular the right to self-determination³⁶⁸ and the right of Palestinian refugees and IDPs to reparations (return to their homes of origin, restitution, compensation and satisfaction). The international community has largely failed to meet its obligations towards the Palestinian people for reasons primarily related to the lack of political will among powerful western states.

As noted above, under the Law of State Responsibility, Article 40 of the ILC Draft Articles on State Responsibility provides that international responsibility is triggered when a State breaches an obligation under peremptory norms of international law. When this occurs, third states are thereby obliged to cooperate to bring to an end through lawful means any such serious breach and must not recognize as lawful a situation created by such a serious breach.³⁶⁹ Furthermore, third states are also entitled to invoke the responsibility of the offending State and in so doing, may demand cessation of the act, assurances and guarantees on non-repetition, and performance of reparations.³⁷⁰ These obligations were recognized by the International Court of Justice (ICJ) in its Advisory Opinion on the Wall.³⁷¹

Additionally, the Fourth Geneva Convention also provides that Grave Breaches, as per Article 147, committed by Israel by virtue of the “unlawful deportation or transfer” of Palestinians and the extensive destruction and appropriation of Palestinian property, not justified by military necessity, also triggers certain obligations of the High Contracting parties to that Convention. Such obligations include the enactment of necessary legislation in order to provide penal sanctions for those committing grave breaches; to search for those having committed grave breaches and bring them before a court; and to take measures necessary for the suppression of all acts contrary to the Convention.³⁷² Moreover, Common Article 1 to the four Geneva Conventions provides that the High Contracting Parties must respect and ensure respect for the Convention in all circumstances. This obligation has been interpreted to extend beyond the basic obligation for States to refrain from illegal conduct during situations of armed conflict.

366 See: BADIL Resource Center for Palestinian Residency and Refugee Rights, *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention (2nd Edition)*.

367 In this context the term international community is used to denote individual States, UN organ, agencies or bodies, and regional bodies.

368 UN, *Charter of the United Nations* Article 1(2), June 1945; UN General Assembly, “Resolution 2625(XXV). Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in Accordance with the Charter of the United Nation”, October 1970; UN General Assembly, “ICCPR”, Article 1, December 1966; UN General Assembly, “ICESCR”, Article 1, December 1966. Further, the ICJ found in the Wall Case that in its construction of the Wall and its ensuing associated régime, Israel was in breach of its obligation to respect the right to self-determination of the Palestinian people.

369 International Law Commission, “ILC Draft Articles on State Responsibility” Article 41 (November 2001).

370 *Ibid.* Article 48.

371 Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 163 (International Court of Justice, 2004).

372 ICRC, *Fourth Geneva Convention* Article 146; See: Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 163 (International Court of Justice, 2004).

3.3. Protection Instruments

1951 Convention Relating to the Status of Refugees and the 1967 Protocol

The International legal framework for the protection of asylum seekers and refugees is codified in the 1951 Convention Relating to the Status of Refugees (“*Refugee Convention*”) and its 1967 *Protocol*, which sets out the core principles upon which international refugee protection is founded. The 1951 Convention is both a status and rights-based instrument and as such defines the term

Seven-year old Oday Rajabi is forcefully dragged and carried on his way to school, Hebron, September 2014. (©ISM)



“refugee” and outlines the minimum standards for those persons who qualify as refugees under this definition. The 1967 Protocol amended the 1951 Convention’s definition of “refugee” by removing temporal and geographical limitations, thereby expanding its scope of protection.

Further, the Convention recognizes the special role of the UNHCR in supervising the application of the Convention and further requires the contracting States to cooperate with the Office of the UNHCR in the exercise of its functions.³⁷³

The Convention is a binding instrument to those states party to it. As of April 2015, 145 states were party to the Convention, 146 states were party to the Protocol while 142 States were party to both.³⁷⁴ The cooperation of the contracting States with the Office of the UNHCR is crucial to realizing the protection of refugees and the attainment of durable solutions.

Refugee Definition

Under the 1951 Refugee Convention and its 1967 Protocol, a refugee is defined as:

Someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.³⁷⁵

³⁷³ UN General Assembly, “Convention Relating to the Status of Refugees,” July 28, 1951, Article 35.

³⁷⁴ UNHCR, “States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.”

³⁷⁵ UN General Assembly, “Convention Relating to the Status of Refugees,” July 28, 1951, Introductory Note by the Office of the UNHCR and Article 1(A).

Rights and Principles Protected under the Convention

The Convention reinforces various fundamental principles, in particular: non-discrimination,³⁷⁶ non-penalization,³⁷⁷ and *non-refoulement*.³⁷⁸ Crucially, States:

[...] must not expel or return (*'refouler'*) a refugee, in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.³⁷⁹

This prohibition, which is generally recognized as being part of customary international law, is not limited to those formally recognized as refugees but also extends protection against *refoulement* to asylum seekers.³⁸⁰

Further rights and principles enshrined in the Convention, which State signatories must protect include, *inter alia*:; freedom of religion (Art 4); exemption from reciprocity (Article 7); access to courts (Art 16); employment (Arts 17-19); primary education (Art 22); the provision of adequate legal documentation (Arts 25, 27, 28); freedom of movement (art 26);³⁸¹ and family unification.

Palestinian Refugees and Article 1D

With particular regard to Palestinian refugees, however, Article 1D of the 1951 Convention provides that the Convention:

Shall not apply to persons who are at present receiving from organs or agencies of the UN other than the UNHCR.³⁸²

As such, those Palestinians refugees and their descendants who were displaced as a result of the 1948 and 1967 Arab-Israeli conflicts and who receive, or are eligible to receive, protection or assistance from UNRWA are thereby excluded from the protection and benefits of the 1951 Refugee Convention.³⁸³ These refugees account for the majority of Palestinian refugees worldwide. Given that the separate framework originally established for the protection and

³⁷⁶ I.e. the Convention provisions are to be applied to refugees without discrimination as to race, religion, or country of origin. Further, developments in International Human Rights Law would also prohibit discrimination as to sex, age, disability, sexuality, or other prohibited grounds; *Ibid.*, Introductory Note by the Office of the UNHCR (1950).

³⁷⁷ I.e. refugees must not be penalized for their illegal entry or presence; *Ibid.* Article 31 and Introductory Note by the Office of the UNHCR (1950).

³⁷⁸ *Ibid.* Introductory Note by the Office of the UNHCR (1950).

³⁷⁹ *Ibid.* Article 33(1); The prohibition against non-refoulement, which is generally recognized as a norm of customary law, has not been interpreted or applied uniformly by States as some states do not consider the immediate refusal of entry upon reaching their territorial borders as *refoulement per se*.

³⁸⁰ See: Erika Feller, Volker Türk, and Frances Nicholson, eds., "The Scope and Content of the Principle of Non-Refoulement: Opinion," in *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (Cambridge: Cambridge University Press, 2003), 149, 116–118, <http://www.refworld.org/docid/470a33af0.html>.

³⁸¹ UNHCR, "Protection Guidelines Relating to Refugee Security", 1999; See: UN General Assembly, "Convention Relating to the Status of Refugees" (1951) and UN General Assembly, "Protocol Relating to the Status of Refugees" (1967).

³⁸² UN General Assembly, "Convention Relating to the Status of Refugees," July 28, 1951, Article 1(D).

³⁸³ UNHCR, "Revised Note on the Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees," October 2009, <http://www.refworld.org/docid/4add77d42.html>; UNHCR, "Note on UNHCR's Interpretation of Article 1D of the Convention Relating to the Status and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection.," May 2013.

assistance of Palestinian refugees under the mandates of UNCCP and UNRWA, respectively, provides for a manifestly inferior system of protection than that later established under the 1951 Refugee Convention and the 1950 Statute of the UNHCR, a scenario is established whereby the vast majority of Palestinian refugees are inadequately protected. (*See section 4, below*)

However, Article 1D, paragraph 2, further provides that those Palestinian refugees shall *ipso facto* be entitled to the benefits of the Convention:

when such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations.³⁸⁴

As such, protection under the 1951 Convention should, theoretically, be granted to those Palestinian refugees, otherwise eligible under Article 1A of the 1951 Refugee Convention but who, without their position having been definitively settled in accordance with the relevant General Assembly Resolutions:

- were not actually receiving or eligible to receive the protection or assistance of UNRWA, or;
- were receiving or eligible to receive the protection or assistance of UNRWA but where such protection or assistance has ceased “for any reason”.

UNHCR has further elaborated that the phrase “ceased for any reason” would be construed to include (i) the termination of UNRWA as an agency; (ii) the discontinuation of UNRWA’s activities; or (iii) any objective reason outside the control of the person concerned such that the person is unable to (re)avail themselves of the protection or assistance of UNRWA.³⁸⁵ This was developed by the UNHCR in its 2013 Note on the Interpretation of Article 1D to Palestinian refugees.³⁸⁶ However, considering that the role of protecting Palestinian refugees was originally assigned to the UNCCP, which has long since ‘ceased’ its protection mandate, and further considering that this protection role was never fully transferred to UNRWA, it is therefore questionable as to why the UNHCR interprets this “cessation” of protection or assistance as necessarily corresponding to the cessation of UNRWA activities only, as they do not conduct adequate protection activities anyhow.

Furthermore, inconsistencies and ambiguities in state practice when applying and interpreting Article 1D often result in the failure of States to recognize the eligibility of even this proportionately small number of Palestinian refugees to protection under the Convention.³⁸⁷

³⁸⁴ UNHCR, “Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees” (2009).

³⁸⁵ See: UNHCR, “Note on UNHCR’s Interpretation of Article 1D of the Convention Relating to the Status and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection.”, May 2013. The UNHCR further elaborated in this Note that the phrase “ceased for any reason” would be construed to include (i) the termination of UNRWA as an agency; (ii) the discontinuation of UNRWA’s activities; or (iii) any objective reason outside the control of the person concerned such that the person is unable to (re)avail themselves of the protection or assistance of UNRWA.

³⁸⁶ *Ibid.*; UNHCR, “Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees” (2009).

³⁸⁷ BADIL Resource Center for Palestinian Residency and Refugee Rights, *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention* (2nd Edition), 2015.

Regional Instruments

A number of regional instruments provide supplementary sets of protections, namely the 1969 Organization of African Unity Convention (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa; and the 1984 Cartagena Declaration for Latin American countries, though the latter is not legally binding. In 1965 the League of Arab States formulated the Protocol on Treatment of Palestinians (*Casablanca Protocol*), which is the primary League of Arab States instrument governing the status and treatment of Palestinian refugees in Arab States. However, the Protocol was effectively revoked by the League of Arab States Council in 1991. (See section 1(B), above)

National Legislation

The incorporation and adoption of the international norms and standards for refugee and IDP protection into the national refugee legislation of individual States is essential to the actualization of the protection framework.³⁸⁸ The effective fulfillment of both the 1951 Refugee Convention and the mandate of the UNHCR are dependent on States' cooperation.

International Human Rights Law

Refugees are entitled to protection under two partially overlapping rights frameworks: the international human rights regime and national laws; and the framework for refugee protection. The 1951 Refugee Convention is itself grounded in norms of human rights law and particularly in Article 14 of the 1948 Universal Declaration of Human Rights, which recognizes the right of persons to seek asylum from persecution in other countries.³⁸⁹ Two international human rights treaties of particular relevance to the international protection framework for refugees are *The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*; and *The Convention on the Rights of the Child*.³⁹⁰

Further, the Right of Return is a customary norm of International Human Rights Law and is explicitly affirmed in many instruments, including the *Universal Declaration of Human Rights*,³⁹¹ the *International Covenant on Civil and Political Rights* (ICCPR)³⁹², and the *Convention on the Elimination of All Forms of Racial Discrimination* (CERD). IHRL also provides for the right to a nationality and the right not to be arbitrarily deprived of one's nationality.³⁹³

Critically, the human rights framework provides a complimentary legal standard and a set of

³⁸⁸ Ibid.

³⁸⁹ UN General Assembly, "Universal Declaration of Human Rights," December 10, 1948, Article 14; UN General Assembly, "Convention Relating to the Status of Refugees," July 28, 1951, Introductory Note by the Office of the UNHCR.

³⁹⁰ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1984, <http://www.refworld.org/docid/3ae6b3a94.html>; UN General Assembly, *Convention on the Rights of the Child*, 1989, <http://www.refworld.org/docid/3ae6b38f0.html>; Jastram and Achiron, *Refugee Protection*, 18.

³⁹¹ UN General Assembly, "Universal Declaration of Human Rights," December 10, 1948 Article 13(2) stating: "everyone has the right to leave any country, including his own, and to return to his country."

³⁹² UN General Assembly, ICCPR, 1966, Article 12(4) stating: "No one shall be arbitrarily deprived of the right to enter his own country."

³⁹³ See, inter alia: UN General Assembly, "Universal Declaration of Human Rights," December 10, 1948, Article 15. UN General Assembly, ICCPR, 1966; UN General Assembly, "Resolution 50/152. Adopted by the General Assembly on the Report of the Third Committee (A/50/632).," February 9, 1996.

A Palestinian boy being arrested by Israeli border police, Jerusalem, May 2014
(Source: Wafa News)



alternative mechanisms of review and enforcement which can be utilized to enhance refugee protection.³⁹⁴ Various regional human rights organizations, treaty bodies and UN organs have been established which monitor and seek to enforce compliance with human rights instruments as will be outlined below.³⁹⁵

International Humanitarian Law

Norms of International Humanitarian Law (IHL), particularly as enshrined in 1907 *Hague Convention (IV) Respecting the Laws and Customs of War on Land*, and its annexed *Regulations*³⁹⁶ and the Fourth Geneva Convention,³⁹⁷ are also applicable in situations of international or internal armed conflict. As such, when refugees or displaced persons find themselves in a situation of armed conflict, the protection of civilians provided for by International Humanitarian Law will also be applicable to them provided they are not taking an active part in the hostilities. Indeed, Article 44 of the Fourth Geneva Convention deals specifically with refugees while Additional Protocol 1 (1977) to the Geneva Conventions further provides that refugees and stateless persons are to be protected under Parts I and III of the Fourth Geneva Convention. As outlined above,

³⁹⁴E.g. The Human Rights Committee (CCPR); The Convention and Committee against Torture; the Convention and Committee on the Rights of the Child; State Reports and Special Procedure Mechanisms. See: Gorlick, "Human Rights and Refugees: Enhancing Protection through International Human Rights Law, New Issues in Refugee Research, Working Paper No. 30 (2000)."

³⁹⁵Akram, "Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution" (2002), note 11, listing various human rights mechanisms.

³⁹⁶International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land* and Its Annex: *Regulations Concerning the Laws and Customs of War on Land*, 1907, <http://www.refworld.org/docid/4374cae64.html>; The ICJ also held that Hague Regulations constitute customary norms. Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 89 (International Court of Justice 2004).

³⁹⁷ICRC, *Fourth Geneva Convention* (1949).

both Israel and other High Contracting parties to the Fourth Geneva Convention are endowed with International Humanitarian Law obligations.

UN Resolutions

Resolutions of the UN Security Council and General Assembly have enshrined and recognized numerous vital Palestinian rights and entitlements, which also apply to Palestinian refugees, such as the Right of Return. Furthermore, resolutions of the General Assembly and Security Council have expanded the mandate of the UNHCR, while a request by the Secretary General is required to endow the UNHCR with a mandate to address particular IDP situations.

UN Conventions on Statelessness

As noted in D, above, the rights to nationality and not to be arbitrarily deprived of one's nationality are fundamental human rights. The development of the Statelessness Conventions arose in an attempt to offer protections to those whose right to a nationality has been violated and thus find themselves stripped of the protections inherent in holding a nationality.

The *1954 Convention Relating to the Status of Stateless Persons* was adopted to improve and regulate the status of stateless persons and to ensure the "widest possible exercise of their fundamental rights and freedoms."³⁹⁸ Its scope extends to *de jure* stateless persons only. The 1954 Stateless Persons Convention did not, however, establish an international body to protect stateless persons or to monitor compliance with its terms. As of 2 June 2015, there were 86 State parties to the Convention.

The *1961 Convention of the Reduction of Statelessness* attempts to expand upon the definition of statelessness and recognizes *de facto* statelessness although its scope still only extends to that of *de jure* stateless persons. The Convention further aims to reduce or eliminate cases of statelessness by addressing and recommending solutions to situations that often result in persons becoming stateless. As of June 2 2015, the 1961 Statelessness Convention had been endorsed by 63 States.

As many stateless Palestinians are also refugees³⁹⁹ they are thereby entitled to the protection provided under the UNRWA or UNHCR frameworks. Stateless persons, not already protected under these refugee frameworks, may theoretically also secure protection under the UN Conventions on Statelessness. UNHCR is currently charged with providing a level of assistance and protection to stateless persons by virtue of Article 11 of the 1961 Convention and various General Assembly Resolutions.⁴⁰⁰ Its four activities to this extent are: identification, prevention, reduction and protection.⁴⁰¹ In theory, such stateless Palestinians should thus be able to seek protection under these two Conventions, however, difficulties in determining the stateless status of Palestinians as well as the fact that many host countries to Palestinian stateless persons are not signatories to these Conventions, result in inadequate protection.

³⁹⁸Salahi, "Reinterpreting Article 1D: Seeking Viable Solutions to the Palestinians Refugee Anomaly," 1 Berkeley J. Middle E. & Islamic L. 127 (2008), p. 142.

³⁹⁹Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998, p. 175–195; Institute on Statelessness and Inclusion, "The World's Stateless," December 2014, p. 127–132, <http://www.institutesi.org/worldsstateless.pdf>.

⁴⁰⁰ UN General Assembly, "Resolution 3274(XXIX) - Question of the Establishment, in Accordance with the Convention on the Reduction of Statelessness, of a Body to Which Persons Claiming the Benefit of the Convention May Apply," December 10, 1974, UN Doc. A/RES/3274(XXIX), <http://www.unhcr.org/3dc8dca44.html>; UNHCR, "How UNHCR Helps the Stateless," n.d., <http://www.unhcr.org/pages/49c3646c16a.html>.

⁴⁰¹ UNHCR, "How UNHCR Helps the Stateless.," n.d. <http://www.unhcr.org/pages/49c3646c16a.html>

3.4. Protection Bodies

Office of the UN High Commissioner for Refugees (UNHCR)

The Office of the UN High Commissioner for Refugees (UNHCR) was established by the UN General Assembly as the global refugee institute.⁴⁰² It is the guardian of the international protection framework enshrined in the 1951 Convention⁴⁰³ and is the primary authority mandated under its 1950 Statute of the Office of the UNHCR (“*UNHCR Statute*”)⁴⁰⁴ to provide international protection to refugees who fall within the scope of the Statute and to seek permanent solutions for refugee crises.⁴⁰⁵ The UNHCR’s Executive Committee (ExCom) also advises the High Commissioner as to their function and as such its ‘conclusions’ form part of the refugee protection framework.

International Protection under the Mandate of the UNHCR thus begins with securing admission, asylum, and respect for basic human rights, including the principle of *non-refoulement*. It includes promoting the conclusions of - and supervising the application of - international conventions for refugee protection at a global and regional level; promoting national legislation and other measures to ensure the proper identification and appropriate standard and status of asylum seekers and refugees; ensuring the safety and well-being of refugees through and with national authorities; and ensuring that the needs of vulnerable groups - especially women and children - are met. Protection concludes only upon the reaching of a durable solution, ideally voluntary repatriation.⁴⁰⁶ Notwithstanding, UNHCR is nevertheless mandated to continue to provide levels of protection for ‘returnees’. The cooperation of the contracting States with the Office of the UNHCR is crucial to the fulfillment of the two-fold role and mandate of the UNHCR in realizing the protection of refugees’ rights and the attainment of durable solutions.

Durable Solutions

The three durable solutions promoted by UNHCR are repatriation, local integration in the host country or resettlement in a third country.⁴⁰⁷ All durable solutions are driven by the pivotal principle of refugee choice.⁴⁰⁸

All durable solutions for refugees and IDPs include housing and property restitution, as well as compensation for damages and losses. According to UNHCR Executive Committee Conclusion No. 101, for example, “all returning refugees should have the right to have restored to them, or be compensated for, any housing, land or property of which they were deprived in an illegal,

⁴⁰² UN General Assembly, “Refugees and Stateless Persons A/RES/319,” December 3, 1949, <http://www.refworld.org/docid/3b00f1ed34.html>; UNHCR, “Note on the Mandate of the High Commissioner for Refugees and His Office,” October 2013, <http://www.unhcr.org/526a22cb6.pdf>.

⁴⁰³ Volker Türk and Francis Nicholson, “Refugee Protection in International Law: An Overall Perspective,” in *Refugee Protection in International Law*, ed. Erika Feller, Volker Türk, and Francis Nicholson (Cambridge: Cambridge University Press, 2003), 6, <http://www.unhcr.org/419c73174.html>.

⁴⁰⁴ UN General Assembly Resolution 428 (V), *UNHCR Statute*, December 1950.

⁴⁰⁵ *Ibid.*, para. 1.

⁴⁰⁶ UN General Assembly, “Note on International Protection”, September 1994.

⁴⁰⁷ UNHCR, “Agenda for Protection” (UNHCR, October 2003), 74, <http://www.unhcr.org/3e637b194.html>.

⁴⁰⁸ Susan Akram and Terry Rempel, “Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees,” *Boston University International Law Journal* 22, no. 1 (2004): 6.

discriminatory or arbitrary manner before or during exile.”⁴⁰⁹ The *Guiding Principles on Internal Displacement* (see section 5, below) reiterated the same rights with regards to internal displacement.⁴¹⁰

Who is protected?

The UNHCR Statute confers upon the High Commissioner the authority to protect refugees as defined in terms similar, but not identical, to the 1951 Refugee Convention and its Protocol. However, resolutions and directives of the General Assembly and, to some extent, the Economic and Social Council⁴¹¹ have expanded the High Commissioner’s authority to include certain groups that are not included in the 1951 Convention’s scope of protection, and thus, its mandate extends beyond that of the Convention. Persons of concern to the UNHCR, therefore, now include:

Refugees as defined under the 1951 Refugee Convention;

- Persons fleeing conflict or serious disturbances of the public order (i.e. refugees under the OAU Convention and Cartagena Declaration definitions);
- Returnees (i.e. former refugees);
- Stateless persons;
- Internally Displaced Persons (in particular situations).⁴¹²

Palestinian Refugees and UNHCR

Refugees deemed as such by the mandate of the High Commissioner, are “all persons outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and who, as result, require international protection”.⁴¹³ As per paragraph 7(C) of the Statute of the UNHCR, however, the competence of the UNHCR shall not extend to a person who “continues to receive protection of assistance from other organs or agencies of the United Nations.” As such, paragraph 7(C) of the Statute of the UNHCR and Article 1D of the 1951 Refugee Convention conjunctively place restrictions upon the UNHCR in providing protection for those Palestinian refugees within UNCCP/UNRWA’s area of operations insofar as they continue to receive protection or assistance.⁴¹⁴

⁴⁰⁹ *Legal Safety Issues in the Context of Voluntary Repatriation of Refugees*, UNHCR Executive Committee No. 101 (LV), 2004.

⁴¹⁰ UN Guiding Principles on Internal Displacement, 22 July 1998, Principle 28, E/CN.4/1998/53/Add.2.

⁴¹¹ The General Assembly has the power to further develop the functions and activities of the High Commissioner as per Para 9 of the Statute. In addition, Para 3 of the Statute stipulates that the High Commissioner is required to “follow policy directives given him by the General Assembly or the ECOSOC”; UNHCR, “Note on the Mandate of the High Commissioner for Refugees and His Office” The functions of the UNHCR may also be expanded upon through “good offices” arrangements and “at the invitation of the Secretary-General”; UN General Assembly, “Resolution 2956 (XXVII) Report of the UNHCR,” December 12, 1972, para. 2, <http://www.unhcr.org/3ae69ee420.html>.

⁴¹² Jastram and Achiron, *Refugee Protection*, Geneva (2001), p. 23; UNHCR, “Note on the Mandate of the High Commissioner for Refugees and His Office”, October 2013, <http://www.unhcr.org/526a22cb6.pdf>.

⁴¹³ UN General Assembly, “Note on International Protection”, September 1994, para. 8., p. 10–11, 31–32; UNHCR, “Note on the Mandate of the High Commissioner for Refugees and His Office”, October 2013, p. 3. <http://www.unhcr.org/526a22cb6.pdf>

⁴¹⁴ UN General Assembly, UNHCR Statute (1950), para. 7 (c).

However, as outlined above, Article 1D also provides an inclusion clause in the second paragraph which theoretically authorizes the UNHCR to assume responsibility for the protection of individuals to whom such protection or assistance has “ceased for whatever reason” and without their position having been definitely settled in accordance with relevant UN General Assembly Resolutions. UNHCR has interpreted this provision to apply to persons “outside UNRWA’s area of operations”, and as such, “no longer enjoys the protection or assistance of UNRWA.”⁴¹⁵ Thus, it is UNHCR’s position that those Palestinian refugees who are entitled to the benefits of the 1951 Refugee Convention are as follows:

- Persons, and their descendants, otherwise falling under the scope of Article 1D (1948 “Palestine Refugees” and 1967 “displaced persons”⁴¹⁶) but who are outside UNRWA’s area of operations and as such are not at present receiving protection and assistance from other UN organs or agencies other than the UNHCR. This still applies even if the person had never resided inside UNRWA’s area of operations.⁴¹⁷ Should such a person return to UNRWA’s area of operations, the benefits of the 1951 Refugee Convention would cease.
- Those not falling under the scope of Article 1D (who are not 1948 “Palestine Refugees” or 1967 “displaced persons”) and who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the Palestinian territory occupied by Israel since 1967 and are unable or, owing to such a fear, unwilling to return there. Such persons would thus ordinarily qualify as refugees under Article 1A (2) of the 1951 refugee convention.⁴¹⁸

Included in the level of protection provided by UNHCR to Palestinian refugees is: assistance with travel documents, renewal of UNRWA registration cards, facilitation of interim solutions for Palestinian refugees in cases of forced departure from Arab host countries, legal aid for stranded Palestinian refugees seeking asylum, and advice to states on the interpretation and application of the Refugee Convention.

Notwithstanding, given the effective “cessation” of protection mandated to UNCCP and adequate protection owed to Palestinian refugees within UNRWA’s area of operation, coupled with the fact that many more refugees find themselves outside UNRWA’s area of operations altogether, it is evident that UNHCR has not embraced the authority endowed to it by virtue of Article 1D, considering it currently serves only 96,658 refugees of Palestinian origin (*supra note 57*) of a total of more than 7.4 million.

⁴¹⁵ UNHCR, “Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees”, 2009, para. 8.

⁴¹⁶ 1948 “Palestine Refugees” refer to Palestinians within the sense of UN General Assembly Resolution 194(III) and subsequent resolutions who, are a result of the 1948 Arab-Israeli conflict, were displaced from that part of Mandate Palestine which became Israel, and who have been unable to return there. 1967 “displaced persons” are, in this context, Palestinians who, as per General Assembly Resolution 2252 (ES-V) and subsequent UN Resolutions were displaced from Palestinians territory occupied by Israeli since 1967, as a result of the 1967 Arab-Israeli conflict and who have been unable to return there. Both these groups are entitled to the benefits provided by UNRWA.

⁴¹⁷ UNHCR, “Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees”, 2009, para. 8.

⁴¹⁸ *Ibid*, para. 5.

International Committee of the Red Cross (ICRC)

The ICRC defines its mission as an “impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance.”⁴¹⁹ It was endowed with its mandate by the States party to the Geneva Convention – from which it derives its legal basis – and as such, is the guardian of International Humanitarian Law (IHL). Its work is two-pronged. First, it provides operational support and assistance to victims of armed conflict and other situations of violence, and second, it works to promote application of and respect for IHL and humanitarian principles.⁴²⁰



To this extent its ‘modes of action’ are: raising awareness of responsibility through persuasion, mobilization and denunciation; providing support to authorities when they are unable to take action; and substitution of direct actions in lieu of the competent authorities’ action when they are unable or unwilling to meet the needs of affected populations.⁴²¹

In general, the ICRC provides protection and assistance to displaced persons consistent with its mandate and capacities, and to the extent the relevant

authorities or the security conditions allow.⁴²² It has publicly expressed concern regarding “the destruction or expropriation of Palestinian property and land and the forced displacement and isolation of Palestinian communities” as a result of the construction of the Annexation and Separation Wall and its regime.⁴²³ In general, however, while seeking to protect those who are uprooted and to promote their return wherever appropriate, the ICRC favors a “confidential dialogue” with the parties to the conflict.⁴²⁴ Along this vein, the organization carries out a range of activities to promote better protection of the civilian population in the occupied Palestinian territory including: activities related to family reunification; detention and deportation; expropriation of land; and home demolition.

⁴¹⁹ ICRC, “The ICRC: Its Mission and Work” (Geneva, Switzerland: ICRC, March 2009), https://www.icrc.org/eng/assets/files/other/icrc_002_0963.pdf.

⁴²⁰ Ibid.

⁴²¹ Ibid.

⁴²² ICRC, “Internally Displaced Persons: The Mandate and Role of the ICRC” (ICRC, March 23, 2000), 491–500, <http://reliefweb.int/report/afghanistan/internally-displaced-persons-mandate-and-role-icrc>.

⁴²³ ICRC, “Annual Report 2004” (Geneva, Switzerland: ICRC, June 11, 2005), 285, <https://www.icrc.org/eng/resources/documents/annual-report/icrc-annual-report-2004.htm>.

⁴²⁴ ICRC, “IDPs in Armed Conflict : Key Points,” March 16, 2007, <https://www.icrc.org/eng/resources/documents/misc/5dhd4v.htm>.

United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

To a lesser extent, OCHA also conducts some level of protection work through coordination with relevant actors and its advocacy activities. OCHA was established in 1998 by the Secretary General and is tasked with “bringing together humanitarian actors to ensure coherent response to emergencies”.⁴²⁵ It fulfills its mandate through “coordinating operational responses, developing global policy, advocating on behalf of people in need, collecting, analyzing and disseminating critical information on humanitarian needs and helping to mobilize and manage funding for humanitarian responses around the world.”⁴²⁶



Agricultural structures demolished in Bani N'aim, Hebron, April 2013
(©UNOCHA-oPt)

Its coordination function is conducted primarily through the Inter-Agency Standing Committee (IASC), which is led by the Emergency Relief Coordinator (ERC), and in partnership with all humanitarian actors.

OCHA has been operational in the occupied Palestinian territory since 2002, where it works to: facilitate effective coordination between relevant humanitarian actors on the ground; support the Humanitarian

Country Team through developing the Humanitarian Program Cycle (which identifies assistance to IDPs as a protection priority); negotiate with Israeli, Palestinian and other authorities to facilitate humanitarian access; liaise with donors; administer the Emergency Response Fund; map, report and data collate; and advocate to raise awareness on behalf of those in need.⁴²⁷

Pertinently, OCHA also concerns itself with the issue of forced displacement and extends its activities to the service of Palestinian IDPs in the occupied Palestinian territory. It leads the Inter-Agency Displacement Working Group in the occupied Palestinian territory (DWG) which raises awareness and advocates on behalf of those affected by internal displacement, and develops coordinated protection responses to this extent. Notwithstanding this important work, however, the displacement of Palestinians persists while a durable solution to their plight has not been reached.

⁴²⁵ OCHA, “What We Do: Coordination,” <http://www.unocha.org/what-we-do/coordination/overview>.

⁴²⁶ OCHA, “OCHA oPt: About Us,” <http://www.ochaopt.org/content.aspx?id=1010055>.

⁴²⁷ Ibid.

3.5. Separate Framework of Protection for Certain Palestinian Refugees

As outlined above, the UNCCP-UNRWA framework was designed and established as an exclusive regime providing protection and assistance for Palestinian refugees following the Nakba. UNCCP was mandated to provide protection for Palestinian refugees, including the search for durable solutions to their plight, while UNRWA was established as a separate entity mandated to provide short-term assistance.⁴²⁸ This special regime was intended to ensure that the Palestinian issue not be “submerged.... and relegated to a position of minor importance”⁴²⁹ and that the pursuit of their voluntary repatriation would remain a critical issue of concern.

In many ways, however, the special regime of protection established for Palestinian refugees has had the opposite effect of depriving Palestinian refugees of the full protections to which they are entitled. To begin with, UNCCP’s protection activities have all but ceased and while UNRWA has attempted to assume some protection duties to combat this gap, its protection role is minimal and its activities inadequate, particularly given the fact that it is not explicitly mandated to pursue a durable solution for Palestinian refugees. Further, as previously noted, the UNHCR maintains that only those Palestinian refugees that a) were not receiving, or eligible to receive *UNRWA*’s protection or assistance, or b) were receiving or were eligible to receive the protection or assistance of *UNRWA*, but where such protection or assistance of UNRWA has “ceased for whatever reason”, become entitled to the UNHCR framework of protection. This apparent disregard for the fact that adequate protection has already “ceased” by virtue of UNCCP’s effective discontinuance, and the implicit assumption that UNRWA’s protection activities somehow suffice, is a problematic application of the Article 1D provision. (*See section 2(A), above*)

UNRWA’s mandate has been expanded upon over the years and now, predominantly, serves the following categories of Palestinian refugees and displaced persons:

- a) Palestinians, who are “Palestine refugees” within the sense of UN General Assembly Resolution 194 (III) of 11 December 1948 and subsequent UN General Assembly Resolutions, and who, as a result of the 1948 Arab-Israeli conflict, were displaced from that part of Mandate Palestine which became Israel, and who have been unable to return there. This group now accounts for over 5 million Palestinian refugees;⁴³⁰
- b) Palestinians not falling within paragraph (a) above who are “displaced persons” within the sense of UN Security Council Resolution 237 of 14 June 1967, UN General Assembly Resolution 2252 (ES-V) of 4 July 1967 and subsequent UN General Assembly resolutions, and who, as a result of the 1967 Arab-Israeli conflict, have been displaced from the Palestinian territory occupied by Israel since 1967 and have been unable to return there.⁴³¹ This group now accounts for over 1 million Palestinian refugees.⁴³²

⁴²⁸ Akram, Susan., “Reinterpreting Palestinian Refugee Rights Under International Law,” in Naseer Aruri, Ed., *Palestinian Refugees and the Right of Return* (Pluto Press, U.K, 2001).

⁴²⁹ Akram, Susan., “Palestinian Refugees and their Legal Status: Rights, Politics and Implications for a Just Solution,” 31 *Journal of Palestine Studies* (2002). p. 40, note 19.

⁴³⁰ UNRWA, “Palestine Refugees,” www.unrwa.org/palestine-refugees.

⁴³¹ UNHCR, “Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees”, 2009, para. 4.

⁴³² BADIL Resource Center for Palestinian Residency and Refugee Rights, *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention (2nd Edition)* (Bethlehem, 15) http://www.badil.org/phocadownload/Badil_docs/publications/handbook/Art1D-2015Handbook.pdf.

UNRWA provides measures of assistance for other groups including: Jerusalem and Gaza Poor; Frontier Villagers; Compromise Cases; Married to a Non-Refugee family members; Non-refugee wives; Kafalah children; beneficiaries under Emergency programs; recipients of UNRWA's microfinance programs; UNRWA staff family members; and non-registered persons living in refugee camps and communities.

The United Nations Conciliation Commission (UNCCP)

The UNCCP was created by UN General Assembly Resolution 194 to assist the Governments and authorities to achieve a final settlement regarding the Arab-Israeli conflict, and to “facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation” for the property of those choosing not to return and for loss of or damage to property.⁴³³

The UNCCP undertook numerous steps to provide protection to Palestinian refugees in the early years of its mandate. Many of these UNCCP activities were similar to protection functions carried out by UNHCR in other refugee situations, such as: intervention with state parties to promote and safeguard the internationally-protected rights of the refugees; promotion of measures to improve the situation of the refugees; collection of basic information to facilitate both protection and implementation of a durable solution; promotion of measures for restitution of refugee properties; and; and promotion of options for a durable solution based on refugee choice.

However, UNCCP's efforts were to be thwarted by a mismatch between a global consensus which pledged full repatriation, and Israel's refusal to offer, initially, no more than a restricted repatriation and, later, no repatriation at all.⁴³⁴ In response to that impasse, the United Nations General Assembly passed a series of measures beginning in 1951 that “effectively terminated the UNCCP's role of implementing the durable solution of return and curtailed its role as intervener with Israel (or other states) to protect refugees' rights and interests.”⁴³⁵ The result was that, by 1952,⁴³⁶ UNCCP's activities were restricted to “gathering information on refugee property in Israel and investigating the possibilities of compensation.”⁴³⁷ Accordingly, by the early 1950s UNCCP reached the conclusion that it was unable to fulfill its mandate.⁴³⁸ Although, the UNCCP still has an office attached to the Secretary-General of the United Nations in New York, it does not play any meaningful protection role, and its mandate and historical role are largely unknown. The UNCCP publishes an annual, one-page report stating “it has nothing new to report.”⁴³⁹ As such, the UNCCP has been effectively redundant for over 60 years.

⁴³³ UN General Assembly, “Resolution 194 (III), Palestine - Progress Report of the United Nations Mediator”, (1948).

⁴³⁴ Susan M. Akram and Terry Rempel, “Recommendations for Durable Solutions for Palestinians Refugees: A Challenge to the Oslo Framework,” *The Palestine Yearbook of International Law Online* 11, no. 1 (2001), p. 20.

⁴³⁵ Akram, Susan., “Palestinian Refugees and their Legal Status: Rights, Politics and Implications for a Just Solution,” 31 *Journal of Palestine Studies* (2002), p. 42.

⁴³⁶ The year of 1952 is emblematic because it was in that year that UNCCP's “budget was limited solely to maintaining a record-keeping office in New York”. *Ibid.*, 51 note 35.

⁴³⁷ *Ibid.*, 42.

⁴³⁸ UNCCP, “Progress Report of the United Nations Conciliation Commission for Palestine,” November 20, 1951, para. 79 and 87, UN Doc.A/1985. See Harish Parvathaneni, “UNRWA's Role in Protecting Palestine Refugees,” in *Rights in Principle - Rights in Practice: Revisiting the Role of International Law in Crafting Durable Solutions for Palestinian Refugees*, by Terry Rempel (BADIL Resource Center for Palestinian Residency and Refugee Rights, 2009), p. 15.

⁴³⁹ UNCCP, “Report of the United Nations Conciliation Commission for Palestine,” September 3, 2013, A/68/335, Annex.

United Nations Relief Works Agency for Palestine Refugees (UNRWA)

UNRWA was established under UN General Assembly Resolution 302(IV)⁴⁴⁰ to complement the work of the UNCCP by providing assistance as “direct relief and works programs” to ‘Palestine refugees’. ‘Palestine Refugees’ are defined as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”⁴⁴¹ UNRWA’s services are therefore available to all registered refugees meeting this definition and to the registered descendants of Palestine refugee males⁴⁴² who remain within its five areas of operations, namely: Jordan, Lebanon, Syria, the Gaza Strip and the West Bank including East Jerusalem. UNRWA now caters for over 5.1 million registered Palestine Refugees. Originally intended to be short-lived, UNRWA’s mandate has been repeatedly renewed and has evolved to include the provision of humanitarian assistance, on an emergency basis, to, inter alia, persons displaced as a result of the 1967 and subsequent



The Israeli army targeting civilians and UN facilities, Gaza 2012 (source: daysofpalestine.com)

hostilities.⁴⁴³ UNRWA now provides its services through five main programs – education, health, relief and social services, microfinance and emergency assistance. It further provides infrastructure and other improvements within refugee camps, as well as a degree of refugee protection.⁴⁴⁴ The General Assembly has repeatedly recognized UNRWA’s role in providing protection.⁴⁴⁵

In recent years UNRWA has begun to assert its commitment to providing protection to its beneficiaries and has developed its role to this extent.⁴⁴⁶ It defines protection as “what UNRWA

⁴⁴⁰ UN General Assembly, “Resolution 302 (IV), 1949. Assistance to Palestine Refugees.”

⁴⁴¹ UNRWA, “Palestine Refugees,” <http://www.unrwa.org/palestine-refugees>.

⁴⁴² Other groups that may register with UNRWA for the purpose of receiving assistance without being included in the official registered Refugee count of the Agency are: Jerusalem and Gaza Poor; Frontier Villagers; Compromise Cases; Married to a Non-Refugee family members; Non-refugee wives; Kafalah children. See: UNRWA, “UNRWA Medium Term Strategy 2010-2015” (UNRWA, 2009), <http://www.unrwa.org/userfiles/201003317746.pdf>.

⁴⁴³ UN General Assembly, “Resolution 2252 (ES-V) - Humanitarian Assistance,” July 4, 1967, UN Doc. A/RES/2252 (ES-V), [http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2252%20\(ES-V\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2252%20(ES-V)). This group is not, however, registered in UNRWA’s registration system. Other such unregistered groups entitled to UNRWA’s service provision, are: persons identified by the Commissioner-General as eligible to receive services; beneficiaries under Emergency programs; recipients of UNRWA’s microfinance programs; UNRWA staff family members; nonregistered persons living in refugee camps and communities. UNRWA, “UNRWA Medium Term Strategy 2010-2015”, note 1.

⁴⁴⁴ UNRWA, “Outline of Protection Initiatives” (UNRWA, 2010), <http://www.unrwa.org/sites/default/files/outline%20of%20protection%20initiatives.pdf>; UNRWA, “UNRWA Medium Term Strategy 2010-2015,” 9.

⁴⁴⁵ UN General Assembly, “Resolution 69/88. Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,” December 5, 2014, A/RES/69/88, http://www.unrwa.org/sites/default/files/ga_res_69_88_operations_of_unrwa.pdf.

⁴⁴⁶ UNRWA, “Outline of Protection Initiatives”; UNRWA, “UNRWA Medium Term Strategy 2010-2015”; UNRWA, “UNRWA Protection Policy,” 2012.

does to safeguard and advance the rights of Palestine refugees”,⁴⁴⁷ and ‘the enjoyment of human rights to the fullest possible extent’ is now one of its four human development goals.⁴⁴⁸ The agency has thereby developed a protection framework outlining four components to UNRWA’s protection work. These are stated as:

- Protection in programming
- Protection in and through service delivery
- International Protection
- A just and durable solution⁴⁴⁹

With regards to its work on international protection of Palestine refugee rights, UNRWA outlines that it pursues this goal through reporting, monitoring and intervention.⁴⁵⁰ With respect to its work *vis-à-vis* a “just a durable solution”, however, UNRWA outlines that it simply “highlights to the international community the urgent need for a just and durable solution to the plight of the Palestinian people and helps to ensure that in its elaboration the rights and interest of Palestine refugees are safeguarded.”⁴⁵¹ It is further explained that the primary responsibility for pursuing this durable solution rests with political actors and the international community.

As such, UNRWA is currently neither explicitly mandated,⁴⁵² nor adequately equipped⁴⁵³ to provide the full scope of protection to which Palestine refugees are entitled and to which Palestine refugees were entitled to under UNCCP’s mandate or to the protection afforded all other refugees under the 1951 Refugee Convention and UNHCR framework. Critically, UNRWA is not tasked with seeking a durable solution for Palestine refugees, but rather focuses on ‘highlighting’ the need for one.⁴⁵⁴

3.6. Framework of Protection for IDPs

The Guiding Principles on Internal Displacement sets out the definition of IDPs as:

[P]ersons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.⁴⁵⁵

⁴⁴⁷ Nicholas Morris, “What Protection Means for UNRWA in Concept and Practice: Consultant’s Paper,” March 31, 2008, 2–3, <http://www.unrwa.org/userfiles/20100118155412.pdf>; UNRWA, “UNRWA Medium Term Strategy 2010-2015,” para. 49; UNRWA, “Outline of Protection Initiatives,” 5; UNRWA, “UNRWA Protection Policy.”

⁴⁴⁸ As well as to acquire knowledge and skills; to lead long and healthy lives; and to achieve a decent standard of living.

⁴⁴⁹ UNRWA, “Outline of Protection Initiatives”, 2010; UNRWA, “UNRWA Protection Policy.”

⁴⁵⁰ UNRWA, “UNRWA Protection Policy,” 2, “Interventions” denote “responses to specific problems, preventive or remedial action when possible, and action to help create and consolidate an environment and practices in which rights are respected.”

⁴⁵¹ UNRWA, Outline of Protection Initiatives, 2010, p. 6; UNRWA, Protection Policy 2012, p. 2.

⁴⁵² UNRWA and UNHCR, “The United Nations and Palestinian Refugees” (Geneva, Switzerland / Amman, Jordan: UNRWA / UNHCR, January 2007), 5, <http://www.unrwa.org/userfiles/2010011791015.pdf>.

⁴⁵³ Akram, Susan M., “Palestinian Refugees and their Legal Status: Rights, Politics and Implications for a Just Solution,” 31 *Journal of Palestine Studies* (2002), p. 45.

⁴⁵⁴ UNRWA and UNHCR, “The United Nations and Palestinian Refugees”, January 2007.

⁴⁵⁵ UNHCR, “Guiding Principles on Internal Displacement” Introductory Note, 1998.

IDPs are entitled to the full protection offered under national laws, IHRL and – in situations of armed conflict – IHL, however, no single binding international instrument or body is exclusively devoted to the protection of IDPs, while identification as an IDP does not confer specific legal status under international law. IDPs who remain under the domestic jurisdiction of their country have many of the same protection rights and needs as refugees, but since they have not crossed an international border, they do not fall within the scope of the 1951 Refugee Convention and its Protocol. It should be noted, however, that the Kampala Convention,⁴⁵⁶ which sets out a regional framework for enhancing assistance and protection to IDPs in Africa, is legally binding on those African States party to it.⁴⁵⁷

Again, the primary responsibility to protect IDPs, as persons displaced within their own country, lies with the national State concerned.⁴⁵⁸ However, similarly to refugees, the very displacement of these persons often indicates a failure on the part of that State to adequately protect. When States are unable or unwilling to protect, the international community then steps in to support the protection of IDPs' basic rights and needs. Such support must not be a substitute for the government's protection of its own people.⁴⁵⁹ Furthermore, the UN Guiding Principles on Internal Displacement asserts "international humanitarian organizations and other appropriate actors have the right to offer their services in support if the internally displaced" and that consent to allow the provision of such "shall not be arbitrarily withheld".⁴⁶⁰ It should be noted, however, that while the Guiding Principles provides an authoritative framework and "reflect and are consistent with international human rights and humanitarian law",⁴⁶¹ they are not legally binding.

Despite the lack of a dedicated agency mandated with the responsibility to provide protection to IDPs, various invested UN agencies have agreed upon a "cluster approach" or response in the provision of assistance and protection to IDPs.⁴⁶² Such agencies include the United Nations World Food Programme (WFP), the United Nations Food and Agriculture Organization (FAO), United Nations Development Program (UNDP), the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) among others. Other agencies outside of the UN system including the ICRC and humanitarian NGOs are also invested in providing humanitarian aid to IDPs.

Regarding protection, specifically, the General Assembly established in the early 1970s that certain IDP groups may be deemed entitled to a level of protection under the mandate of the UNHCR.⁴⁶³ In order for the UNHCR's mandate to extend over a particular IDP situation, however,

⁴⁵⁶African Union, "Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa," October 23, 2009, Ext/Assembly/AU/PA/Draft/Decl.(I) Rev.1, <http://www.refworld.org/docid/4af0623d2.html>.

⁴⁵⁷As of 2014 39 African States had signed the Convention while 22 had ratified it. See African Union, "List of Countries Which Have Signed, Ratified/Acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)", 2015.

⁴⁵⁸UNHCR, "The Protection of Internally Displaced Persons and the Role of the UNHCR: Informal Consultative Meeting," February 27, 2007, <http://www.unhcr.org/excom/EXCOM/45dd5a712.pdf>.

⁴⁵⁹Ibid.

⁴⁶⁰UNHCR, "Guiding Principles on Internal Displacement" Principle 25, 1998.

⁴⁶¹Ibid. Introduction: Scope and Purpose, Para. 3.

⁴⁶²David Fisher, *Guide to International Human Rights Mechanisms for Internally Displaced Persons and Their Advocates* (University of Bern: The Brookings Institution, 2006), 10, http://www.brookings.edu/fp/projects/idp/Human_Rights_Mechanisms_for_IDPs.pdf.

⁴⁶³UN General Assembly, "Resolution 2958 (XXVII). Assistance to Sudanese Refugees Returning from Abroad," December 12, 1972, <http://www.unhcr.org/3ae69ef28.html>.

the UN Secretary General or the component principal organs must request this extension, and the consent of the State concerned must be given so as to limit ‘interference’ with State sovereignty.⁴⁶⁴

UNHCR’s various protection activities with respect to those specific IDP situations to whose benefit it is endowed to act includes: monitoring and direct intervention, organizing evacuations in life-threatening situations, negotiating safe-passage of relief, intervening to prevent involuntary return to dangerous areas, advocating with parties to the conflict, assisting authorities to develop relevant national legislation and frameworks, the provision of non-food relief items, supporting mobile civil registration clinics and mobile courts, and provision of psycho-social support services.⁴⁶⁵ UNHCR also pursues durable solutions in consultation with IDPs, the government concerned and host and potential host communities. To this extent UNHCR has noted that they have “advocated with concerned governments to allow the return of IDPs to their homes, grant land in safe areas for them to settle on or otherwise facilitate their right to integrate elsewhere”. Further, “UNHCR has also undertaken substantial activities in regards to restoration of property to IDP returnees, including through facilitating mechanisms to settle competing claims.”⁴⁶⁶

Under the Inter-Agency Standing Committee (IASC) ‘cluster approach’ system adopted by the international humanitarian community, UNHCR agreed to assume the lead role for the clusters of protection, emergency shelter, and camp coordination and management for conflict-induced IDPs.⁴⁶⁷ This is so for situations of internal displacement generated by armed conflict, however, when a situation of internal displacement arises as a result of natural or man-made disasters specifically, then consultations would take place between UNHCR, UNICEF and the OHCHR under the Humanitarian Coordinator’s leadership to assess which agency would be best placed to lead on the protection activities.⁴⁶⁸ Once again, the pursuit of protection activities is contingent on the consent and cooperation of the sovereign State itself, with the office of the UNHCR and other relevant protection bodies. It is worth noting that UNHCR does not assume the lead role for the protection of IDPs in the occupied Palestinian territory and is non-operational there.

The Guiding Principles on Internal Displacement

While not legally binding, nor conferring legal status on IDPs in and of itself, the Guiding Principles do attempt to establish a framework for the assistance and protection of IDPs by outlining their rights and guarantees, relevant to their protection, which are already secured under IHL and IHRL. The Guiding principles are thus intended to “provide guidance to the Representative [to the Secretary-General] in carrying out his mandate; to States when faced with the phenomenon of displacement; to all other authorities, groups and persons in their relations with internally displaced

⁴⁶⁴ UNHCR, “The Protection of Internally Displaced Persons and the Role of the UNHCR: Informal Consultative Meeting”; UN General Assembly, “Resolution 53/125. Office of the High Commissioner for Refugees,” December 9, 1998, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/53/126; UN General Assembly, “Resolution 47/105. Office of the High Commissioner for Refugees,” December 16, 1992, <http://www.unhcr.org/3ae69ef716.html>; UN General Assembly, “Resolution 48/116. Office of the High Commissioner for Refugees,” December 20, 1993, <http://www1.umn.edu/humanrts/resolutions/48/116GA1993.html>; UN General Assembly, “Resolution 49/169. Office of the United Nations High Commissioner for Refugees,” February 24, 1995, <http://www.un.org/ga/49/r169.pdf>.

⁴⁶⁵ UNHCR, “The Protection of Internally Displaced Persons and the Role of the UNHCR: Informal Consultative Meeting,” (February 2007), para. 27–29.

⁴⁶⁶ *Ibid.*, para. 30.

⁴⁶⁷ *Ibid.*

⁴⁶⁸ *Ibid.*, para. 21; IASC, “Cluster Working Group on Protection Progress Report: Principals Meeting,” December 12, 2005, <http://idp-key-resources.org/documents/2005/d04278/000.pdf>.

persons; and to intergovernmental and non-governmental organizations when addressing internal displacement.”⁴⁶⁹

Protection of Palestinian IDPs

As of December 2014, there were at least 334,600 Palestinian IDPs in the oPt alone.⁴⁷⁰ This figure does not, however, include those Palestinian IDPs residing in Israel itself, which amount to 384,200.⁴⁷¹

Internal displacement of Palestinians as a result of Israel’s colonial and discriminatory policies and practices is a continuous and ongoing process. To this extent, in its 2015 Humanitarian Program Cycle (HPC), OCHA recognized that the situation in the occupied Palestinian territory remains a “*protracted protection crisis...driven by insufficient respect for international law by all sides and insufficient accountability*”.⁴⁷² Internal displacement of Palestinians is intrinsically linked with acts of forced displacement and, specifically, that of forcible transfer. Forcible transfer has been described by the International Criminal Tribunal for the former Yugoslavia (ICTY) as “the movement of individuals under duress from where they reside to a place that is not of their choosing”.⁴⁷³ (See section 1(A), above)

Despite the gravity of the policies and practices implemented by Israel resulting in the internal displacement and forcible transfer of Palestinians spanning decades, no UN agency or other authoritative body has been designated as primarily responsible for the protection of these displaced persons and communities, or the pursuit of a durable solution on their behalf. Notwithstanding, UNRWA, the United Nations Development Program (UNDP) and OCHA have all addressed the issue of displacement, while local and international NGOs play an important role in lobbying the international community.⁴⁷⁴

UNRWA and UNDP have implemented responses on behalf of Palestinian IDPs, including shelter reconstruction and repair, while UNRWA also offers emergency assistance to IDPs as well as refugees in emergency situations. Likewise, ICRC has also responded to emergency needs of IDPs including the implementation of preventative activities.⁴⁷⁵ Such activities include, *inter alia*, the development of IHL and other such rules of international law applicable to situations of armed conflict and violence; building environments conducive to the respecting of international law;

⁴⁶⁹ UNHCR, “Guiding Principles on Internal Displacement” Introductory Note (1998).

⁴⁷⁰ See Appendix 2.1 of this Survey.

⁴⁷¹ 1948 Palestinian IDPs, for instance, were initially included in the respective protection and assistance operations of UNCCP and UNRWA. In 1952, however, Israel indicated that it would take on responsibility towards the displaced Palestinians in its territory. In response, UNRWA transferred its IDP files to the Israeli government and ceased the provision of its services to them. Although no durable solution has been found to their plight 1948 Palestinian IDPs in Israel are no longer a matter of international attention and policy, and are no longer considered of concern to international humanitarian assistance or protection efforts. UNRWA’s mandate, however, has not been amended to exclude the Palestinian IDPs of 1948. Thus, in legal terms, the Agency could resume its jurisdiction over these IDPs for purposes of providing humanitarian assistance. Also, see Appendix 2.1 of this Survey.

⁴⁷² OCHA, “OPT: Strategic Response Plan 2015” (East Jerusalem: OCHA occupied Palestinian territory, February 12, 2015), 5, https://www.ochaopt.org/documents/srp_2015.pdf.

⁴⁷³ Prosecutor v. Mladen Naletilic aka “Tuta”, Vinko Martinovic aka “Stela” (Trial Judgement) IT-98-34-T, 519 (International Criminal Tribunal for the former Yugoslavia 2003); BADIL, “Displacement of Palestinians as a War Crime: Information for the Consideration of the Commission of Inquiry, Established under the United Nations Human Rights Council Resolutions S-21/1.”

⁴⁷⁴ Karine McAllister and Karim Khalil, “Internal Displacement in the Occupied Palestinian Territory,” *Humanitarian Exchange Magazine*, no. 44 (September 2009).

⁴⁷⁵ Ibid.

and developing and maintaining dialogue with international and national authorities and arms-carriers.⁴⁷⁶

International and local NGOs also undertake research and advocacy initiatives relating to displacement, while some provide legal assistance to affected communities. Other organizations, such as the Ecumenical Accompaniment Program in Palestine and Israel (EAPPI) seek to assume a protective physical presence in an attempt to deter displacement.⁴⁷⁷

The Humanitarian Country Team (HCT) - comprised of humanitarian actors and representatives from UN agencies, International NGOs and local NGOs, and which serves as a forum for policy-making on issues related to humanitarian access in the oPt - has adopted its Policy Framework on facilitating humanitarian access in Area C. Therein, the HCT endeavors to “systematically protest, in the strongest terms and using multiple channels” the destruction and confiscation or appropriation of humanitarian assistance and equipment, and to “request the Israeli government to provide reparations including compensation for assistance/relief items that they have destroyed.” Ultimately, however, it is for each individual HCT member to conduct such “protests” and “requests” as they see fit, if at all.

Evidently, however, the protection framework applicable to IDPs, and particularly to Palestinian IDPs, is deficient. No dedicated body or binding instrument exists to enforce their rights or to seek a durable solution on their behalf. Though certain humanitarian actors do provide some



UNRWA shelters, Gaza, 2014 (source: middleeastmonitor.com)

⁴⁷⁶ ICRC, “International Committee of the Red Cross: Prevention Policy (Adopted by the Assembly of the ICRC on 18 September 2008),” *International Review of the Red Cross*, June 2009.

⁴⁷⁷ Karine McAllister and Karim Khalil, “Internal Displacement in the Occupied Palestinian Territory,” *Humanitarian Exchange Magazine*, no. 44 (September 2009).

responses, without a solution to the root causes of displacement and transfer, the acts amounting to displacement remain ongoing. Meanwhile, the international community continues to assume Israel's role in protecting the occupied population, while simultaneously failing to hold Israel accountable for grave breaches committed against the latter.

Due to increased pressure for a more comprehensive response to the issue of displacement, the Inter-Agency Protection Sub-Working Group on Forced Displacement (DWG) was established in November 2007 under the Protection Working Group, led by OHCHR. The DWG is currently chaired by OCHA and its members include UN agencies, international and local NGOs, and donors. It aims to ensure an effective response to the various phases of displacement: before, during and after the event, through monitoring, advocacy and material response. However, the work of the Protection Cluster is considerably constrained by Israeli policies,⁴⁷⁸ which severely impedes the delivery of humanitarian assistance and protection both in the West Bank and the Gaza Strip. The DWG's longer-term initiatives include "documenting and monitoring the situation with a view to improving advocacy efforts to mitigate and stop forced displacement, address vulnerabilities during a displacement event, and search for a durable solution."⁴⁷⁹ The advocacy work of the DWG, however, has since been integrated into the work of the Humanitarian Country Team Advocacy Working Group (HCT AWG). (*See above*)

In addition, in response to particularly urgent events in 2014 regarding the 'E1' relocation plans, it was decided that more regular working group meetings should also be convened in a separate but connected forum which would allow groups outside of the HCT, but who were also engaged in the issue of displacement, to participate. As such the Advocacy Working Group + (AWG+) was established. The purpose of AWG+ meetings is to ensure more frequent communication with HCT members and other partners active in advocacy around the issue of Palestinian Bedouin at risk of forcible transfer, in order to ensure that efforts are coordinated, to identify gaps, develop common messaging and be more strategic in our overall advocacy.

This is an ad-hoc group, called at the request of members of the HCT AWG and meets on a semi-regular basis as long as is needed. As agreed, at least half of each meeting is dedicated to discussion and strategizing.

3.7. Monitoring and Enforcement Mechanisms

The UN Human Rights Council (HRC)

The HRC was established in 2006 to replace the UN Commission on Human Rights.⁴⁸⁰ It is made up of 47 Member States, elected by the General Assembly, and is mandated with strengthening the promotion and protection of human rights around the globe, including addressing situations

⁴⁷⁸ Internal Displacement Monitoring Centre (IDMC), "IDMC Palestine 2011 Overview: No End to Internal Displacement," July 5, 2011, <http://www.internal-displacement.org/middle-east-and-north-africa/palestine/2011/no-end-to-internal-displacement>.

⁴⁷⁹ Save the Children UK, Palestinian Counselling Centre, and Welfare Association, "Broken Homes: Addressing the Impact of House Demolitions on Palestinian Children & Families," June 15, 2009, 34, https://www.savethechildren.org.uk/sites/default/files/docs/Broken_Homes_English_low_res.pdf.

⁴⁸⁰ UN General Assembly, "Resolution 60/251. Human Rights Council," April 3, 2006.

of human rights violations and making appropriate recommendations.⁴⁸¹ The human rights of all displaced Palestinians fall under the HRC's mandate.

The Human Rights Council employs a number of procedures and mechanisms through which it fulfills its mandate: through the Universal Periodic Review⁴⁸² mechanism which reviews the human rights situations in all UN Member States; through the establishment of an Advisory Committee which supplies the Council with expertise and advice on thematic human rights issues; and through its Complaint Procedure through which individuals, groups and non-governmental organizations alike may confidentially submit grievances regarding human rights violations to the Council.⁴⁸³

Furthermore, the Human Rights Council also employs a UN Special Procedures mechanism, which was established under its predecessor. These 'Special Procedures' are comprised of either individual expert – ("Special Rapporteurs", or "Independent Experts") or Working Groups, all of which "monitor, advise and publicly report on thematic issues or human rights situations in specific countries."⁴⁸⁴ These Special Procedures are endowed with either thematic or specific country mandates. These experts, which are elected by the Human Rights Council, and work with the support of the OHCHR, undertake country visits; issue communications to States and other interested parties to bring rights violations to their attention; conduct expert studies and consultations; contribute to the development of IHRL standards; engage in advocacy and awareness raising; provide advice for technical cooperation; and submit reports to the Human Rights Council and the General Assembly.⁴⁸⁵

It is under this framework that, *inter alia*, the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, the Special Rapporteur on the Human Rights of Internally Displaced Persons, and the Special Rapporteur on Adequate Housing operate were established. Previous Special Rapporteurs on the situation of human rights in the Palestinian territory occupied since 1967 have concluded that Israel's practices and policies appear to constitute apartheid and segregation;⁴⁸⁶ have recalled the right of Palestinian refugees to return to their homeland;⁴⁸⁷ and reported that Israel's actions with respect to property destruction and confiscation, home demolitions and evictions and the ensuing displacement is not compatible with Israel's legal obligation to refrain from forcible transfer or forced evictions in the oPt.⁴⁸⁸

⁴⁸¹ Ibid.

⁴⁸² Ibid.

⁴⁸³ UN Human Rights Council, "Resolution 5/1. Institution-Building of the United Nations Human Rights Council," June 18, 2007; OHCHR, "About the Human Rights Council," accessed June 18, 2015, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

⁴⁸⁴ OHCHR, "About the Human Rights Council." As of March 2015 there were 41 thematic and 14 country mandates.

⁴⁸⁵ OHCHR, "Special Procedures of the Human Rights Council," accessed August 18, 2015, <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx>.

⁴⁸⁶ Richard Falk, "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, Richard Falk," Human Rights Situation in Palestine and Other Occupied Arab Territories (United Nations, January 13, 2013), para. 78, http://www.alternativenews.org/english/images/stories/PDF/PDF_files/Falk_Final_Report_Feb2014.pdf.

⁴⁸⁷ Richard Falk, "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, Richard Falk. A/HRC/23/21" (UN Human Rights Council, September 16, 2013).

⁴⁸⁸ Marakim Wisibono, "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, Marakim Wisibono. A/HRC/28/78" (UN General Assembly, January 22, 2015), para. 70.

Further, through its ‘Regular Sessions’, which are held no less than three times a year, the “human rights situation in Palestine and other occupied Arab territories” is dealt with under Agenda Item 7.⁴⁸⁹ During these sessions the Council may hear from interested parties on pertinent issues. The Council may also decide to hold ‘Special sessions’ with the consent of one third of the Member States in order to address human rights violations and emergencies.

The Human Rights Council also has the capacity to establish various specialized mechanisms to investigate and monitor certain human rights situations and to promote and recommend strengthened human rights protection to that effect. In 2012 the HRC adopted resolution 19/17 which established the International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan.⁴⁹⁰ The Fact Finding Mission was mandated to “investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem”⁴⁹¹ and to submit a report to the Council with its findings, which it duly submitted on the 7th of February 2013. It called on Israel, *inter alia*, to cease all settlement activities without preconditions,⁴⁹² and further called on all Member States to recall their obligations under international law in holding States in breach of peremptory norms of international law accountable.⁴⁹³

Further, pursuant to HRC Resolution S-21 the Independent Commission of Inquiry on the 2014 Gaza Conflict⁴⁹⁴ was established to “investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after.”⁴⁹⁵ In its final report, the Commission noted that serious violations of international humanitarian law and international human rights law took place within this temporal context which, in some cases, may have amounted to War Crimes. It further recognized Israel’s “lamentable track record” in holding perpetrators of such violations to account. It thereby, *inter alia*, called on Israel:

“[T]o address structural issues that fuel the conflict and have a negative impact on a wide range of human rights, including the right to self-determination; in particular, to lift, immediately and unconditionally, the blockade on Gaza; to cease all settlement-related activity, including the transfer of Israel’s own population to the occupied territory; and to implement the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory”

⁴⁸⁹ UN Human Rights Council, “Resolution 5/1. Institution-Building of the United Nations Human Rights Council”, June 2007.

⁴⁹⁰ UN Human Rights Council, “Resolution 19/17. Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and in the Occupied Syrian Golan,” March 2012, A/HRC/RES/19/17, <http://unispal.un.org/UNISPAL.NSF/0/04FF85F46E9EFD8B85257A00004C5AD2>.

⁴⁹¹ *Ibid.*

⁴⁹² *Ibid.*, para. 112.

⁴⁹³ *Ibid.*, para. 117.

⁴⁹⁴ UN Human Rights Council, “Resolution S-21/1. Ensuring Respect for International Law in the Occupied Palestinian Territory, Including East Jerusalem,” July 24, 2014, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_res_s_21_1.pdf.

⁴⁹⁵ *Ibid.*

The HRC has previously called both for Israel to end its occupation of all Palestinian lands since 1967⁴⁹⁶ and for immediate international protection to be provided to the Palestinian people in the occupied Palestinian territory in compliance with international humanitarian and human rights law.⁴⁹⁷

Thus, the Human Rights Council is a significant tool in strengthening the protection of displaced Palestinians and provides an important platform for invested parties to submit information and complaints – through its Universal Periodic Review, Sessions, Special Procedures, and Complaints mechanisms. Notwithstanding, Israel continues to evade its responsibilities and obligations, and persists in ignoring the recommendations of the various mechanisms. Likewise, the international community has been slack in implementing various recommendations with respect to their own responsibilities. Without such a commitment to implementing recommendations and adhering to the relevant rules of international law, these mechanisms are rendered effectively toothless, and unable to pursue accountability for human rights violations, or to ensure meaningful protection for Palestinian refugees and displaced persons.

The Office of the High Commissioner for Human Rights (OHCHR)

The OHCHR in the oPt is the only internationally-mandated entity to monitor and report publicly on the human rights situation in the occupied Palestinian territory, and as such is the official United Nations voice on human rights in the occupied Palestinian territory. Its mandate is to promote and protect the human rights and fundamental freedoms of all people, without discrimination, in the oPt.⁴⁹⁸

Its activities in the occupied Palestinian territory include monitoring, documenting and reporting on human rights violations; providing technical assistance and capacity building; leading the Protection Cluster; engaging in advocacy to strengthen implementation of human rights obligations, and supporting the activities of the Special Procedures mechanisms.⁴⁹⁹ OHCHR is also a member of the Humanitarian Country Team in the oPt.

Treaty-based Bodies

Treaty bodies were established to monitor compliance with the various international treaties through a number of mechanisms, including considering periodic reports, communications, complaints, and through the issuing of recommendations. Some undertake “inquiries” into certain allegations and situations. These treaty bodies include: the Human Rights Committee (CCPR); the Committee on Economic, social and Cultural Rights (CESCR); the Committee on Elimination of Racial Discrimination (CERD); the Committee on Elimination of Discrimination against Women (CEDAW); the Committee against Torture (CAT); the Subcommittee on Prevention of Torture (SPT); the Committee on the Rights of the Child (CRC); the Committee on Migrant Workers

⁴⁹⁶ UN Human Rights Council, “Resolution S-9/1. The Grave Violations of Human Rights in the Occupied Palestinian Territory, Particularly due to the Recent Israeli Military Attacks against the Occupied Gaza Strip,” January 12, 2009, para. 4, <http://unispal.un.org/UNISPAL.NSF/0/FAC475C5C972078C8525754E0056347B>.

⁴⁹⁷ *Ibid.*, para. 9.

⁴⁹⁸ OHCHR, “OHCHR in Occupied Palestinian Territory: Background,” accessed August 18, 2015, <http://www.ohchr.org/EN/Countries/MENARegion/Pages/OPT.aspx>.

⁴⁹⁹ *Ibid.*

(CMW); Committee on the Rights of Persons with Disabilities (CRPD); Committee on Enforced Disappearances (CED).⁵⁰⁰

Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territory

The Special Committee on Israeli Practices was established by General Assembly Resolution 2443 in 1968 to investigate Israeli practices affecting the human rights of the population of the occupied territory.⁵⁰¹ This resolution also recalled, *inter alia*, the right of everyone to return to his own country and expressed concern at Israel's failure to facilitate this right. The Special Committee is comprised of three Member States as elected by the General Assembly to which it reports. In compiling its reports, the Special Committee conducts consultations with Member States in Geneva and field missions to investigate Israeli practices. Israel, however, maintains a practice of non-cooperation, thereby denying the Special Committee entry into the occupied territory, forcing them to convene these missions remotely.⁵⁰²

In its 2014 Report, the Special Committee called on the Government of Israel to, *inter alia*, “end the displacement and dispossession of Palestinians in the occupied Palestinian territory, including through the use of land confiscations and declarations of closed military zones, national parks and archaeological sites” and to “facilitate the voluntary return of those who have been displaced and ensure property restitution and compensation for any damaged property.”⁵⁰³

Regional Mechanisms

The main regional mechanisms for the monitoring and enforcement of human rights violations are: the African Commission on Human and People's Rights (and the African Court on Human and People's Rights); the Inter-American Commission on Human Rights (and Inter-American Court of Human Rights); and the European Union and the European Court of Human Rights.⁵⁰⁴ Indeed, with respect to interpreting and directing the appropriate application of refugee protection provisions, the European Court of Justice - the highest court in the EU legal system⁵⁰⁵ - has proven useful. Regarding the correct application of Article 1D *vis-à-vis* Palestinian asylum claims, the court undertook in-depth interpretive analysis and determinations in two particularly groundbreaking cases – *Bolbol* and *El Kott*⁵⁰⁶ - which have gone some distance in addressing

⁵⁰⁰ David Fisher, *Guide to International Human Rights Mechanisms for Internally Displaced Persons and Their Advocates*, The Brookings Institution, June 2006, p. 10.

⁵⁰¹ UN General Assembly, “Resolution 2443 (XXIII). Respect for and Implementation of Human Rights in Occupied Territories,” December 19, 1968, A/RES/2443.

⁵⁰² UN General Assembly, “Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: Note by the Secretary-General,” August 26, 2014, para. 4–9, A/69/355.

⁵⁰³ *Ibid.*, para. 96.

⁵⁰⁴ Akram, Susan., “Palestinian Refugees and their Legal Status: Rights, Politics and Implications for a Just Solution,” 31 *Journal of Palestine Studies* (2002). 36–51, note 11.

⁵⁰⁵ Court of Justice of the European Union, General Presentation, n.d., http://curia.europa.eu/jcms/jcms/Jo2_6999/.

⁵⁰⁶ See Court of Justice of the European Union, “*Bolbol v. BevándorlásiÉsÁllampolgárságiHivatal*,” June 17, 2010, C-31/09; Court of Justice of the European Union, “*Mostafa Abed El Karem El Kott and Others v. BevándorlásiÉsÁllampolgárságiHivatal*,” December 19, 2012, C-364/11.

key inconsistencies and ambiguities in state practice regarding Article 1D. Notwithstanding, much remains to be done to ensure consistency of application and compliance among states, both regionally and internationally.

The International Court of Justice

The International Court of Justice, established by the UN Charter in 1945, is the primary judicial organ of the UN and is mandated to settle legal disputes submitted by States and to issue ‘Advisory Opinions’ on various legal questions submitted to it by various UN organs and specialized agencies.

Of major importance for displaced Palestinians is the fact that the International Court of Justice, in its 2004 Advisory Opinion on the Wall, ruled that it was incumbent upon Israel to make reparation for all damage caused by its unlawful acts: “Israel is [...] under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the Wall in the.”⁵⁰⁷ The Court also underscored Israel’s “obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the Wall’s construction.”⁵⁰⁸ The Court recommended to the United Nations to “consider what further action is required to bring to an end the illegal situation resulting from the construction of the Wall and the associated regime.”⁵⁰⁹ The ICJ also affirmed the responsibility of the international community and states “not to recognize the illegal situation resulting from the construction of the wall and not to render assistance in maintaining the situation created by such construction.”⁵¹⁰

UN Register of Damage Caused by the Construction of the Wall

On 20 July, 2004, the UN General Assembly adopted a resolution calling upon Israel and all UN member states to comply with the ICJ Advisory Opinion. The Resolution also instructed the UN Secretary General to establish a register of damages caused to all natural or legal persons concerned.⁵¹¹ In practice, by 29 June 2014, the Board of the United Nations Register of Damage documented a total of 42,555 claim forms for registration of damage of which 13,174 were decided claims.⁵¹² The Register, which has remained the only measure endorsed by the UN towards the implementation of the ICJ Opinion, has received little political support or financial resources.

⁵⁰⁷ Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 151, 153 (International Court of Justice 2004).

⁵⁰⁸ Ibid.

⁵⁰⁹ Ibid.

⁵¹⁰ International Court of Justice, “Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004.,” July 9, 2004, para. 146, <http://www.icj-cij.org/docket/index.php>

⁵¹¹ UN General Assembly, “Resolution ES-10/15. Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Including in and around East Jerusalem,” July 20, 2004, A/RES/ES-10/15, <http://unispal.un.org/UNISPAL.NSF/0/F3B95E613518A0AC85256EEB00683444>. 150 votes in favor and six against (United States, Israel, Australia, Marshall Islands, Micronesia and Palau). Abstaining were Cameroon, Canada, El Salvador, Nauru, Papua New Guinea, the Solomon Islands, Tonga, Uganda, Uruguay and Vanuatu.

⁵¹² UN General Assembly, “Progress Report from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory,” June 20, 2014, A/ES-10/658, <http://unispal.un.org/UNISPAL.nsf/634ea0efe460133c852570c0006d53f2/f5877aaa75f8f8ee85257ea000593530?OpenDocument>.

International Criminal Tribunals and the International Criminal Court

Under Article 41 of the UN Charter, the UN Security Council has the power to establish an *ad hoc* international tribunal to prosecute war crimes and crimes against humanity perpetrated in Israel and the occupied Palestinian territory, as it did in the 1990s regarding the former Yugoslavia and Rwanda. This is unlikely to transpire in the foreseeable future, however, given the power of veto available to the five permanent members. The United States has regularly employed its veto with regards to actions concerning Israel.

The International Criminal Court (ICC) was established as an independent judicial body with jurisdiction to determine cases involving individuals accused of committing Genocide, Crimes against Humanity, and War Crimes since 1 July 2002.⁵¹³ On 1 January 2015, the Government of Palestine lodged an Article 12(3) declaration thereby accepting the jurisdiction of the ICC over alleged crimes committed “in the occupied Palestinian territory, including East Jerusalem, since 13 June 2014”. The Prosecutor of the ICC has subsequently opened a Preliminary Examination into the Situation in Palestine which, at the time of writing, is ongoing. It remains to be seen what will be the outcome of this process.

International Labor Organization (ILO)

The International Labor Organization is a “specialized agency” of the UN with a supervisory role over the many labor-related conventions. Some of these conventions are pertinent to the rights of IDPs and indigenous people and as such, complaints may be submitted to the ILO to that extent.⁵¹⁴ The ILO may thereby place pressure on states for non-compliance with the labor-related conventions.

Business and Human Rights Mechanisms

The Guiding Principles on Business and Human Rights

The Guiding Principles on Business and Human Rights,⁵¹⁵ otherwise known as the “Ruggie Principles”, enshrines the obligations of both States and Corporations to respect human rights. They are applicable to all States and all business enterprises as they are based on existing obligations under International Human Rights Law. Where States and businesses have incorporated the norms enshrined in the Guiding Principles into their own domestic legal systems and mandates, a stronger recourse to domestic remedy is thereby provided with respect to human right violations committed by businesses domiciled in those states.

In the past, a number of States and businesses enterprises have opted to disengage and divest from their activities linked with illegal settlements. These settlement activities are linked directly or indirectly to the displacement of Palestinians. For example, in 2009 the Norwegian Ministry

⁵¹³ UN General Assembly, *Rome Statute of the International Criminal Court*, 1998, <http://www.refworld.org/docid/3ae6b3a84.html>.

⁵¹⁴ David Fisher, *Guide to International Human Rights Mechanisms for Internally Displaced Persons and Their Advocates*, The Brookings Institution, June 2006, p. 136.

⁵¹⁵ OHCHR, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework” (New York and Geneva: OHCHR, 2011), HR/PUB/11/04, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

of Finance excluded the Israeli company - Elbit Systems - from Norway's Pension Fund Global Portfolio. Likewise, the Pension Fund Global has excluded Shikun and Binui Ltd since 2012 due to its involvement with settlement construction. Further, Dutch water company Vitens has disengaged from its relationship with Israeli water company Mekorot in 2013 and cited settlements as a factor in doing so.⁵¹⁶ Furthermore, the Working Group on the issue of human rights and transnational corporations and other businesses mechanism, which falls under the responsibility of OHCHR - may receive complaints regarding human rights violations and can intervene directly with States, businesses and others as appropriate. In addition, the International Committee of the Red Cross (ICRC) has recognized that business enterprises are also bound by humanitarian law standards.⁵¹⁷

The Organization for Economic Development (OECD)

The OECD "Guidelines for Multinational Enterprises" outlines the standards and principles of good practice as consistent with applicable law and internationally recognized standards. While they are not legally binding on corporations, State signatories to the guidelines must endeavor to implement them and encourage their use among enterprises. The "National Contact Points" established in signatory States provides a forum for discussion, as well as a complaint mechanism whereby individuals, communities or their representatives may bring complaints against enterprises regarding their alleged involvement in human rights violations. This offers a means of pushing for corporate accountability with respect to involvement in settlement industries in the occupied Palestinian territory. To this extent, on the 9 June 2015, the UK National Contact Point found that the British-based company, G4S, was in violation of human rights obligations stemming from its role in facilitating Palestinian human rights abuses in the occupied Palestinian territory.⁵¹⁸

Universal Jurisdiction

As noted above, State signatories to the *Geneva Conventions* have an obligation to prosecute in their territory any persons alleged to have committed grave breaches of the Conventions, regardless of his or her nationality, and should enact appropriate domestic legislation for this purpose. Similar provisions for universal jurisdiction are included in other international treaties, such as *Convention against Torture* and the *International Convention on the Suppression and Punishment of the Crime of Apartheid*. Where appropriate domestic laws are in place, courts can exercise jurisdiction over gross violations of International Human Rights Law and serious violations of International Humanitarian Law, regardless of where these violations were committed, and often without the state having a connection to the perpetrator or the victim. Numerous lawsuits have been brought against Israeli officials and military personnel, as well as against foreign companies accused of aiding and abetting international crimes, in numerous countries, including the Netherlands, Belgium, Canada, Germany, New Zealand, Spain, and the UK. However, in

⁵¹⁶ OHCHR, "Working Group on the Issue of Human Rights and Transnational Corporations And Other Business Enterprises: Statement on the Implications of the Guiding Principles on Business and Human Rights in the Context of Israeli Settlements in the Occupied Palestinian Territory" (Geneva: OHCHR, June 6, 2014), <http://www.ohchr.org/Documents/Issues/Business/OPTStatement6June2014.pdf>.

⁵¹⁷ International Committee of the Red Cross (ICRC), *Business and International Humanitarian Law: An Introduction to the Rights and Obligations of Business Enterprises under International Humanitarian Law* (Geneva: International Committee of the Red Cross (ICRC), 2006), https://www.icrc.org/eng/assets/files/other/icrc_002_0882.pdf.

⁵¹⁸ See Lawyers for Palestinian Human Rights, "LPHR Press Statement", June 2015, <http://lphr.org.uk/latest-news/lphr-press-statement-uk-watchdog-finds-g4s-is-violating-human-rights-obligations-towards-palestinians/>.

September 2011, the UK government passed legislation which made it far more difficult to bring a case against individuals under the doctrine of universal jurisdiction. This was in direct response to US and Israeli fears that Israeli politicians would be the subject of such lawsuits.⁵¹⁹

Protection Gaps

To conclude, it is abundantly clear that Palestinian refugees suffer from a variety of glaring protection gaps. These gaps are the result of a number of factors, and are summarized below:

- The majority of Palestinian refugees are subject to a special protection and assistance framework composed of two purpose-built UN agencies – the United Nations Conciliation Commission on Palestine (UNCCP) and the United Nations Relief Works Agency for Palestine Refugees (UNRWA) – and to a lesser extent, the office of the United Nations High Commissioner for Refugees (UNHCR). However, UNCCP – the body mandated to provide protection – has been unable to fulfill its mandate since the early 1950s. Limited protection activities are therefore now conducted by UNRWA, whose predominantly assistance-focused mandate renders it inherently limited in its capacity to deliver adequate protection;
- Those Palestinian refugees within UNRWA’s area of operations are, by virtue of Article 1D of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (“1951 Refugee Convention”), effectively excluded from the stronger international protection regime administered by UNHCR and enshrined in the 1951 Refugee Convention, available to all other refugees in the world;
- Inconsistent interpretations of Article 1D by UNHCR, individual States and regional bodies curtail Palestinian refugees’ inclusion within the international protection framework, even in instances where the Article 1D exclusion should not be applicable to them;⁵²⁰
- None of the Arab States where UNRWA operates (Jordan, Syria, Lebanon, West Bank and Gaza), and very few of those Arab states hosting Palestinian refugees not falling within UNRWA’s operations, are signatories to the 1951 Refugee Convention or to those instruments which enshrine protection of stateless persons, while the Casablanca Protocol is not being implemented, with the result that Palestinian refugees are denied their rights enshrined therein;
- Israel continues to impede the delivery of assistance to Palestinian refugees in the occupied Palestinian territory, continues to deny the protected Palestinian population their full gamut of rights and entitlements, and has refused - and continues to refuse - to cooperate with relevant bodies and authorities in reaching a durable solution for Palestinian refugees, particularly in facilitating their Right of Return;
- Israel continues to perpetuate policies resulting in the forcible displacement of Palestinians to whom limited protection is available, often resulting in the forced secondary displacement of Palestinians, particularly of Palestinian refugees in the Gaza Strip;

⁵¹⁹ Afua Hirsch, “Ministers Move to Change Universal Jurisdiction Law,” *The Guardian*, May 30, 2010, <http://www.theguardian.com/uk/2010/may/30/change-universal-jurisdiction-law>.

⁵²⁰ Akram, “Palestinian Refugees and Their Legal Status,” 43; Susan M. Akram and Guy Goodwin-Gill, “*Brief Amicus Curiae*” Submitted to the United States Department of Justice Executive Office for Immigration Review, Board of Immigration Appeals (Falls Church, Virginia, 1999); BADIL Resource Center for Palestinian Residency and Refugee Rights, *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention (2nd Edition)*, 2015.

- The apparent inadequacy and inefficiency of humanitarian responses that have been undertaken by UN and international organizations active in the oPt;
- The apparent failure and lack of political will among international duty bearers - in particular States and UN bodies and agencies – with regards to ending Israel’s impunity, and in reaching a durable solution to the plight of Palestinian refugees in accordance with International Law.

Palestinian refugees in Gaza protesting in reaction to the financial crisis of UNRWA, August 2015 (©BADIL)



66 عاماً من النكبة

the Nakba at



العودة حق وإرادة شعب

Return is our Right and our Will

PALESTINIAN REFUGEES' OPINION POLL ON INTERNATIONAL PROTECTION

4.1. Introduction

This chapter has been developed by BADIL in order to examine the perceptions of Palestinian refugees residing in UNRWA camps with regards to their knowledge of international protection; including what protection they are entitled to and whether or not they can identify those actors/duty bearers responsible for the provision of this protection.

It is estimated that there are at least 7.25 million Palestinian refugees worldwide, of which over 5 million are registered with UNRWA. As definitive figures and statistics concerning all Palestinian refugees and their current locations are difficult to compile, the most reliable figures are those compiled by UNRWA. These, however, include only those 5.1 million Palestinian refugees who are registered with UNRWA and who are eligible for UNRWA support.

Of the **3083 Palestinian refugees** interviewed throughout this survey, 96 percent were registered refugees, while only 4 percent were unregistered.

This high ratio of registered refugees will undoubtedly influence the findings of the data *vis-à-vis* protection issues as the registered 96 percent of those refugees interviewed are subject to an entirely distinct framework of protection to that of the remaining unregistered 4 percent. However, it is unclear from the data gathered as to what exactly these divergences may be within and between areas, given that no clarification was made as to whether a registered or unregistered refugee was answering each question.

The questionnaire began by addressing the knowledge of Palestinian refugees as to the framework of international protection for Palestinian refugees, including their awareness of the various international and national bodies, agencies and organizations responsible for this protection. Among those actors and organizations connected with protection activities and listed for selection in the questionnaire, BADIL included some that are not, strictly speaking, responsible for providing protection according to international law. These include popular committees and non-governmental organizations that intervene to some extent in the pursuit of refugee protection. These were included so as to assess the participants' perceptions with respect to these bodies. Conversely, Israel was not included in the list. According to international law, states are the primary parties obliged to provide protection for persons under their sovereignty or jurisdiction.

However, when states are unable or unwilling to provide effective protection (as is presently the case with Israel's treatment of Palestinian refugees), the international protection framework is triggered. The aim of the questionnaire was to explore refugees' perceptions of the international protection they actually receive, and since Israel has so far been unwilling to provide any such protection, it was excluded from the list.

Subsequently, the main protection shortages affecting each surveyed refugee on an individual basis are addressed, as well as the main protection shortages present in their general geographic area (of UNRWA operation). BADIL designed the tables and the list of protection shortages based on relevant jurisprudence, reports of the Executive Committee of the UNHCR, and the best practices of states. As such, elements corresponding to physical safety and security, humanitarian assistance and legal protection were included, which encompass both the ensuring and respecting of fundamental human rights and freedoms, including access to justice, and finding a durable solution.



Burj al-Burajneh refugee camp in Beirut, Lebanon, December 2014 (©ANERA)

While Palestinian refugees are located all over the world, the largest concentrations reside in the **Gaza Strip, the West Bank, Syria, Jordan and Lebanon**. According to UNRWA figures, approximately 1,258,559 registered refugees reside in Gaza; 762,288 reside in the West Bank; 449,957 reside in Lebanon; 2,097,338 reside in Jordan; and 560,000 reside in Syria.⁵²¹

The Survey aimed to encompass a wide cross-section of Palestinian refugees from those areas where the greatest concentrations reside, in order to ascertain and illustrate both an overall view of protection issues in general, as well as differences and commonalities that may exist within and between those groups with respect to protection issues. However, current prevailing crises and catastrophes in the region have rendered it impossible to conduct all the necessary interviews or obtain the relevant information from all areas of special concern. As such, this opinion poll survey, regrettably, does not include any figures or data relating to Palestinian refugees residing in Syria. To partially address this lacuna, however, two focus groups were held by way of substitution - one in Jordan and one in Lebanon - with Palestinian refugees from Syria who have been forced to leave the country since the beginning of the conflict in 2011.

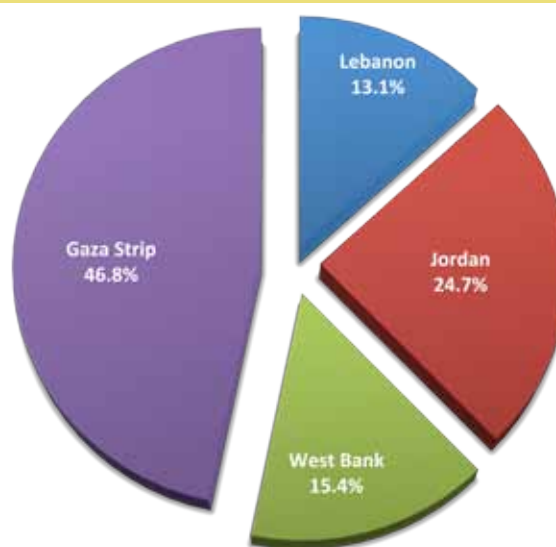
The 3,089 respondents (50 percent female and 50 percent male, all aged 18 years or above) were randomly selected from 24 refugee camps within the four targeted areas (*See Methodology*).

⁵²¹ All figures are as of the 1 July 2014 with the exception of Syria's figures, which are as of 2015. UNRWA, "Where We Work - Gaza Strip," UNRWA, July 1, 2014, <http://www.unrwa.org/where-we-work/gaza-strip>; UNRWA, "Where We Work - Jordan," UNRWA, July 1, 2014, <http://www.unrwa.org/where-we-work/jordan>; UNRWA, "Where We Work - West Bank," UNRWA, July 1, 2014, <http://www.unrwa.org/where-we-work/west-bank>; UNRWA, "Where We Work - Lebanon"; UNRWA, "Syria Crisis."

The questionnaire was conducted between February and April 2015 by a professional team consisting of a statistical expert consultant, five desk researchers, four research coordinators and 25 researchers, social workers and facilitators.

BADIL, in accompaniment to the analysis of the results, further considered it beneficial to provide an outline of various relevant contextual factors where appropriate. This better equips the reader to digest the results in a more well-informed manner and with a more comprehensive understanding of the backgrounds from which responses came, and as to what factors may have influenced the results. We acknowledge, however, that these contextual outlines are in no way conclusive or definitive, due to the contextual variances throughout the areas, and the changeability of the array of impacting factors. Namely, these factors include widespread instability, the “War on Terror”, internal Palestinian fragmentation, UNRWA’s prolonged funding crisis, the prioritization of security concerns by the international community, and the potential for objective analytical interpretation of the results. BADIL, therefore, believes that these results – presented through indexed tables – may serve as a starting point for further review, analysis, and development by BADIL and other researchers.

Figure 4.1: Percentage distribution of refugees surveyed, by area



4.2 Background Characteristics

SAMPLE SIZE: The sample of the quantitative survey was distributed within four of UNRWA’s five areas of operation. As previously noted, Syria was excluded due to the current crisis. Slightly less than half (47 percent) of the sample participants reside within camps in the Gaza Strip, and approximately one fourth of the refugees interviewed reside in Jordan. Finally, the West Bank and Lebanon host 15 percent and 13 percent of the sample group respectively. These ratios must also be borne in mind when considering the effect they will have on overall percentages given the unique experiences of each refugee group, both within and compared to their respective regions. The refugee experience inside the Gaza Strip, for example, will be vastly different to that of those residing in Jordan.

Further, the whole sample is gender-balanced in all regions, with 50 percent male and 50 percent female representation. This even cross-section should offer a balanced overview of the refugee experience *vis-à-vis* protection issues as perceived by both sexes. Again, however, it will be difficult to ascertain what proportion of the final percentages are attributable to either sex.

DEPENDENCY: One third of the surveyed individuals are ‘bread winners’, while about 18 percent are independents that support the primary bread winner in their households. In total, roughly half of the sample are dependents.

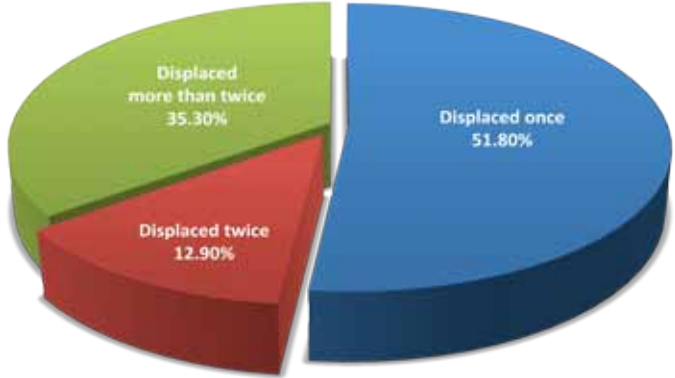
EDUCATION STATUS: The majority of the surveyed individuals are educated. 43 percent of the participants had a university/college degree or higher, while 73 percent had received education at the level of secondary school or higher. Those participants from the Gaza Strip and Jordan reached

a higher level of education than participants from Lebanon or the West Bank. With respect to Gaza, 49.2 percent of the participants had reached university/college-level while 53.5 percent of the participants residing in Jordan had reached university/college-level. The participants from Lebanon fared the worst in the education table, with the majority – 59 percent of Lebanon participants – reaching only elementary level, and with only 16 percent holding a university degree. Finally, in the West Bank, the data shows that roughly 30 percent of the participating refugees carried a university degree. Less than 6 percent of the surveyed individuals are illiterate, while Lebanon has the highest illiteracy rate, at roughly 12 percent.

TYPE OF DOCUMENT: The majority of surveyed refugees hold the host country’s passport. Those residing in the West Bank and the Gaza Strip hold Palestinian Authority passports while those residing in Jordan hold Jordanian passports. However, with respect to Lebanon, the majority of surveyed refugees residing there hold refugee travel documents issued by the Lebanese authorities. Furthermore, Lebanese laws do not provide a concrete legal definition of refugees, particularly Palestinian refugees. As such, treatment of Palestinian refugees varies, resulting in them being treated variably as refugees, foreigners, or stateless. Ambiguities in refugee documentation have ultimately affected the basic livelihoods of Palestinian refugees in Lebanon.

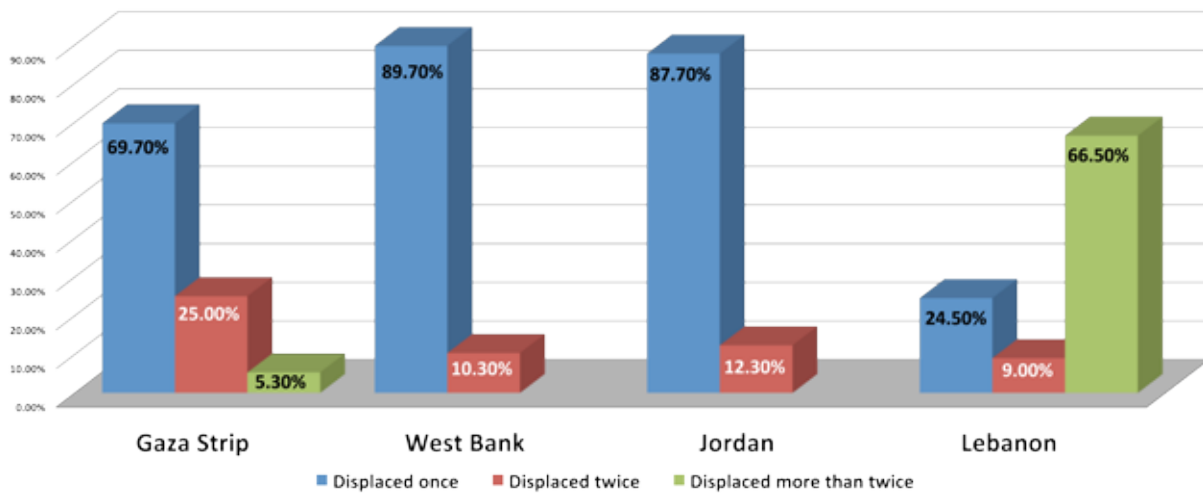
SECONDARY DISPLACEMENT AFTER 1948 AND 1967: Although most participants were displaced in the two main waves of forced displacement in Palestine - in 1948 and 1967 - many were also secondarily displaced subsequently due to violence, home demolitions, and revocation of identification, among other causes. **Approximately 12 percent of the refugees surveyed had suffered from secondary displacement in addition to the initial displacement they faced in 1948 or 1967.** The majority of those that have faced secondary displacement reside in the Gaza Strip, where the percentage of refugees surveyed who reported suffering secondary displacement was roughly 25 percent. More than one third of the refugees surveyed (35 percent) were displaced more than twice, with the highest percentage of such cases being found in Lebanon (66 percent). This is most likely due to the events which occurred in Lebanon during the late 1970s and 1980s. All four areas experienced varying waves of displacement, but often not simultaneously, as regional contexts dictated forced migration patterns. Second to Lebanon, the experience of secondary displacement was also acute in the Gaza Strip, presumably due to the three Israeli military assaults on Gaza from 2008 to 2014.

Figure 4.2: Percentage distribution of refugees who were secondarily displaced after 1948 or 1967, per frequency of secondary displacement



It is worth recalling that had more data from Syria been included, it is highly likely that these figures would be markedly different given that many Palestinian refugees residing in Syria have now experienced forced secondary displacement, and often on multiple occasions. Further, this wide-margin ratio between those having experienced secondary displacement and those who have not, will again influence the overall results with respect to how the protection framework and its gaps were perceived among those interviewed.

Figure 4.3: Percentage distribution of refugees who were secondarily displaced after 1948 or 1967, per frequency of secondary displacement and as per area



The multiple displacements of Palestinian refugees, outlined in the above table, reflect:

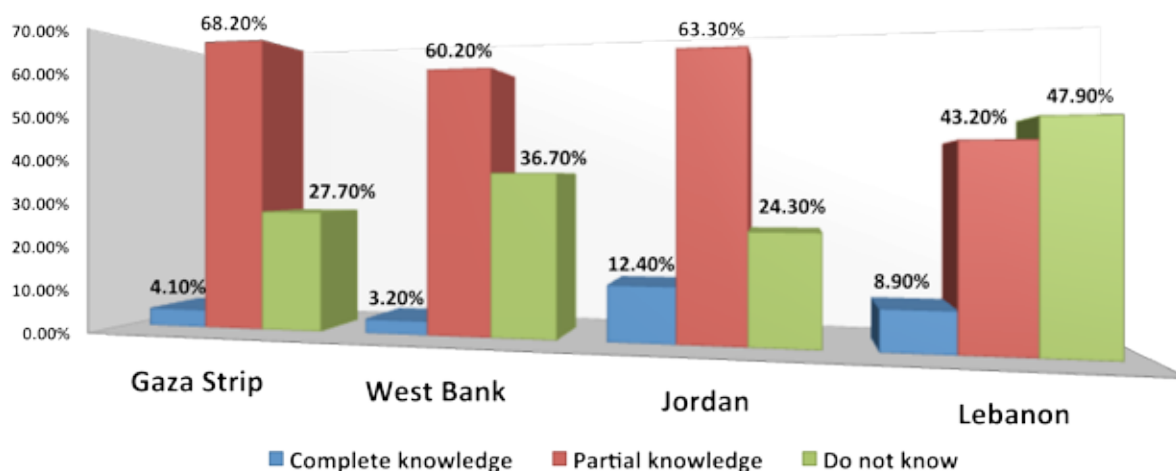
- An absence of a concrete legal framework/system in Arab host countries. Palestinian refugees historically have been the main victim of instability, political changes, socio-economic crises or changes in Arab states.
- The inefficiency of international protection (the failure of the special regime ultimately designed to provide Palestinian refugees with special and effective protection). This is reflected in the weakness of UNRWA's protection mandate, the prolonged inaction of UNCCP, which was specifically mandated to pursue protection for Palestinian refugees, including that of a durable solution, and the almost absent or inefficient intervention of UNHCR.

4.3 Knowledge of the Concept of Protection of Palestinian Refugees

The overall trend in the surveyed Palestinian refugees' understanding of the concept of refugee protection, particularly as applying to Palestinian refugees, and measured through individual self-evaluation, shows a regional trend characterized by the **lack of a complete understanding** of protection in accordance with international law. **About one third of the Palestinian refugees (31 percent) reported that they had no knowledge** of the concept of Protection of Palestinian refugees, **while less than 7 percent of the refugees stated that they had complete knowledge**. The remainder had partial knowledge of the concept of refugee protection.

Jordan provided the highest proportion of participants who claimed full knowledge (12.4 percent of Jordan participants) while **Lebanon provided the highest proportion of participants who claimed no knowledge** of the concept at all (47.9 percent of Lebanon participants). The chart below illustrates the knowledge extent by area in the four areas of UNRWA operation targeted in the survey:

Figure 4.4: Percentage distribution of refugees by their knowledge of the concept of Palestinian refugee protection according to international law and by area



The low percentage of refugees with complete knowledge reflects a corresponding need for concrete awareness-raising campaigns among refugees. However, a vast majority of the surveyed refugees expressed partial knowledge or complete unfamiliarity of protection. This suggests the following:

1. Refugees lack a comprehensive, effective protection system. It is logical to assume that if they enjoyed tangible protection they would know what that protection entailed.
2. Refugees lack definite procedures regarding how to seek protection. If refugees were involved in, or practiced, protection-seeking procedures, they would consequently be aware of what that protection was.

In observing this data, it would be reasonable to question how refugees would seek protection when they lack thorough knowledge of the protection standards to which they are entitled.

ICRC steps up its activities in response to Israeli military operations in the West Bank and Gaza, June 2014 (©ICRC)



Relationship between Knowledge of Protection and Education

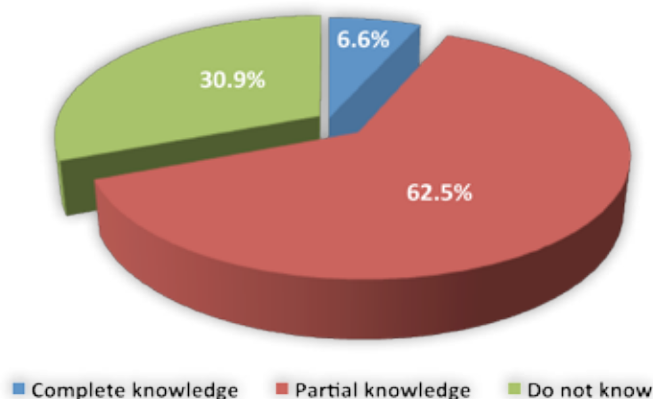
On the macro level there appears to be little evident correlation between education levels and perceived knowledge of refugee protection. Only 5.6 percent of overall participants were not educated but, nevertheless, a much larger proportion – 30.9 percent - claimed to have no knowledge of protection, while only 6.6 percent claimed to have complete knowledge of protection despite the reasonably high levels of education.

Thus, it may be deduced that, despite the fact that the majority of participants are registered refugees and are therefore eligible to avail themselves of UNRWA's education system, an understanding of refugee protection is seemingly not being introduced or taught in UNRWA schools. This would fly in the face of UNRWA's own protection strategy where one of UNRWA's key protection initiatives is to "promote knowledge of individual rights and tolerance curriculum in its schools."⁵²²

On a micro level, however, some correlation between education levels and perceived knowledge of protection would appear to be more evident. Only 52.1 percent of Lebanese participants (who also reached a relatively lower level of education than the other areas' participants) claimed to have either complete or partial knowledge of Palestinian refugee protection. Alternatively, 72.3 percent of Gaza Strip Participants, 63.4 percent of West Bank participants and 75.7 percent of Jordan participants claimed to have either complete or partial knowledge of protection, while also faring better in the education table than Lebanon.

Nevertheless, this correlation is not so obvious or distinct as to deduce a link to adequate protection education within schools. In Lebanon, for example, 88 percent of the participants had received some level of education. However, 47.9 percent of the participants claimed they had no knowledge at all of the concept of protection, showing that education does not imply a better knowledge of protection.

Figure 4.5: Percentage distribution of refugees by their knowledge of the concept of Palestinian refugee protection according to international law



4.4 Knowledge of the Bodies Responsible for Protection

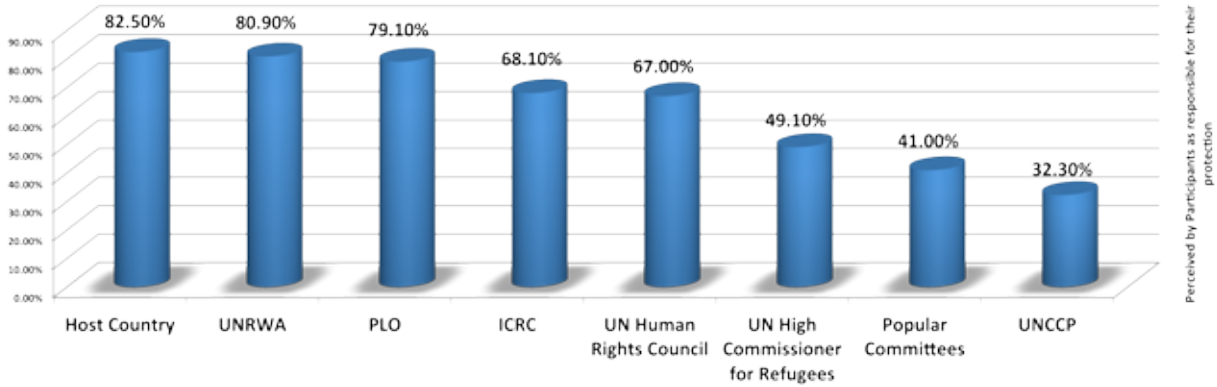
As is outlined in the Protection Chapter of this publication, those parties responsible for the protection of Palestinians (i.e. obtaining full respect for the rights of the individual) are, first and foremost, the State of Israel itself, followed by the various host countries (including the Palestinian Authority) and signatories of the 1951 Convention, and UN agencies and other international organizations.

Within the UN agencies and international concerned organizations, the main body mandated to provide protection for refugees in general is the UNHCR, while the UNCCP and UNRWA were mandated to provide protection and assistance, respectively, to Palestinian refugees exclusively. The International Committee of the Red Cross (ICRC) also provides a level of protection to refugees and displaced persons, while OCHA, the UN Human Rights Council and the Office of the High Commissioner for Human Rights all aim to provide a level of general protection, though not necessarily to refugees specifically. Furthermore, while not under international obligation, per se, to provide protection for Palestinian refugees as per international law, the PLO, as the widely recognized legitimate representative of the Palestinian people, also represents Palestinian refugees. This is particularly the case in the context of the permanent status negotiations, where the PLO has attempted to address the refugee issue and the right of return as part of their framework.

⁵²²UNRWA, "Outline of Protection Initiatives," 8.

The following table ranks those bodies which were most known by the participants and which the participants perceived as being responsible for their protection.

Figure 4.6: Percentage distribution (ranked in descending order) of refugees who consider the listed actors as possessing protection responsibility



These results also showed varying levels of knowledge of the agency/body responsible for refugee protection. The option of ‘Israel’ as an agent responsible for Palestinian Refugee Protection was not offered as part of the questionnaire. Based on the field researchers’ observations, the three highest percentages - host country, UNRWA and the PLO - explain the expectations and, to some extent, the actual assistance or protection the refugees are currently receiving. Moreover, considering the ranking of selections made from the remainder of the options, it may be concluded that the participants had a somewhat accurate concept of the responsibility to protect.

Notwithstanding, a lack of adequate knowledge as to which agencies or actors were responsible for Palestinian refugee protection was a common trend, as well as a lack of knowledge of the agencies’ existence entirely, as is evident from the table below.

Figure 4.7: Percentage distribution among refugees of perceived protection responsibility of listed actors

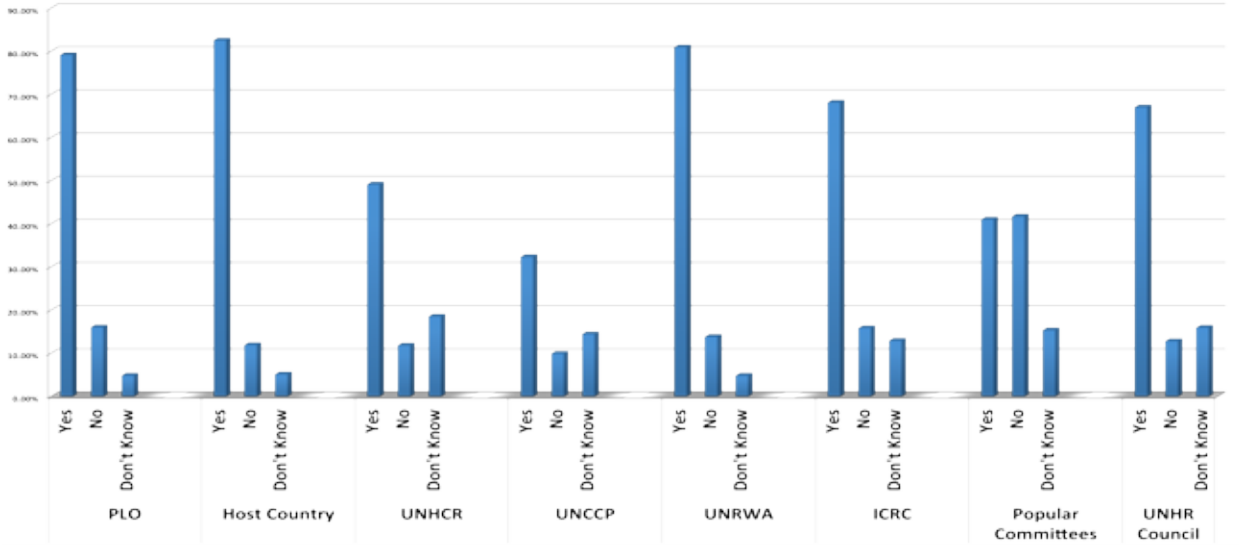
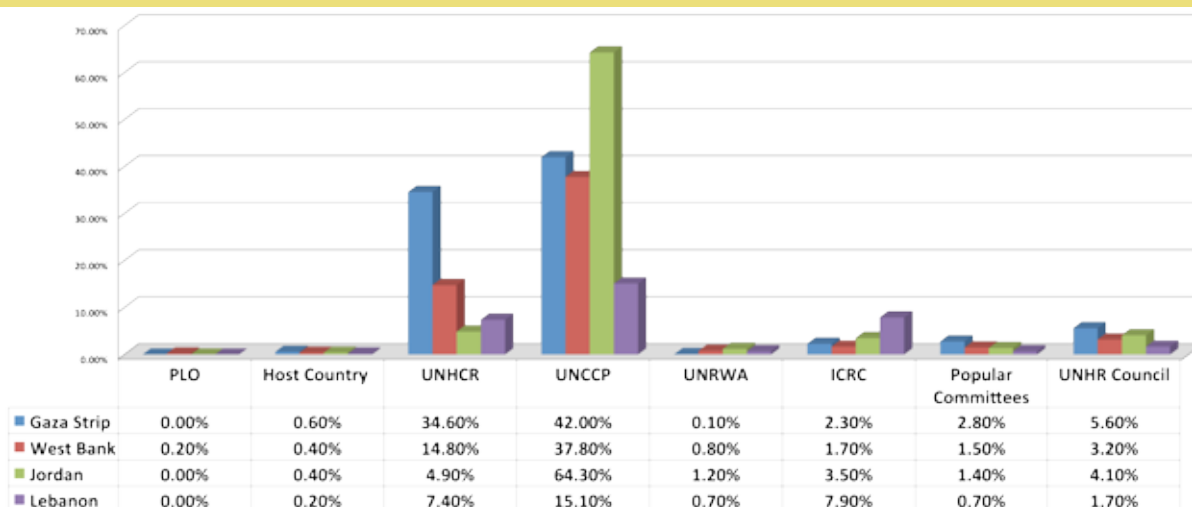


Figure 4.8: Percentage distribution of refugees who are without knowledge of the listed actors, by area



Some agencies were completely unknown to a significant portion of Palestinian refugees, while others were almost unanimously known. For example, nearly 100 percent of those surveyed knew of the PLO as a body, while 79 percent believed that the PLO was responsible for refugee protection. This is important as it demonstrates:

1. The persistence of a common belief among Palestinians, in particular refugees in exile, that the PLO as a body, not the PA, is the legitimate national representative. This could be attributed to the historic role that the PLO played before Oslo, rather than as a result of its current activities. Further, it may reflect the desire and expectation among Palestinians for a strong national body which defends and pursues the enforcement of their inalienable and fundamental human rights.
2. The presence, among Palestinian refugees, of a learned non-reliance upon the international community and other international actors in terms of finding a durable and just solution for their ongoing 67 year long Nakba, or catastrophe.

This statistic was particularly high in the Gaza Strip, where 91 percent stated that the PLO was one of the bodies responsible for their protection. A possible interpretation of this data is that it indicates an increase in PLO support among refugees in the Gaza Strip and/or a rejection of the Hamas administration of this enclave since 2006. It should be further noted at this juncture that refugees are very cognizant of the difference between PLO and PA. Therefore, it would be inaccurate to interpret this percentage as an indicator of an increase in support for the PA. Considering this context, this high percentage among Gaza Strip participants could further be potentially attributed to:

1. A common rejection of internal fragmentation. This high percentage could reflect the common belief that the retention of national unity of Palestinians after the 1948 – and, later, the 1967 - war is one of the significant strategic accomplishments of the PLO.
2. A belief that the disastrous impact of an eight-year long blockade imposed by Israel on the Gaza Strip could be stopped only by an act of the PLO, the internationally recognized

representative of the Palestinian people which maintains diplomatic relations with concerned states, as opposed to Hamas.

3. A strong belief in the need to end the tensions which have arisen between Hamas and Egypt, and which have resulted in much suffering among the residents of the Gaza Strip. To this end, the PLO might be seen as the most adequate actor to solve this problem due to its better diplomatic relations with the Egyptian government.

Moreover, **over 99 percent of the entire surveyed population had at least heard of UNRWA. 81 percent of refugees surveyed cited it as an entity responsible for their protection.** Interestingly, 18 percent of Palestinians in the Gaza Strip believed that *UNRWA was not an agent for their protection*, representing the largest percentage of those surveyed who believed UNRWA did not play a role in Palestinian refugee protection.

This statistic could be illustrative of refugees' dissatisfaction with the humanitarian aid provided by UNRWA, specifically under the siege. Conversely, it could also reflect the common sentiment that UNRWA, or more broadly, the UN and the international community in general, were unable to provide them with sufficient physical protection, specifically during the most recent three Israeli wars on Gaza.

The opposite is true for **UNCCP**. Overall, only 32.3 percent - the lowest proportion - perceived the UNCCP to be responsible for their protection. In total, 44.3 percent of participants claimed to have no knowledge of the UNCCP at all. The low rate of awareness of the UNCCP's protection role could be explained by the fact that the UNCCP has been effectively moribund since the early 1950s. While it is not completely clear why the Gaza Strip and Lebanon have the greatest level of awareness of UNCCP, one could postulate that this trend stems from the acute need for protection for Palestinians in the Gaza Strip and Lebanon, in tandem with the comparatively limited support from UNRWA, the international community, and the host state, specifically when compared to other host countries. As such, this figure may be a result of refugees' attempts to address the distinctively severe protection shortages particular to these two areas.

Also noticeable was the relatively low awareness among participants of the UNHCR. Overall awareness of UNHCR even fell below that of the UN Human Rights Council. Indeed, 34.6 percent of participants residing in the Gaza Strip claimed that they were not aware of UNHCR at all, while, overall, 20 percent of participants claimed no knowledge of UNHCR. This may be explained by the fact that, as the vast majority of participants are registered refugees, they therefore fall under the mandate of UNRWA and not UNHCR. As such, they may not come into much or any contact with UNHCR themselves.

These results reaffirm the current need for special efforts in awareness-raising and community mobilization regarding the role or mandate of all actors and agencies and their involvement in refugee protection. Furthermore, this may reflect the absence of a complaint system with clear procedures and regulations. Based on these results, it should be stressed that the absence or inability of an agency to uphold its mandated role does not necessarily translate to a lack of need for that particular role. For instance, the inactivity of UNCCP - and the absence of a move to replace or reactivate it - does not definitively allude to an unwillingness or lack of need to do so. Instead, a more appropriate response would be to question whether the present level of protection provided by the current acting agencies is sufficient and whether these agencies have the ability to fulfill their mandate based on the facts on the ground, and if not, what must be done to meet the resulting shortages.

4.5 Trends in Shortages of Refugee Protections

The results showed that Palestinian refugees experience protection shortages across several areas, though the extent of shortages varies between respective host countries. However, there were some trends that were consistent across the surveyed areas. These protection shortages were felt by refugees on an individual basis and in general throughout each of the areas of UNRWA operations.

The following table outlines the rankings by the participants with respect to the most concerning protection shortages suffered:

1.	Insufficiency or lack of humanitarian assistance (host country or international organizations) (Experienced by an average of 82% of participants)
2.	Political discrimination (by the host country or international organizations) (71.3%)
3.	Lack of equal employment opportunities (by the host country or international organizations) (66.4%)
4.	Formal discrimination between Palestinian refugees (between 1948, 1967 or other refugees) (by the host country or international organizations) (48.8%)
5.	Legal discrimination (by the host country) (44.4%)
6.	Lack of personal security in the camp (in general- without referring to any specific reason/ cause) (43.2%)
7.	Prevention of entering other states (any country other than host country) (31.7%)
8.	Gender-based discrimination (by the host country or international organizations) (30.6%)
9.	Formal discrimination between Palestinian and non-Palestinian refugees (by the host country or international organizations) (30%)
10.	Nationality-based discrimination (by the host country) (29.9%)
11.	Lack of public services (by the host country) (29.9%)
12.	Denial of family unification (whether in the host country or other states) (26.7%)
13.	Risk of arbitrary detention (host country) (26.4%)
14.	The risk of torture (by governmental bodies) (23.4%)
15.	Non-recognition of your refugee status (by the host country or international organizations) (21.9%)
16.	Prevention of leaving the host country (by the host country) (18.1%)
17.	Failure to grant travel document (by the host country) (16.8%)
18.	Prevention of establishing private businesses (by the host country) (15.7%)
19.	Denial of the right to own property (by the host country) (15%)
20.	Restrictions on the right to change place of residence (by the host country) (11.3%)
21.	Religion-based discrimination (by the host country) (10.6%)

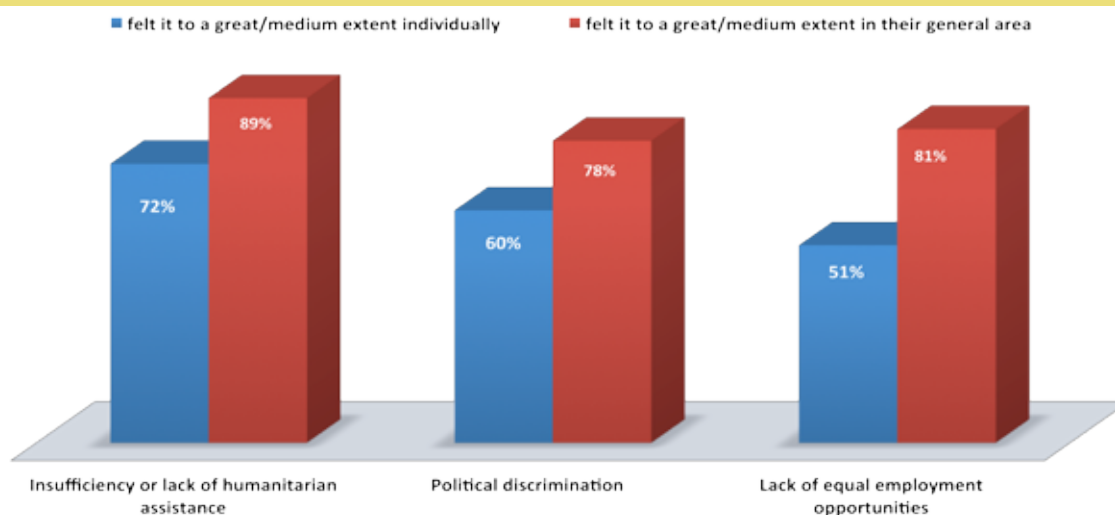


An Israeli soldier arresting a Palestinian child in Nabi Saleh, August 2015 (@Mohamad Torokman)

The above results indicate that the **greatest protection shortages** are:

- 1. Insufficiency or lack of humanitarian assistance** (72 percent felt it to a great/medium extent individually, 89 percent felt it to a great/medium extent in their general area (of UNRWA operation)).
 - Based on BADIL’s findings, and consideration of the previous edition of the Survey of Palestinian Refugees and IDPs 2010-2012 (*see chapters 2 and 3*), it is important to mention here that the term “humanitarian assistance” for the surveyed refugees exceeds the scope of humanitarian aid provided to them by UNRWA. While it does not include physical and all legal protection aspects, it does entail all fundamental civil, social and economic rights. Moreover, refugees’ understanding of ‘humanitarian assistance’ is not equivalent to that of experts and legal researchers. Rather, it is linked to the fundamental rights and associated dignity to which they are entitled as they await the time whereby they may exercise their voluntary choice of durable solutions (repatriation, integration or resettlement). Accordingly, it is vital here to present the lack of humanitarian assistance as a lack of legal protection, including all fundamental human rights, and not merely as a lack of emergency relief, shelter, basic education and basic healthcare.
- 2. Political discrimination** (60 percent felt it to a great/medium extent individually, 78 percent felt it to a great/medium extent in their general area (of UNRWA operation)).
- 3. Lack of equal employment opportunities** (59 percent felt it to a great/medium extent individually, 81 percent felt it to a great/medium extent in their general area (of UNRWA operation)).

Figure 4.9: Percentage distribution of main protection gaps by their perceived impact, measured both by perceived impact upon the individual and their locality



These top three protection shortages of concern were marked as the most concerning shortages both when questioned as per their impact on the individual, and also as affecting the respective communities as a whole. However, the results suggest that most protection shortages have a greater effect on the community as a whole than on the refugee individually. This trend is notable and is illustrative of how Palestinian refugees see themselves, both individually and as a collective entity. A pragmatic explanation of the variance in percentages is that an individual may not be personally affected by a protection shortage, but might know of an individual or several individuals within

the larger community who have been affected by a protection shortage. For instance, while an individual refugee may not have personally experienced risk of arbitrary arrest, he or she may know of others who have. As such, while shortages may not be felt on a personal level, this statistic indicates a shared understanding and communal awareness of protection shortages felt on a larger scale by the refugee community as a whole. On a larger, more symbolic and psychological level, this trend reflects the priority given by Palestinian people to assert their collective rights. As such, this trend may indicate a broader phenomenon of maintaining the collective Palestinian national identity, shared struggle, and unity. In the context of 67 years of exile, discriminatory policies in host states or forced secondary displacement, these results might indicate that Palestinians still believe in the importance of maintaining unity, a common identity, and also the rejection of permanent integration into their host states.

Not surprisingly, the three greatest-felt protection shortages also correlate with the refugees' priorities in addressing protection shortages.

Refugees were asked to rank shortages in protection based on priority. The overwhelming response for the first priority was to address the **insufficiency or lack of humanitarian assistance (host country or international organizations), cited by 43 percent of refugees surveyed as the foremost protection shortage**. Across the four areas surveyed, this view was particularly present in the West Bank, where a majority (55 percent) of refugees stated this was their first priority. This could be attributed to the unfulfilled expectations of refugees regarding the role of the Palestinian Authority and the “peace process”, and the increasing sentiment of being ignored by both. It could also be a sign of the dissatisfaction of refugees with UNRWA in general, particularly now that most of the agency’s efforts are focused on the crises in Syria and the Gaza Strip.

This view was least prominent in Jordan, where 31 percent of refugees stated that insufficiency or lack of humanitarian assistance was their first priority. This could be attributable to the relative stability currently experienced in Jordan in contrast to the widespread instability elsewhere in the area, as well as the fact that Palestinian refugees in Jordan are not as primarily dependent on UNRWA’s assistance as they are elsewhere, given the more advantageous civil status enjoyed by Palestinian refugees residing in Jordan than in Lebanon, for instance. It could be erroneous, however, to deduce that the shortages in protections to which Palestinian refugees are entitled are somehow less pronounced in Jordan. This can be seen in the testimonies of the Palestinian refugees from Syria who participated in the Focus Group in Jordan. (*See Focus Groups below*)

Approximately 20 percent of the surveyed refugees listed political discrimination as their second priority regarding protection shortages.

This opinion was most strongly voiced by those in the Gaza Strip, with a third of those surveyed citing this as their second priority. This is perhaps a manifestation of a shared sentiment of disillusionment and dismissal of Hamas rule in Gaza. Moreover, it could also be an expression of rejection towards Egyptian policy and the media-driven campaign of mistrust and hatred towards the Palestinian people, specifically those in Gaza, stemming from Egyptian security concerns and the government’s confrontation with the Muslim Brotherhood. As such, sentiments regarding political discrimination here may not be limited to the PA or Hamas, but may also be in response to recent measures and statements made by Egyptian officials and mainstream media agencies. According to field researchers’ reports, many Palestinian refugees surveyed found it difficult to distinguish between ‘nationality-based discrimination’ and ‘political discrimination’, as they attributed the latter to their nationality. Therefore, it would be reasonable to assume

that if the questionnaire included a question about ‘discrimination’ without stating the perceived underpinning reason for this discrimination, the percentage would be higher and the ranking of shortages would be changed accordingly.

The **third priority** that was most commonly cited (by 18 percent of those surveyed) was the **lack of equal employment opportunities**, further underscoring the extent to which the refugee population feels this protection shortage throughout the areas surveyed.

The conclusion of such results is that these are the three main protection shortages currently facing Palestinian refugees. The fact that these findings are repeated through a range of questions highlights the urgency and acuteness of these shortages and the pressing need for both humanitarian and state agencies to address them.

On a different note, it is also important to note that two out of the three main protection shortages concern basic human needs: humanitarian assistance and employment. Perhaps the worsening living conditions of Palestinian refugees might have had an impact on political aspirations, and their main priorities might have switched to addressing their basic needs and those of their families. As seen in the results, the dependency rates are high within Palestinian refugee households, and this creates pressure on breadwinners to provide for the needs of their family. As a result, the protection gaps in other, perhaps more political, aspects are not given such a priority.

The final overall trend is that **protection shortages are felt much more acutely** (i.e., a greater percentage of refugees indicated that the shortage was felt to a “great/medium extent”) **within a general setting across the society, as opposed to on an individual basis.**



5-year-old Wadia arrested with his father, also blindfolded, by the Israeli army in Hebron, July 2013 (©ISM)

Refugees were asked about the protection shortage as it affected life in general across their area (of UNRWA operation), and also as it affected them individually. The degree to which the **protection shortage affects the refugees to a “great/medium” extent is approximately twice as much in the area as a whole compared to the effect on individuals.**

The difference between impact upon individuals and wider communities is revealed in the following results:

1. Religion-based discrimination: While only 8% of the surveyed individuals felt a protection shortage, more than three times that number - 25% - stated the effect was felt within their area.
2. Restrictions on the right to change place of residence (by the host country): 11% of the surveyed individuals who felt a protection shortage felt a great/medium level of effect; 30% stated that a great/medium effect was felt within their area.
3. Prevention of leaving the host country (by the host country): 15% said this shortage affected their lives to a great/medium level individually, and 37% stated the effect was felt to a great/medium extent within their area.
4. Denial of the right to own property (by the host country): 14% felt a great/medium level individually, 35% stated the effect was felt to a great/medium extent within their area.
5. Prevention of establishing private businesses (by the host country): 14% felt a great/medium level individually, 35% stated the effect was felt to a great/medium extent within their area.
6. Denial of family unification (whether in the host country or other states): 23% felt a great/medium level individually, 50% stated the effect was felt to a great/medium extent within their area.
7. Risk of arbitrary detention (host country): 26% felt a great/medium level individually, 46% stated the effect was felt to a great/medium extent within their area.
8. Failure to grant travel document (by the host country): 17% felt a great/medium level individually, 44% stated the effect was felt to a great/medium extent within their area.

Based on these statistics, it may be concluded that Palestinian refugees feel significantly more vulnerable collectively. Moreover, while some protection shortages do not have a severe individual impact on refugees, they represent a shortage felt within the area as a whole.

4.6 Role of Selected Actors in Providing Protection for Refugees

The survey investigated the refugees' perceptions towards particular protection services/interventions by the main suggested agencies/bodies. In **addressing the shortage in providing refugees with travel documents by the host country, the PLO was seen as the most effective agency as a whole** (49 percent of those surveyed believed them to perform an effective role and 14 percent believed them to perform a marginal role), while other agencies had a perceived lesser role in providing such service. It is worth mentioning that the percentage of surveyed refugees who encountered shortage in this service amounted to roughly 16 percent.

A shortage in public services represents one of the primary issues faced by Palestinian refugees. The PLO and UNRWA were the other main agencies that refugees cited in addressing this shortage. 56 percent found the PLO effective and 29 percent found UNRWA effective in addressing these protection shortages.

Discrimination against Palestinian refugees takes many forms. The highest form of discrimination was political discrimination, followed by legal discrimination by the hosting country - felt by 44 percent of those surveyed - while the lowest was religion-based discrimination by the host country, felt by roughly 11 percent. **According to the surveyed refugees, the PLO was the main agency playing a role in removing all existing forms of discrimination** (about 16 percent of those surveyed believe the PLO to play an effective role and 18 percent believe them to play marginal role). Other agencies were perceived to play less of a role, **but overall, the percentage of refugees who believe that effective intervention is being undertaken to remove such discrimination remains low**. This is especially concerning in light of the large number of those who suffer from varying forms of discrimination.

Reunification of Palestinian refugee families is another major protection shortage. Roughly **61 percent of refugees believe that the PLO plays the primary role in solving the problem of reunifying families** (about 42 percent see the PLO as playing an effective role and 19 percent see them as playing a marginal role), while the host countries were perceived by 52 percent of surveyed refugees as having a role (about 37 percent ‘effective role’ and 16 percent ‘marginal role’). UNRWA, the Popular Committees, and NGOs were seen as less effective in this regard.

85 percent of refugees perceive the host countries as being the main provider for security in camps (about 65 percent deeming that role to be effectively performed and 21 percent stating this performance as marginal). Palestinian popular committees in camps were cited as the agency/body that played the second largest function in providing security with 56 percent of refugees stating it played a role (roughly 23 percent saw this role as being performed effectively , and 32 percent perceiving this performance as marginal).

The following table outlines the perceived effectiveness of the various agencies, and which was most effective in addressing the respective tasks:	
PLO	<ul style="list-style-type: none"> Intervention with the host country to facilitate obtaining travel documents (48.5% perceived them as being effective) Intervention with the host country to eliminate all existing forms of discrimination (15.7% perceived them as being effective) Intervention to guarantee access to public services in the host country (23.8% perceived them as being effective) Intervention to guarantee family unification (41.5% perceived them as being effective) Intervention with the host country to ensure <i>non-refoulement</i> during waves of secondary displacement (28% perceived them as being effective) Working on finding durable solutions based on international law including Resolution 194 (53.9% perceived them as being effective)
Host Country	<ul style="list-style-type: none"> Providing Legal assistance before courts in the host country (36.7% perceived them as being effective) Providing Security in the Camp (64.2% perceived them as being effective)
UNRWA	<ul style="list-style-type: none"> Providing Humanitarian Assistance (59.9% perceived them as being effective) Intervening with host country to secure access to public services (23.8% perceived them as being effective) (Joint with the PLO)

4.7 Analysis of Refugees Trends by Region

Overall, the primary protection shortages were similar in all four surveyed areas, insufficiency or lack of humanitarian assistance being one of the main protection gaps in all of them. In the Gaza Strip the primary protection shortages were political discrimination and insufficiency or lack of humanitarian assistance. In the West Bank and Lebanon the two main protection gaps were insufficiency or lack of humanitarian assistance and the lack of in personal security inside camps. In Jordan, the lack of humanitarian assistance, lack of equal employment opportunities and political discrimination were marked as significant protection gaps.

The Gaza Strip

In the Gaza Strip, the primary protection shortages in the camps were **political discrimination (by the host country or international organizations) and insufficiency or lack of humanitarian assistance (by the host country or international organizations)**, felt by 89 percent and 86 percent of those surveyed, respectively.

With regards to attitudes and perceptions towards agencies in addressing these two main issues, the PLO was seen as the most effective organization to remove discrimination (in all kinds), cited by 36 percent of refugees as playing a role (11 percent effective and 25 percent marginal). However, this still does not represent a significant percentage, further highlighting the need for agencies to address this shortage. **Regarding humanitarian assistance, a sizable 97 percent of those surveyed asserted that UNRWA played a role, 87 percent of whom stating that this role was effective. This is interesting to note, as despite the fact that an overwhelming number of refugees find UNRWA effective in addressing this issue, lack of humanitarian assistance is still seen as the most significant and widely-cited protection shortage. This leads to the conclusion that despite the dominant role that UNRWA plays in the Gaza Strip - a role that outweighs other actors working in the area - the agency's efforts are still seen as insufficient.**

	Political Discrimination	Lack of humanitarian assistance
PLO	11.3%	40.1%
UNRWA	10%	87.1%
HOST COUNTRY	N/A	43.7%
INTERNATIONAL NGOs	3.9%	11.7%
POPULAR COMMITTEES	3.4%	17.1%

West Bank

In the West Bank, the primary protection shortages in the camps were **insufficiency or lack of humanitarian assistance (72 percent) and the lack of personal security in the camp (68 percent)**.

Currently, West Bank refugees are not facing an immediate humanitarian crisis, and as such, UNRWA has no corresponding emergency interventions. However, there still remains a great need for humanitarian assistance, as suggested by the data, which

is contributing to a growing sense of marginalization among Palestinian refugees. Furthermore, the shortage of personal security in the camp environment explains the rise in social problems within such spaces. These problems are further exacerbated by camp overcrowding, unemployment, and poverty. UNRWA’s mandate does not include a physical protection dimension, and PA intervention within the camps is a politically-sensitive issue. Prior attempts by the PA to intervene in the camps accentuated an aversion to PA-interference as well as a culture of self-organization within the camps themselves. Consequently, this further compounds issues surrounding shortages in camp security.

In terms of addressing these problems, when refugees in the West Bank were asked about the role of selected agencies in **addressing the insufficiency or lack of humanitarian assistance**, 93 percent asserted that the host country played a role (81 percent saw this role as effective and 12 percent saw this role as marginal), while 82 percent asserted that UNRWA played a role (67 percent saw this role as effective and 15 percent saw this role as marginal).

	Lack of humanitarian assistance	Lack of personal security in the camp
PLO	58.6%	61.9%
UNRWA	67.2%	28.2%
HOST COUNTRY	80.3%	83.5%
INTERNATIONAL NGOs	33%	27%
POPULAR COMMITTEES	45.4%	44.3%

While other actors also play major roles, these two bodies - UNRWA and the host country (the Palestinian Authority in this case) - were cited as the most effective. Again, we see that despite several parties playing significant and effective roles in addressing this issue, it remains the primary protection shortage and greatest priority to refugees. Addressing this disparity is important for agencies and other relevant actors moving forward.

Jordan

In Jordan, the primary protection shortages in the camp were **lack of humanitarian assistance (77 percent)**, **lack of equal employment opportunities (77 percent)**, and **political discrimination (63 percent)**.

In addressing the issue of humanitarian assistance, refugees found that UNRWA, the

	Lack of humanitarian assistance	Lack of equal employment opportunities	Political discrimination
PLO	0.9%	0.4%	0.4%
UNRWA	17.7%	0.4%	0.4%
HOST COUNTRY	33%	N/A	N/A
INTERNATIONAL NGOs	3.4%	0.5%	0.5%
POPULAR COMMITTEES	1.2%	0.3%	0.3%

Popular Committees, NGOs and the host country all played a role. However, it is striking that they found all these organizations, with the exception of UNRWA and the host country, to be playing a relatively marginal role. For instance, 41

percent stated that the Popular Committees played a role, but only 1 percent considered this role to be performed effectively. Similarly, 49 percent found NGOs to play a role, but only 3 percent found that role to be performed effectively. **This could be attributed to the weakness of civil society movements in Jordan or to security restrictions in general.** This contrasts with UNRWA, where 51 percent believed UNRWA to play a role (18 percent saw this role as being performed effectively, and 34 percent saw this role as being performed with marginal effectiveness). 59 percent of those surveyed saw the host country as playing a role (33 percent saw this role as being performed effectively and 26 percent saw this role as being performed with marginal effectiveness).

Regarding addressing discrimination, surveyed refugees in Jordan found NGOs to be playing the most significant role among the bodies and agencies (18 percent); however, only 0.5 percent believed this role to be performed effectively. This highlights a need for agencies/actors to effectively address this protection shortage in the future. This very low percentage (0.5 percent) underscores the weakness of civil society efforts, and also reflects the absence of an official Palestinian or UN intervention against this issue.

Lebanon

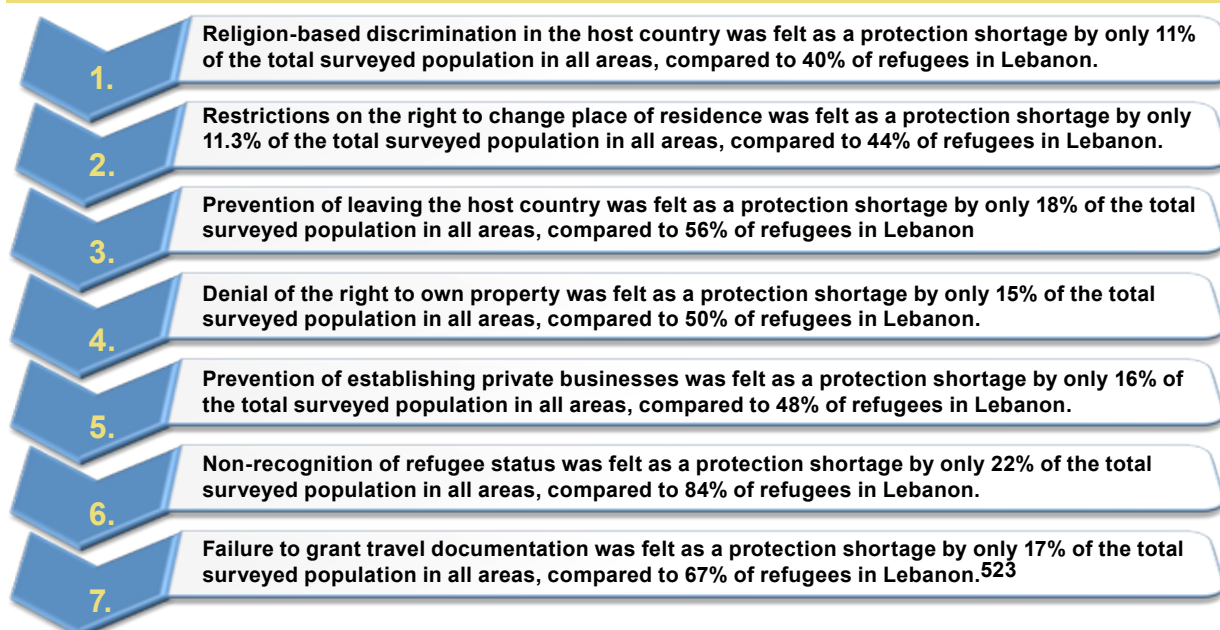
In Lebanon, the primary protection shortages in the camps were **lack of humanitarian assistance (87 percent) and a lack of personal security in the camp (76 percent).**

Again, UNRWA was seen as playing the most effective role in addressing the lack of humanitarian assistance, with 41 percent asserting that it played a role and 35 percent saying that role was performed effectively. **Despite UNRWA's perceived role, humanitarian assistance was still the most commonly cited protection shortage, illustrating an area for further agency focus in the future.** Regarding personal security, a significant portion of refugees in Lebanon stated all agencies played a role. However, the bodies and agencies that were perceived as playing the most significant and effective role were the PLO (77 percent said it played a role and 40 percent saw this role as being performed effectively) and the Popular Committees (65 percent said they played a role and 28 percent saw this role as being performed effectively). Despite the effective roles of these actors/agencies, this issue remains a protection shortage. Therefore, there needs to be an increase in efficacy of the work by bodies that currently play a comparatively marginal role within this issue.

Based on individual refugees' reporting, some protection shortages were felt significantly more in Lebanon in comparison with the other areas surveyed (i.e., the Gaza Strip, the West Bank, and Jordan). The following protection shortages highlight the official discrimination, restrictions, and marginalization of Palestinian refugees in Lebanon, which were felt two to three times more in comparison with other areas surveyed.

	Lack of humanitarian assistance	Lack of personal security in the camp
PLO	11.1%	39.5%
UNRWA	35.3%	18.3%
HOST COUNTRY	5.2%	19.7%
INTERNATIONAL NGOs	16.1%	18.6%
POPULAR COMMITTEES	6.9%	28%

Other shortages by region: Refugees in Lebanon are the most affected group



It is well known that Palestinian refugees in Lebanon face more pronounced protection shortages in comparison with other host countries, and these statistics provide tangible data that confirm this reality.

4.8 Refugees' Involvement in UNRWA Services⁵²⁴

Involvement of refugees in designing the standards of the services offered to the refugees by UNRWA:

More than half of the refugees disagree or strongly disagree that they are involved in designing the standards of the services offered to the refugees by UNRWA, such as the kind of service or eligibility. **Palestinian refugees in Lebanon felt the most involved in designing these standards, as 71 percent** agreed or strongly agreed that they were involved. **This may be attributed to feelings of being represented vis-à-vis Palestinian factions active within Lebanon. The strong presence of political factions in Lebanon in conjunction with the lack of involvement of the host country in matters of operating and controlling the camps might explain this greater level of involvement through other agencies, such as UNRWA. The largest percentage of refugees that disagreed or strongly disagreed (78 percent) were residing in Jordan** and believed that they were not involved in designing the standards of the services provided by UNRWA. This was followed by refugees in Lebanon (52.3 percent), the Gaza Strip (50 percent), and the West Bank (43.2 percent). This is perhaps a result of UNRWA coordinating its operations with the government, resulting in less visible contact with - and engagement of - refugees by the agency.

⁵²³ This was also an issue faced by a reasonably sizable portion of the Jordanian refugee population—20.7%.

⁵²⁴ The questions addressed in this section were developed in collaboration with UNRWA.

Involvement of refugees in determining the ways, means and mechanisms of implementing the services:

The results of the survey showed that the involvement of Palestinian refugees in determining the ways, means and mechanisms of implementing the services is still lower than desirable for refugees, as only 38 percent of the refugees surveyed agree or strongly agree with the idea that they are involved, while an overwhelming 56 percent disagree or strongly disagree with this statement. There is general consensus within the areas of the Gaza Strip, West Bank and Lebanon, where 45-47 percent agreed they were involved in determining the implementation of the services. This contrasts strongly with Jordan, where only 12 percent held this view. This corroborates with the previous explanations that commented on the feeling of being represented by a national body. In the Gaza Strip, the West Bank and Lebanon, there are more accessible and visible agencies that are seen as representatives for Palestinian refugees.

This is significantly weaker in Jordan, which perhaps results in a sense of disenfranchisement and distance from service provision processes. However, this sentiment does not imply that refugees are aware of the scope of participation to which they may be entitled, nor that there is a specific mechanism ensuring their participation.

Involvement of refugees in implementing the services:

There is a relatively large variance in refugees' perception of their involvement in implementing UNRWA's services, but on average a little more than a third of the population in the four areas agree or strongly agree that they are involved in this process. 57 percent of the refugees in the West Bank agree or strongly agree with the idea of the refugee involvement in monitoring UNRWA-provided services. There is a similar percentage in the Gaza Strip. However only 30 percent in Lebanon agree or strongly agree, and a mere 10 percent in Jordan agree or strongly agree.

Figure 4.10.1: Percentage distribution of refugees who agree or strongly agree that they are involved in determining the ways, means and mechanisms of implementing the services, by area

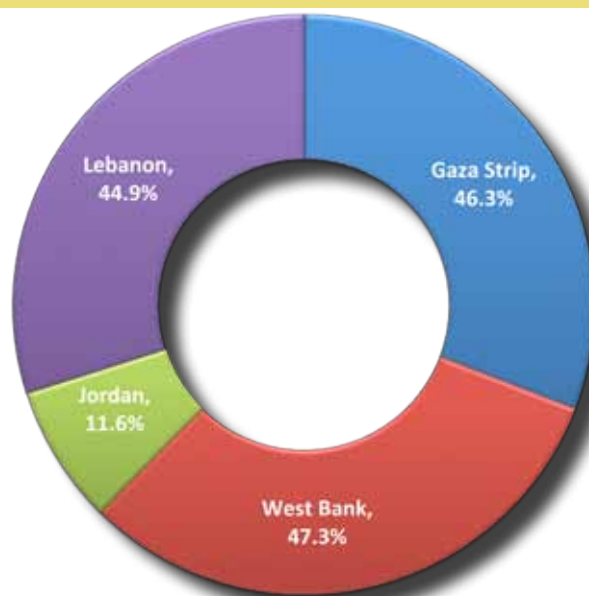
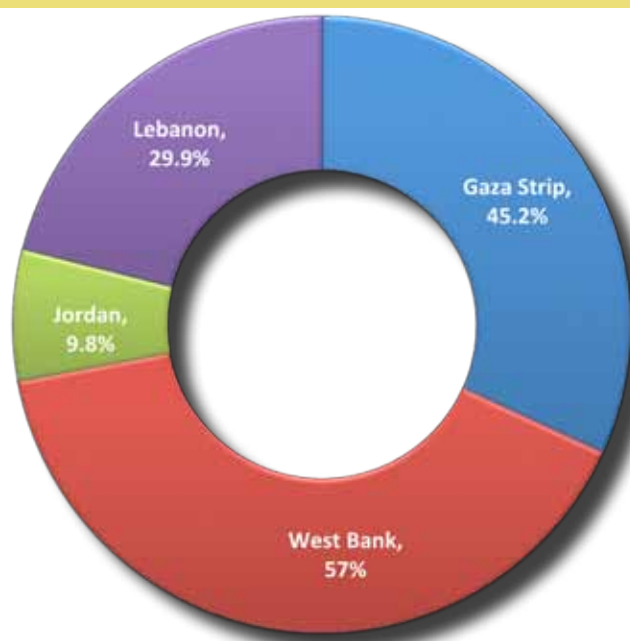


Figure 4.10.2: Percentage distribution of refugees who agree or strongly agree that they are involved in implementing the services, by area



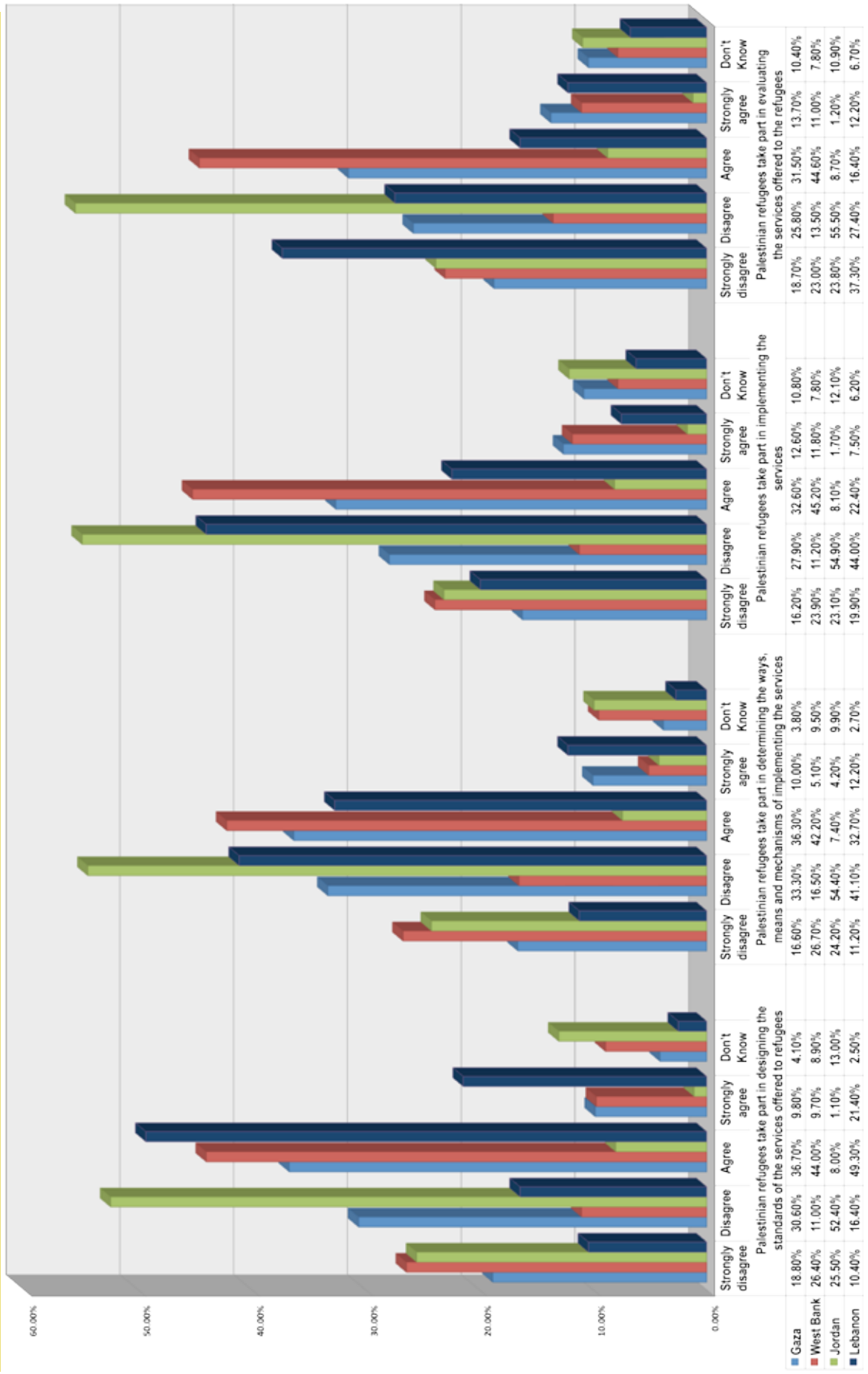
Involvement of refugees in evaluating the services offered to the refugees by UNRWA:

There is a similar pattern in the surveyed refugees' sense of involvement in the evaluation process. While the statistics varied across the four areas, refugees in the West Bank feel most involved, with 56 percent of those surveyed in the West Bank agreeing or strongly agreeing. Surveyed refugees in Jordan feel the least involved, with only 10 percent stating that they agree or strongly agree. Refugees surveyed in the Gaza Strip and Lebanon fell somewhere in between with 45 percent and 29 percent agreeing or strongly agreeing, respectively. (see Figure 4.12)

Across these categories, it appears that refugees in Jordan feel the least involved in various stages of UNRWA's processes, highlighting a potential regional protection shortage.



Figure 4.11: Percentage distribution of refugees by their perception of refugees' involvement in UNRWA services, by particular roles



4.9 Durable Solutions

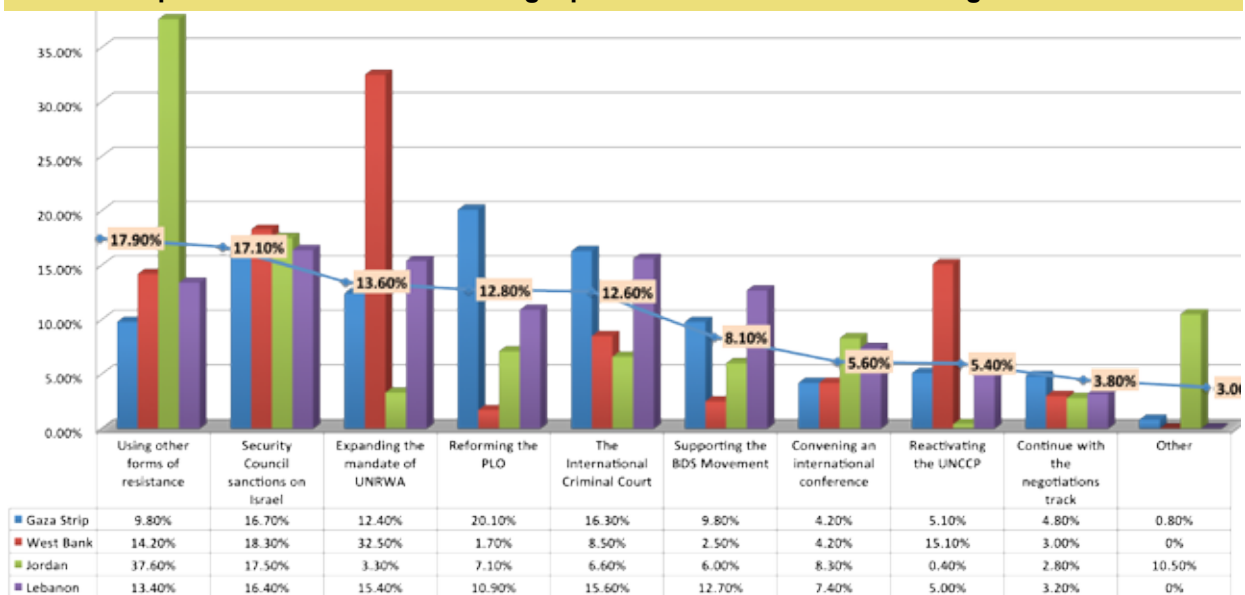
Refugees expressed their views towards a permanent solution for the Palestinian refugee issue based on pre-selected measures (see Figure 4.13). While there was not an overwhelming majority response, the results indicate that the preferred first option (for 18 percent of those surveyed) for a durable solution is the exploration of alternative forms of resistance other than BDS. This was closely followed by UN Security Council sanctions, preferred by 17 percent of those surveyed; expansion of UNRWA’s mandate (14 percent), and both reform of the PLO and engagement with the International Criminal Court (ICC), each scoring roughly 13 percent.

The relatively low support for finding a permanent solution through “negotiation” demonstrates the widespread rejection of the current approach to the “peace process”. The more popular approaches - including alternative forms of resistance, reform of the PLO, and BDS - illustrate a shared belief among Palestinian refugees in the need to invest in alternative means that force Israel to comply with international law, to end impunity and to actively pursue their own entitlements as opposed to waiting for others to pursue them on their behalf.

On a regional level, there was variation regarding the most desirable permanent solution for Palestinian refugees. This is understandable due to varying political and social contexts within each individual area. In the Gaza Strip, one fourth of those surveyed stated that reform within the PLO was their first choice. This is possibly an expression of the need for a national unified body more expansive than the PA. Interestingly, this was the least popular option in the West Bank, as less than 2 percent of refugees in this area stated it as their first choice. This could be attributed to the overwhelming presence of the PA in the West Bank. As such, Palestinian refugees in the West Bank might not see a need for the PLO, or distinguish as closely between the PA and PLO. This highlights a stark variance even within the occupied Palestinian territory regarding the preferred avenues toward a permanent solution.

In the West Bank, the most popular first choice, chosen by approximately one third of refugees,

Figure 4.12: Percentage distribution (ranked in descending order) of refugees by their preferred choice for achieving a permanent solution for the refugee issue



was to expand UNRWA's mandate. Again, this is notable because, generally, Jordanian refugees reported that they were the least involved in UNRWA's processes in comparison to the three other areas. In Jordan, "other forms of resistance" was chosen as the most popular first choice, and almost 40 percent of those surveyed indicated this option as their priority.

Finally, in Lebanon, there was the least consensus among the surveyed refugee population as to a first choice. Almost all options were selected by 10 percent to 20 percent of the population. However, the three most popular choices (each one selected by approximately 16 percent of the refugees) were: to expand UNRWA's mandate; to impose UN Security Council sanctions; and to pursue individual criminal responsibility for Israeli perpetrators of war crimes and crimes against humanity through the International Criminal Court.

The lack of a clear first choice and the varied responses to this question indicates a degree of fragmentation among Palestinians, and the absence of a unified national body with a national strategy. Moreover, it could indicate the refugees' frustration with the failure in achieving a just and durable solution in the decades since 1948. The desire of refugees to look towards the United Nations and its agencies may indicate a willingness to internationalize issues revolving around Palestinian refugees, or a dissatisfaction with the international community's failure to enforce relevant resolutions. This exists in tandem with the need for a regional strengthening in policy, to be pursued through a reforming of the PLO. Finally, the stagnation in "peace process" negotiations may explain the desire among Palestinian refugees to pursue alternative forms of resistance.

It is important to consider the concerns of Palestinian refugees in seeking a permanent solution as a tool to re-evaluate their needs. Significantly, it provides context to some of the aforementioned protection shortages and highlights potential future steps for government and non-governmental agencies, as well as regional and international stakeholders.

UNRWA's emergency food distribution to Palestinian refugees in Syria, April 2014 (© UNRWA)



4.10 Focus Group Analysis

To complement the quantitative research of the questionnaire, BADIL field researchers held two focus groups, one in Lebanon and one in Jordan, with the aim of better understanding the perceptions and experiences of Palestinian refugees from Syria regarding international protection. Each focus group included six Palestinian refugees from Syria, each from diverse age, gender and socio-economic backgrounds. These focus group participants had left Syria because of the ongoing unrest and out of fear for their lives.

The interviews focused on the main aspects of international protection relevant to those suffering from forced secondary displacement. The questions revolved around some of the main principles of customary international refugee law such as *non-refoulement*, non-discrimination, equality, refugee status determination, as well as humanitarian relief. The following is an overview of how these different principles and responsibilities were applied in the case of the Palestinian refugees from Syria who participated in the focus groups.

Lebanon

All the participants of the Lebanon-based focus group reported that they had been treated very badly by the Lebanese border officials when fleeing Syria. They had to wait for hours before being able to enter, and some were granted entry only after paying a bribe. However, upon entering Lebanon they were handed a one-week tourist visa and were not recognized as refugees. These statements are supported by different reports and articles published in the last two years regarding the entry policy for Palestinian refugees from Syria at the Lebanese border.⁵²⁵

“I had to bribe the Lebanese border official in order to get through. The Lebanese government doesn't want to recognize us as refugees because if they do so, consequently they should have legal responsibilities towards us, but they do not want to. We cannot work or move. We always live under the threat of being caught, arrested and in some cases even deported. If the Lebanese authorities catch me, they will not look at me as a refugee who escaped from Syria, they will look at me as an illegal immigrant who overstayed his permit.”

Abu Mohammad, Palestinian Refugee from Syria in Lebanon

This policy leaves Palestinian refugees from Syria in an extremely vulnerable position, as once the visa expires, their very presence inside Lebanon becomes illegal. This lack of legal status makes it very difficult and unsafe for them to travel inside Lebanon, as they may be arrested or deported back to Syria in the event of being caught by the Lebanese authorities. This also means that, were they to leave Lebanon, they would not be able to return. In addition, such a status also excludes them from official/governmental assistance or subsidiaries.

More recently, Lebanon has closed its borders completely to Palestinian refugees from Syria, yet leaving them open for Syrian refugees. Not only are Palestinian refugees no longer granted entry, but those already present in Lebanon are facing further restrictions and, presently, it is almost impossible for Palestinian refugees from Syria to renew

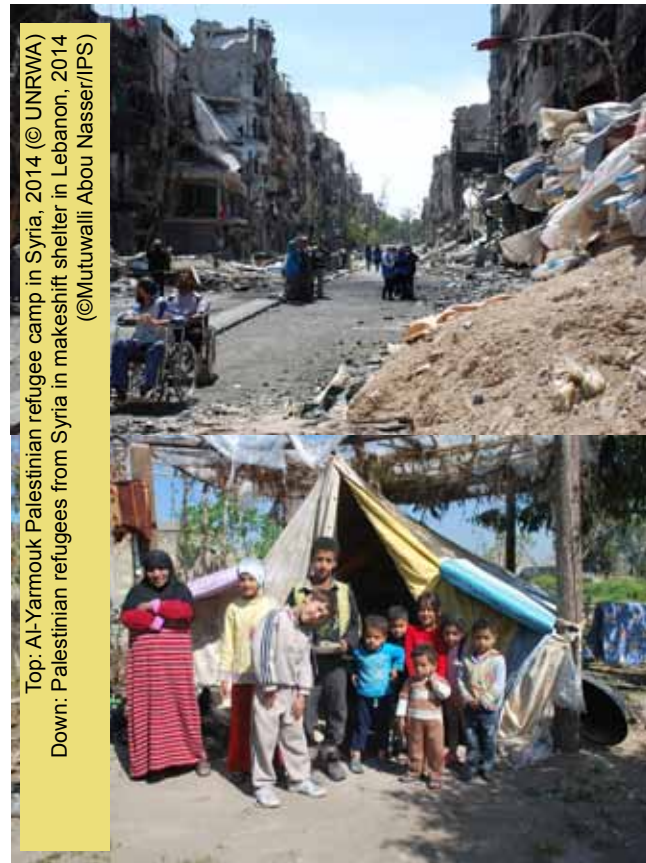
⁵²⁵Noura Erakat, "Palestinian Refugees and the Syrian Uprising: Filling the Protection Gap During Secondary Forced Displacement," *Oxford Journal of International Refugee Law*, 2014, Forthcoming, 40; IRIN, "Palestinian Refugees from Syria Feel Abandoned," August 29, 2012, <http://www.irinnews.org/report/96202/analysis-palestinian-refugees-from-syria-feel-abandoned>.

their visas.⁵²⁶ Therefore, all Palestinian refugees from Syria in Lebanon are currently deemed to be illegally present and thus at risk of arrest and deportation.⁵²⁷

All of the participants declared that they do not feel safe or secure in Lebanon. They are under constant threat of being arrested or deported and their living conditions are much worse than those of the Palestinian refugees in Lebanon, other refugees, foreigners or Lebanese citizens. They are also subject to discrimination as they do not receive the same services as Syrian refugees, or even Palestinian refugees from Lebanon.⁵²⁸ For example, the participants of the focus group have not yet been able to study in UNRWA schools because their student files were in Syria.

“We had to find housing by ourselves. No organization or institution helped us with that. The rent is so expensive here. No one helped us for education, and the unbelievable thing is that we are not able to study in the UNWRA schools because the UNWRA schools in Lebanon are not able to access the student files in the UNRWA schools in Syria in order to document the level of the students... therefore we are not authorized to attend schools...”

Nassar, Palestinian Refugee from Syria in Lebanon



Top: Al-Yarmouk Palestinian refugee camp in Syria, 2014. (© UNRWA)
Down: Palestinian refugees from Syria in makeshift shelter in Lebanon, 2014 (©Mutuwalli Abou Nasser/IPS)

“No one cares about us. They throw the responsibility to each other. We are like aliens from outer space.”

Mohammad, Palestinian Refugee from Syria in Lebanon

“I have an identity crisis. Who am I? Am I Arab? Palestinian? Syrian? Refugee? Human being? I don't know what to feel. I feel like a foreign body.”

Hazem, Palestinian Refugee from Syria in Lebanon

⁵²⁶Ray Smith, “Lebanon a Hostile Refuge for Palestinians Fleeing War in Syria,” *Electronic Intifada*, January 9, 2015, <https://electronicintifada.net/content/lebanon-hostile-refuge-palestinians-fleeing-war-syria/14171>.

⁵²⁷Human Rights Watch, “Lebanon: Palestinians Barred, Sent to Syria,” May 6, 2014, <http://www.hrw.org/news/2014/05/05/lebanon-palestinians-barred-sent-syria>.

⁵²⁸Amnesty International, “Denied Refuge: Palestinians from Syria Seeking Safety in Lebanon,” July 1, 2014, <http://www.amnesty.org/en/library/asset/MDE18/002/2014/en/902e1caa-9690-453e-a756-5f10d7f39fce/mde180022014en.pdf>; Akram et al., “Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing”, International Human Rights Clinic - Boston University School of Law, July 2014.

Jordan

The experiences of Palestinian refugees from Syria at the Jordanian border were very similar to those outlined above, in relation to Lebanon. Those who fled the conflict in Syria during the first months were able to enter Jordanian territory, although many encountered difficulties. However, since 2012 the border has been closed to Palestinians, and those who have entered during this time have had to do so illegally.⁵²⁹ According to the participants of the focus group, this resulting illegal status places Palestinians under a constant threat of arrest and deportation. Not being recognized as refugees by Jordan, they are not provided with official travel documents, whilst some are even kept in closed areas, such as Cyber City; a sprawling walled complex of technology companies near the town of Ramtha.⁵³⁰

All of the interviewees asserted that, compared to Syrian refugees, they have faced discrimination. The former are better treated, and have greater access to services and protection, both from international agencies and the Jordanian government.⁵³¹ One woman claimed that she hid her Palestinian refugee ID and declared herself to be Syrian in order to have the same legal treatment and attention that Syrians receive.

Discrimination is also experienced between 1948 Palestinian refugees and 1967 Palestinian refugees from the Gaza Strip. The former group were given Jordanian citizenship, and therefore, are allowed to leave the country and return.⁵³² The second group - Palestinian refugees from the Gaza Strip who fled to Jordan in 1967 - are not considered citizens. This legal disparity has huge consequences in terms of protection of civil rights, and on living conditions of those affected. According to UNRWA, these Palestinian refugees from the Gaza Strip “lack legal status in Jordan and are denied many of the basic services and rights afforded to pre-67 refugees, including access to state schools, government employment, and healthcare.”⁵³³ The most recent Palestinian refugees from Syria are in an even more vulnerable situation, especially those

“We are living a second Nakba... once in 1948 and now it's happening again ... twice displaced ... we lost everything in our life ... our homeland... and now we lost again the alternative to it ...”

Munira, Palestinian Refugee from Syria in Jordan

“The PLO should take care of us; they should ask about our condition; they should ... they should ... do many things ... but they don't care ““We are refugees and we should be entitled to protection. Suppose that tomorrow Jordan gets tired of us, what will happen to us? Where we will go? What we will do? We live in a limbo...”

Abu Azzam, Mariam, Palestinian Refugee from Syria in Jordan

⁵²⁹ ACAPS and MapAction, “Quarterly Regional Analysis for Syria (RAS) Report, Part II - Host Countries,” Syria Needs Assessment (SNAP), April 2014; Human Rights Watch, “Not Welcome: Jordan’s Treatment of Palestinians Escaping Syria,” August 2014, http://www.hrw.org/sites/default/files/reports/jordan0814_ForUpload_0.pdf.

⁵³⁰ UNRWA, “Syria Regional Crisis Response Update 75,” 75.

⁵³¹ Human Rights Watch, “Jordan: Bias at the Syrian Border,” July 4, 2012, <http://www.hrw.org/news/2012/07/04/jordan-bias-syrian-border>.

⁵³² Akram et al., “Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing”, International Human Rights Clinic - Boston University School of Law, July 2014.

⁵³³ Dario Sabaghi, “Born & Bred without Rights: Gaza Strip Refugees in Jordan,” July 10, 2015, <http://reliefweb.int/report/jordan/born-bred-without-rights-gaza-strip-refugees-jordan>.

who entered Jordan after April 2012, when Jordan started implementing its no-entry policy for Palestinians.⁵³⁴

The participants claimed that the only help provided by the Jordanian government was education (to those who managed to enter legally). However, they stated that Palestinian refugees from Syria cannot access higher education, such as universities.

Refugees' Perception of the Role to be Played by Relevant Actors:

In the opinion of Palestinian refugees, the major blame for the ongoing protection gaps falls on the PLO and UNRWA. Participants asserted that these two institutions must start fulfilling their responsibilities towards Palestinian refugees from Syria, and should play a more active role to this end.

Both focus groups stated that the work being done by UNRWA is insufficient; that services provided by UNRWA are insufficient to deliver a decent quality of life, and this is also corroborated by the responses to the questionnaire. The focus group participants agreed that UNRWA should increase the quality and quantity of services that the agency provides to Palestinian refugees. They also believe that UNRWA failed to implement its own mandate with respect to the protection of Palestinian refugees. Particularly in Lebanon, the participants emphasized that UNRWA had failed to put pressure on the Lebanese government in order to recognize them as refugees.

Both focus groups declared that the PLO has played a marginal role in alleviating the suffering of Palestinian refugees from Syria. They have not seen or heard from any PLO representatives or officials, although some participants in the Lebanese focus group claimed that, on one occasion, some representative of the PLO came to the camp and distributed boxes containing food and first aid supplies to some families, but not to all. Some participants said that when they actively sought help from the PLO they were ignored. Generally, all interviewees reported that they felt neglected by the PLO, and they believed it was the role of the PLO to represent them and take care of their interests.

Some of the interviewees in both focus groups were of the opinion that, now that the PA has been internationally recognized, it should also provide protection for its people, or at least should pressure host countries to afford official recognitions. Those in Lebanon also believe that the PA should pressure Lebanon to provide better living conditions to the refugees in Lebanon.

The embassies/mission offices of both the PLO and the PA should play a more effective role, assuming responsibilities towards Palestinian refugees from Syria. Some participants suggested that the PLO should issue identity documents or travel documents, offer economic assistance to Palestinian refugees from Syria in order to find better accommodation; push Jordanian education institutions to accept Palestinian refugees from Syria as students, and to have pursue Palestinian refugee access to universities.

Finally, many in the Jordanian focus group suggested that the Jordanian government should issue temporary passports for Palestinian refugees from Syria so as to give them the possibility to travel, as was the case previously with 1948 Palestinian refugees.

⁵³⁴Human Rights Watch, "Not Welcome", August 2014, <https://www.hrw.org/report/2014/08/07/not-welcome/jordans-treatment-palestinians-escaping-syria>

APPENDIX 4.1

METHODOLOGY

BADIL Resource Center for Palestinian Residency and Refugee Rights is an independent, community-based non-profit organization specializing in research and advocacy work regarding refugees and displaced persons. The aim of this opinion poll is to identify the perceptions of Palestinian refugees and displaced persons solely for research purposes, and specifically to be informed about:

1. Their knowledge of the concept of Palestinian Refugee protection as per international standards;
2. Their knowledge of the agencies responsible for Palestinian Refugee Protection;
3. The main protection gaps in UNRWA refugee camps;
4. Their perception on the protection role of selected agencies;
5. Their perception on refugee involvement in UNRWA processes;
6. Their views on the preferred options to reach a durable solution.

Methodology

Target Population

All Palestinian individuals residing in the camps (official camps), 18 years old and above, during 2015 (West Bank, Gaza Strip, Jordan, Lebanon).

Sample size

The estimated sample size is 3,089 individuals.

Items for sample size	Value used
Estimation	Proportions
Main indicator	50%
Marginal error	5%
Level of confidence (95%)	1.96

Marginal error 0.05

$$\frac{t^2 * P * (1 - P)}{(e)^2}$$

$$\frac{1.96^2 * 0.5 * (1 - 0.5)}{(0.05)^2}$$

Sample design

The sample is a three-stage stratified cluster sample:

First stage: Selection of a systematic random sample of 24 camps.

Second stage: Selection of a systematic random sample of households from each of the camps selected in the first stage.

Third stage: Selection of a systematic random sample of individuals from each of the households selected in the second stage.

Sample strata

The population was divided by:

1. Area (West Bank, Gaza Strip, Lebanon, Jordan)
2. Population group (camp size) (600 – 4700) (4701 – 9500) (9501 – 19500) (19501 – 47500) (47501+)

Distribution sample and frame

Camp name	Frame (Total camp population)	Total sample	Female sample	Male sample	Serial number	
					min	max
Deir el-Balah	20,500	56	28	28	1	56
Nuseirat	62,000	258	129	129	57	314
Jabalia	108,000	258	129	129	315	572
Khan Younis	68,000	258	129	129	573	830
Beach (Shati)	82,000	258	129	129	831	1088
Maghazi	24,000	258	129	129	1089	1346
Shu'fat	1,100	12	6	6	1347	1358
Beit Jibrin (al-Azzeh)	1,000	12	6	6	1359	1370
Nur Shams	9,000	52	26	26	1371	1422
AqbatJaber	6,400	52	26	26	1423	1474
Jenin	16,000	80	40	40	1475	1554
Am'ari	10,500	80	40	40	1555	1634
Askar	15,900	80	40	40	1635	1714
Balata	23,600	64	32	32	1715	1778
Souf	2,000	12	6	6	1779	1790
Talbieh	7,000	20	10	10	1791	1810
Irbid	25,000	136	68	68	1811	1946
Jerash (Gaza)	24,000	136	68	68	1947	2082
Amman New Camp (Wihdat)	51,000	282	141	141	2083	2364
Marka (Hittin)	53,000	282	141	141	2365	2646
Mar Elias	600	25	12.5	12.5	2647	2671
Shatilla	8,500	72	36	36	2672	2743
Burj al-Shamali	19,500	142	71	71	2744	2885
Rashidieh	27,500	204	102	102	2886	3089
Total	666,100	3,089	1545	1,545		

The sample is proportional as it represents the registered population in each camp.

Field work activity

1. Visit camps listed in the sample;
2. Select a household at random as a starting point, to be the first surveyed;
3. Each succeeding household surveyed should be three households away from the previous;
4. Select one individual from each household over the age of 18;
5. A male should be surveyed in the odd-numbered households (1st, 3rd, 5th household, etc.), and a female should be surveyed in the even-numbered households (2nd, 4th, 6th household, etc.), resulting in an equally divided sample;
6. Use the “random number table” to select the person if there are more than one individual aged over 18 in the household of the same sex;
7. Use separate “random number tables” for males and females;
8. List the individuals in the household by their first name alphabetically.

BADIL's research team in the Gaza Strip receiving training to carry out the questionnaire, March 2015 (©BADIL)



APPENDIX 4.2

TABLES OF FINDINGS

Table 4.2: Sample by region

Region	Frequency	Percent
Gaza Strip	1442	46.8%
West Bank	475	15.4%
Jordan	761	24.7%
Lebanon	405	13.1%
Total	3083	100.0%

Table 4.3: Sample by camp

Camp	Frequency	Percent
Deir el-Balah	59	1.9%
Nuseirat	249	8.1%
Jabalia	434	14.1%
Khan Younis	273	8.9%
Beach (Shati)	330	10.7%
Maghazi	97	3.1%
Shu'fat	6	0.2%
Beit Jibrin (al-Azzeh)	6	0.2%
Nur Shams	65	2.1%
Aqbat Jaber	46	1.5%
Jenin	107	3.5%
Am'ari	70	2.3%
Askar	107	3.5%
Balata	68	2.2%
Souf	11	0.4%
Talbieh	20	0.7%
Irbid	144	4.7%
Jerash (Gaza)	138	4.5%
Amman New Camp (Wihdat)	220	7.1%
Marka (Hittin)	228	7.4%
Mar Elias	5	0.2%
Shatilla	73	2.4%
Burj al-Shamali	168	5.5%
Rashidieh	158	5.1%
Total	3083	100.0%

Table 4.4: Number of males aged 18 and above per household by region

Number	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
0	1.5%	5.3%	1.8%	21.0%	4.7%
1	34.4%	31.8%	34.9%	40.6%	34.9%
2	26.1%	21.3%	24.7%	13.9%	23.4%
3	21.2%	19.4%	22.5%	12.6%	20.1%
4	9.7%	15.2%	10.3%	5.9%	10.2%
5	4.3%	5.5%	4.7%	3.2%	4.4%
6+	2.7%	1.7%	1.1%	2.7%	2.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.5: Number of females aged 18 and above per household by region

Number	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
0	0.3%	0.2%	0.3%	11.6%	1.8%
1	32.4%	33.7%	31.1%	46.9%	34.2%
2	29.9%	24.2%	27.1%	18.0%	26.8%
3	20.7%	18.1%	21.7%	13.3%	19.6%
4	11.2%	12.2%	12.4%	6.4%	11.0%
5	3.6%	6.9%	5.9%	2.2%	4.5%
6+	1.9%	5.7%	1.5%	1.5%	2.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.6: Distribution of the sample by sex

Sex	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Male	50.0%	50.7%	49.7%	49.1%	49.9%
Female	50.0%	49.3%	50.3%	50.9%	50.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.7: Distribution of the sample by refugee status

Refugee Status	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Registered Refugee	97.8%	97.9%	89.4%	99.8%	96.0%
Non-Registered Refugee	2.2%	2.1%	10.6%	0.2%	4.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.8: Percentage distribution of refugees who were secondarily displaced after 1948 or 1967

Answer	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Yes	5.2%	7.0%	9.2%	48.6%	12.2%
No	94.8%	93.0%	90.8%	51.4%	87.8%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.9: Percentage distribution of refugees who were secondarily displaced after 1948 or 1967 per frequency of secondary displacement

Frequency	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Once	69.7%	89.7%	87.7%	24.5%	51.8%
Twice	25.0%	10.3%	12.3%	9.0%	12.9%
More than twice	5.3%			66.5%	35.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.10: Percentage distribution of refugees by type of document

Type of Document	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Refugee Travel Document	19.4%	9.9%	6.2%	96.0%	24.7%
Passport of the host country	80.2%	66.5%	93.3%	3.2%	71.2%
Foreign Passport (other than the host country)	0.4%	1.9%	0.3%	0.5%	0.6%
Without Travel Document	0.0%	21.7%	0.3%	0.2%	3.4%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.11: Percentage distribution of refugees by dependency status

Type of Dependency	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Breadwinner	28.9%	32.9%	42.0%	34.7%	33.5%
Secondary breadwinner	13.8%	23.9%	25.0%	16.1%	18.4%
Dependent	57.3%	43.2%	33.0%	49.3%	48.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.12: Percentage distribution of refugees by educational level

Education Level	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Not Educated	3.5%	6.4%	5.7%	11.9%	5.6%
Elementary or Primary	13.8%	25.6%	12.6%	59.0%	21.3%
Secondary	31.9%	36.7%	27.1%	13.6%	29.0%
Diploma or Undergraduate	49.2%	30.3%	53.5%	15.3%	42.9%
Master or PhD	1.6%	1.1%	1.2%	0.2%	1.2%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.13: Percentage distribution of refugees by labor status

Employment	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Employed	36.5%	45.2%	57.0%	46.8%	44.3%
Unemployed	16.2%	19.7%	10.6%	12.4%	14.8%
House keeper	28.0%	24.1%	19.8%	32.9%	26.0%
Full-time student/intern	17.9%	10.1%	9.6%	7.7%	13.3%
Other	1.4%	0.8%	2.9%	0.2%	1.5%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.14: Percentage distribution of refugees by their knowledge of what ‘protection of Palestinian refugees’ means according to international law

Knowledge	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Complete knowledge	4.1%	3.2%	12.4%	8.9%	6.6%
Partial knowledge	68.2%	60.2%	63.3%	43.2%	62.5%
Do not know	27.7%	36.7%	24.3%	47.9%	30.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.15: Percentage distribution of refugees by their perception of the listed agencies as possessing a protection responsibility for Palestinian refugees according to international standards

Entity	Answer	Region/Country				Total
		Gaza Strip	West Bank	Jordan	Lebanon	
PLO	Yes	91.4%	76.9%	62.8%	68.6%	79.1%
	No	6.2%	15.9%	28.6%	27.5%	16.0%
	Don't Know	2.4%	7.0%	8.5%	4.0%	4.8%
	Don't Know the agency	0.0%	0.2%	0.0%	0.0%	0.0%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Host Country	Yes	85.0%	87.6%	86.0%	61.2%	82.5%
	No	10.3%	6.1%	7.0%	33.8%	11.9%
	Don't Know	4.0%	5.9%	6.7%	4.7%	5.1%
	Don't Know the agency	0.6%	0.4%	0.4%	0.2%	0.5%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
UNHCR	Yes	49.4%	44.5%	42.2%	66.1%	49.1%
	No	6.1%	16.7%	16.7%	17.1%	11.8%
	Don't Know	9.9%	24.1%	36.3%	9.4%	18.5%
	Don't Know the agency	34.6%	14.8%	4.9%	7.4%	20.6%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
UNCCP	Yes	40.9%	18.6%	13.0%	54.3%	32.3%
	No	7.6%	14.6%	8.4%	15.8%	9.9%
	Don't Know	9.5%	29.0%	14.3%	14.8%	14.4%
	Don't Know the agency	42.0%	37.8%	64.3%	15.1%	43.3%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
UNRWA	Yes	79.5%	87.9%	74.4%	90.1%	80.9%
	No	17.6%	8.1%	13.4%	7.4%	13.8%
	Don't Know	2.8%	3.2%	11.0%	1.7%	4.8%
	Don't Know the agency	0.1%	0.8%	1.2%	0.7%	0.6%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
ICRC	Yes	85.2%	56.1%	54.7%	46.5%	68.1%
	No	5.2%	27.4%	20.5%	30.9%	15.8%
	Don't Know	7.4%	14.8%	21.3%	14.6%	12.9%
	Don't Know the agency	2.3%	1.7%	3.5%	7.9%	3.2%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%

Popular Committees	Yes	28.5%	45.0%	52.2%	60.0%	41.0%
	No	53.5%	36.4%	30.0%	27.9%	41.7%
	Don't Know	15.2%	17.1%	16.4%	11.4%	15.3%
	Don't Know the agency	2.8%	1.5%	1.4%	0.7%	2.0%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
UNHR Council	Yes	74.0%	53.9%	56.3%	77.5%	67.0%
	No	7.6%	23.5%	17.8%	9.2%	12.8%
	Don't Know	12.8%	19.5%	21.8%	11.6%	15.9%
	Don't Know the agency	5.6%	3.2%	4.1%	1.7%	4.4%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.16: Regional perception of listed protection shortages

Protection Area	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Insufficiency or lack of humanitarian assistance (by the host country or international organization)	86.1%	72.4%	77.4%	86.9%	82.0%
Formal discrimination between Palestinian refugees (by the host country or organizations)	42.8%	50.5%	59.4%	48.4%	48.8%
Formal discrimination between Palestinian and non-Palestinian refugees (by the host country or organizations)	6.8%	28.0%	57.7%	62.5%	30.0%
Legal discrimination (by the host country)	43.7%	39.0%	37.1%	67.4%	44.4%
Religion-based discrimination (by the host country)	3.2%	13.3%	7.0%	40.3%	10.6%
Gender-based discrimination (by the host country or international organization)	34.0%	33.7%	23.0%	28.9%	30.6%
Nationality-based discrimination (by the host country)	11.7%	24.8%	48.5%	65.3%	29.9%
Political discrimination (by the host country or international organization)	89.2%	50.6%	62.8%	47.3%	71.3%
Restrictions on the right to change place of residence (by the host country)	5.2%	5.1%	9.3%	44.3%	11.3%
Prevention of leaving the host country (by the host country)	15.3%	7.6%	9.9%	55.8%	18.1%
Prevention of entering other states (any country other than host country)	35.3%	16.1%	17.0%	64.4%	31.7%
Denial of the right to own property (by the host country)	2.3%	3.6%	27.2%	50.4%	15.0%
Prevention of establishing private businesses (by the host country)	2.8%	6.1%	28.7%	48.3%	15.7%
Lack of equal employment opportunities (by the host country or international organizations)	69.0%	46.6%	77.4%	59.5%	66.4%
Denial of family unification (whether in the host country or other states)	18.8%	27.1%	36.7%	36.0%	26.7%
Lack of public services (by the host country)	20.2%	33.5%	23.8%	71.6%	29.9%
Lack of personal security in the camp (in general)	34.9%	68.4%	25.8%	75.7%	43.2%
Risk of arbitrary detention (host country)	18.0%	18.3%	36.4%	46.9%	26.4%
Non-recognition of your refugee status (by the host country or international organizations)	6.0%	23.8%	17.9%	83.7%	21.9%
Failure to grant travel document (by the host country)	3.5%	6.6%	20.7%	68.6%	16.8%
The risk of torture (by governmental bodies)	15.2%	9.3%	30.7%	55.3%	23.4%

Table 4.17: Perception of the impact upon the respondent of protection shortages per region

Protection Area	Country/Region												Total			
	Gaza Strip			West Bank			Jordan			Lebanon			Of those affected		Total Sample	
	Great/medium effect	Marginal effect	Great/medium effect	Marginal effect	Great/medium effect	Marginal effect	Great/medium effect	Marginal effect	Great/medium effect	Marginal effect	Great/medium effect	Marginal effect	Great/medium effect	Marginal effect	Great/medium effect	Marginal effect
Insufficiency or lack of humanitarian assistance (by the host country or international organizations)	84.2%	15.8%	86.5%	13.5%	87.6%	12.4%	97.7%	2.3%	87.2%	12.8%	71.5%	10.5%				
Formal discrimination between Palestinian refugees (by the host country or international organizations)	61.8%	38.2%	91.7%	8.3%	78.4%	21.6%	86.4%	13.6%	74.8%	25.2%	36.5%	12.3%				
Formal discrimination between Palestinian and non-Palestinian refugees (by the host country or international organizations)	42.4%	57.6%	93.1%	6.9%	82.3%	17.7%	85.0%	15.0%	80.3%	19.7%	24.1%	5.9%				
Legal discrimination (by the host country)	68.1%	31.9%	90.5%	9.5%	85.7%	14.3%	80.7%	19.3%	77.3%	22.7%	34.3%	10%				
Religion-based discrimination (by the host country)	59.2%	40.8%	89.6%	10.4%	88.2%	11.8%	70.3%	29.7%	75.3%	24.7%	8%	2.6%				
Gender-based discrimination (by the host country or international organizations)	79.0%	21.0%	91.7%	8.3%	78.0%	22.0%	74.4%	25.6%	80.3%	19.7%	24.5%	6%				
Nationality-based discrimination (by the host country)	68.0%	32.0%	93.6%	6.4%	81.2%	18.8%	75.4%	24.6%	78.8%	21.2%	23.5%	6.3%				
Political discrimination (by the host country or international organizations)	85.1%	14.9%	87.9%	12.1%	81.4%	18.6%	84.6%	15.4%	84.6%	15.4%	60.3%	11%				
Restrictions on the right to change place of residence (by the host country)	62.2%	37.8%	72.0%	28.0%	97.2%	2.8%	86.0%	14.0%	82.3%	17.7%	9.3%	2%				
Prevention of leaving the host country (by the host country)	77.0%	23.0%	76.3%	23.7%	92.1%	7.9%	89.8%	10.2%	84.1%	15.9%	15.2%	2.8%				
Prevention of entering other states (any country other than host country)	55.1%	44.9%	92.0%	8.0%	82.2%	17.8%	91.6%	8.4%	71.3%	28.7%	22.6%	9.1%				
Denial of the right to own property (by the host country)	64.7%	35.3%	88.2%	11.8%	97.1%	2.9%	90.2%	9.8%	91.3%	8.7%	13.7%	1.3%				
Prevention of establishing private businesses (by the host country)	52.5%	47.5%	82.1%	17.9%	97.2%	2.8%	91.9%	8.1%	90.4%	9.6%	14.1%	1.5%				
Lack of equal employment opportunities (by the host country or international organizations)	88.2%	11.8%	90.0%	10.0%	85.9%	14.1%	93.8%	6.2%	88.4%	11.6%	58.7%	7.7%				
Denial of family unification (whether in the host country or other states)	75.9%	24.1%	83.7%	16.3%	94.2%	5.8%	89.0%	11.0%	85.6%	14.4%	22.9%	3.8%				
Lack of public services (by the host country)	72.9%	27.1%	95.6%	4.4%	86.6%	13.4%	95.2%	4.8%	86.5%	13.5%	25.8%	4%				
Lack of personal security in the camp (in general)	73.0%	27.0%	93.4%	6.6%	92.9%	7.1%	93.1%	6.9%	85.5%	14.5%	36.9%	6.3%				
Risk of arbitrary detention (host country)	65.5%	34.5%	91.9%	8.1%	72.0%	28.0%	82.6%	17.4%	74.5%	25.5%	19.6%	6.7%				
Non-recognition of your refugee status (by the host country or international organizations)	76.2%	23.8%	96.5%	3.5%	97.0%	3.0%	94.4%	5.6%	93.0%	7.0%	20.3%	1.5%				
Failure to grant travel document (by the host country)	86.0%	14.0%	84.8%	15.2%	89.2%	10.8%	93.5%	6.5%	90.9%	9.1%	15.2%	1.5%				
The risk of torture (by governmental bodies)	79.5%	20.5%	90.9%	9.1%	80.3%	19.7%	89.6%	10.4%	83.6%	16.4%	19.6%	3.8%				

Table 4.18: Individual perception of the impact upon their locality of protection shortages

Protection Area	Country/Region												Total	
	Gaza Strip			West Bank			Jordan			Lebanon			Great/medium Affect	Marginal Affect
	Great/medium Affect	Marginal Affect		Great/medium Affect	Marginal Affect		Great/medium Affect	Marginal Affect		Great/medium Affect	Marginal Affect			
Insufficiency or lack of humanitarian assistance (by the host country or international organizations)	96.5%	3.1%	90.9%	6.5%	72.6%	9.5%	89.9%	2.2%	88.9%	5.1%				
Formal discrimination between Palestinian refugees (by the host country or international organizations)	45.0%	16.3%	70.1%	23.2%	54.2%	14.5%	61.2%	17.8%	53.3%	17.1%				
Formal discrimination between Palestinian and non-Palestinian refugees (by the host country or international organizations)	18.9%	23.0%	64.1%	27.8%	51.3%	12.3%	58.5%	22.0%	38.9%	21.0%				
Legal discrimination (by the host country)	48.1%	14.3%	68.6%	24.9%	33.5%	9.1%	72.3%	16.1%	50.8%	14.9%				
Religion-based discrimination (by the host country)	12.6%	15.8%	60.4%	30.1%	8.9%	2.9%	54.1%	16.4%	24.5%	14.9%				
Gender-based discrimination (by the host country or international organizations)	40.3%	25.0%	67.5%	25.1%	20.3%	8.0%	41.8%	16.6%	39.8%	19.7%				
Nationality-based discrimination (by the host country)	17.5%	15.8%	57.3%	34.2%	38.7%	12.4%	72.3%	15.3%	36.1%	17.7%				
Political discrimination (by the host country or international organizations)	90.0%	6.6%	82.1%	13.5%	59.2%	9.8%	68.5%	15.6%	78.4%	9.6%				
Restrictions on the right to change place of residence (by the host country)	17.8%	10.4%	57.9%	28.1%	12.5%	4.7%	74.1%	13.4%	30.0%	12.1%				
Prevention of leaving the host country (by the host country)	32.4%	12.7%	59.2%	27.8%	12.0%	4.5%	77.5%	10.4%	37.4%	12.7%				
Prevention of entering other states (any country other than host country)	31.8%	19.7%	64.6%	23.6%	17.1%	6.3%	84.6%	8.7%	40.1%	15.6%				
Denial of the right to own property (by the host country)	16.4%	11.4%	61.6%	25.3%	28.9%	3.2%	85.1%	8.4%	35.4%	11.1%				
Prevention of establishing private businesses (by the host country)	16.0%	23.4%	63.2%	25.6%	30.4%	3.4%	78.7%	12.7%	35.0%	17.4%				
Lack of equal employment opportunities (by the host country or international organizations)	85.3%	8.6%	81.0%	11.6%	69.8%	11.1%	84.2%	8.6%	80.7%	9.7%				
Denial of family unification (whether in the host country or other states)	48.1%	22.9%	72.4%	18.6%	37.4%	9.2%	52.8%	13.6%	49.8%	17.7%				
Lack of public services (by the host country)	35.0%	29.3%	80.2%	12.0%	26.9%	7.9%	75.7%	7.7%	45.4%	18.5%				
Lack of personal security in the camp (in general)	44.8%	15.8%	92.8%	3.8%	26.9%	5.2%	79.9%	11.4%	52.4%	10.8%				
Risk of arbitrary detention (host country)	32.7%	15.3%	66.7%	22.9%	46.5%	10.6%	71.3%	16.3%	46.4%	15.4%				
Non-recognition of your refugee status (by the host country or international organizations)	21.1%	12.2%	84.6%	6.5%	23.2%	6.5%	85.9%	8.7%	39.9%	9.4%				
Failure to grant travel document (by the host country)	26.2%	24.5%	60.5%	26.6%	48.4%	6.2%	78.7%	9.2%	43.9%	18.3%				
The risk of torture (by governmental bodies)	29.0%	12.9%	66.1%	22.9%	46.6%	10.1%	69.9%	18.7%	44.4%	14.5%				

Table 4.19: Regional perception of listed protection shortages (highest perceived impact)

Protection Area	Country/Region				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Insufficiency or lack of humanitarian assistance (by the host country or international organizations)	47.5%	55.4%	30.8%	37.6%	43.1%
Formal discrimination between Palestinian refugees (by the host country or international organizations)	3.1%	2.3%	2.9%	2.7%	2.9%
Formal discrimination between Palestinian and non-Palestinian refugees (by the host country or international organizations)	0.1%	0.7%	3.2%	5.7%	1.7%
Legal discrimination (by the host country)	4.2%	2.3%	4.1%	1.7%	3.6%
Religion-based discrimination (by the host country)	0.3%	0.2%	0.3%	0.5%	0.3%
Gender-based discrimination (by the host country or international organizations)	1.0%	1.8%	2.5%	0.2%	1.4%
Nationality-based discrimination (by the host country)	0.5%	0.2%	3.0%	2.0%	1.3%
Political discrimination (by the host country or international organizations)	12.5%	9.5%	13.4%	2.2%	10.9%
Restrictions on the right to change place of residence (by the host country)	0.2%	0.2%	0.7%	1.2%	0.5%
Prevention of leaving the host country (by the host country)	1.3%	0.9%	0.0%	3.7%	1.3%
Prevention of entering other states (any country other than host country)	3.3%	0.7%	0.3%	3.2%	2.1%
Denial of the right to own property (by the host country)	0.0%	0.2%	10.8%	1.5%	2.9%
Prevention of establishing private businesses (by the host country)	0.0%	0.0%	.7%	1.7%	0.4%
Lack of equal employment opportunities (by the host country or international organizations)	11.5%	8.1%	5.3%	13.6%	9.7%
Denial of family unification (whether in the host country or other states)	2.0%	3.5%	9.1%	0.5%	3.8%
Lack of public services (by the host country)	0.8%	1.8%	1.8%	11.1%	2.6%
Lack of personal security in the camp (in general)	7.5%	5.8%	4.7%	4.2%	6.1%
Risk of arbitrary detention (host country)	2.4%	0.9%	2.1%	0.0%	1.8%
Non-recognition of your refugee status (by the host country or international organizations)	0.6%	5.1%	0.9%	4.5%	1.8%
Failure to grant travel document (by the host country)	0.1%	0.0%	0.9%	1.5%	0.5%
The risk of torture (by governmental bodies)	1.2%	0.2%	2.6%	0.5%	1.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.20: Regional perception of listed protection shortages (second-highest perceived impact)

Protection Area	Country/Region				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Insufficiency or lack of humanitarian assistance (by the host country or international organizations)	10.0%	5.0%	6.4%	16.6%	9.3%
Formal discrimination between Palestinian refugees (by the host country or international organizations)	9.0%	5.9%	4.3%	4.2%	6.8%
Formal discrimination between Palestinian and non-Palestinian refugees (by the host country or international organizations)	0.3%	2.5%	6.2%	11.6%	3.6%
Legal discrimination (by the host country)	9.1%	7.2%	4.6%	5.2%	7.2%
Religion-based discrimination (by the host country)	0.1%	1.0%	0.4%	1.0%	0.4%
Gender-based discrimination (by the host country or international organizations)	4.8%	3.0%	1.8%	1.0%	3.3%
Nationality-based discrimination (by the host country)	0.9%	1.7%	5.0%	5.4%	2.7%
Political discrimination (by the host country or international organizations)	29.1%	11.9%	17.2%	2.0%	20.1%
Restrictions on the right to change place of residence (by the host country)	0.3%	0.5%	0.8%	1.0%	0.5%
Prevention of leaving the host country (by the host country)	2.0%	0.7%	1.7%	4.5%	2.1%
Prevention of entering other states (any country other than host country)	3.8%	4.2%	0.3%	4.5%	3.1%
Denial of the right to own property (by the host country)	0.1%	.2%	2.2%	2.0%	0.9%
Prevention of establishing private businesses (by the host country)	0.1%	0.7%	9.6%	3.5%	3.0%
Lack of equal employment opportunities (by the host country or international organizations)	14.4%	18.3%	15.5%	7.2%	14.2%
Denial of family unification (whether in the host country or other states)	2.6%	9.4%	4.1%	2.2%	3.9%
Lack of public services (by the host country)	1.9%	6.2%	2.6%	7.9%	3.5%
Lack of personal security in the camp (in general)	6.8%	15.3%	3.9%	5.0%	7.0%
Risk of arbitrary detention (host country)	3.1%	1.5%	8.9%	0.2%	4.0%
Non-recognition of your refugee status (by the host country or international organizations)	0.8%	4.5%	0.7%	12.1%	2.8%
Failure to grant travel document (by the host country)	0.3%	0.0%	1.7%	1.5%	0.8%
The risk of torture (by governmental bodies)	0.6%	0.2%	2.0%	1.5%	1.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.21: Regional perception of listed protection shortages (third-highest perceived impact)

Protection Area	Country/Region				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Insufficiency or lack of humanitarian assistance (by the host country or international organizations)	12.1%	6.1%	4.6%	5.2%	8.5%
Formal discrimination between Palestinian refugees (by the host country or international organizations)	3.7%	1.6%	8.2%	2.2%	4.4%
Formal discrimination between Palestinian and non-Palestinian refugees (by the host country or international organizations)	0.4%	0.8%	4.2%	4.5%	2.0%
Legal discrimination (by the host country)	7.7%	2.4%	2.4%	5.7%	5.4%
Religion-based discrimination (by the host country)	0.2%	0.5%	0.3%	1.5%	0.4%
Gender-based discrimination (by the host country or international organizations)	3.2%	2.9%	0.7%	1.7%	2.3%
Nationality-based discrimination (by the host country)	0.8%	1.3%	2.9%	7.9%	2.4%
Political discrimination (by the host country or international organizations)	19.4%	2.9%	8.9%	1.5%	12.2%
Restrictions on the right to change place of residence (by the host country)	0.4%	0.0%	.4%	1.7%	0.5%
Prevention of leaving the host country (by the host country)	2.7%	0.0%	0.0%	5.7%	2.1%
Prevention of entering other states (any country other than host country)	4.9%	1.1%	0.3%	4.2%	3.1%
Denial of the right to own property (by the host country)	0.0%	0.0%	2.4%	4.0%	1.1%
Prevention of establishing private businesses (by the host country)	0.3%	0.3%	3.3%	5.0%	1.7%
Lack of equal employment opportunities (by the host country or international organizations)	22.7%	12.0%	18.4%	6.0%	17.9%
Denial of family unification (whether in the host country or other states)	3.2%	4.0%	2.5%	2.2%	3.0%
Lack of public services (by the host country)	3.2%	6.4%	6.1%	7.4%	4.9%
Lack of personal security in the camp (in general)	7.7%	38.8%	4.1%	6.9%	10.6%
Risk of arbitrary detention (host country)	2.2%	7.7%	9.3%	1.2%	4.6%
Non-recognition of your refugee status (by the host country or international organizations)	1.3%	5.9%	3.4%	15.1%	4.3%
Failure to grant travel document (by the host country)	1.0%	1.1%	10.4%	5.7%	4.1%
The risk of torture (by governmental bodies)	2.8%	4.3%	7.4%	4.5%	4.4%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.22: Perceived effectiveness of selected actors in affording protection - Intervention with the host country to facilitate obtaining travel documents

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	NA	NA	74.5%	14.6%	5.2%	9.4%	1.8%	12.8%	3.1%	16.5%
West Bank	NA	NA	74.3%	13.9%	24.3%	16.2%	11.6%	14.5%	9.3%	10.3%
Jordan	NA	NA	0.4%	3.3%	0.1%	2.6%	0.3%	1.2%	0.1%	7.9%
Lebanon	NA	NA	16.8%	33.7%	9.7%	24.8%	6.2%	16.6%	9.2%	15.6%
Total	NA	NA	48.5%	14.2%	7.4%	10.8%	3.5%	10.7%	4.1%	13.3%

Table 4.23: Perceived effectiveness of selected actors in affording protection - Intervention with the host country to eliminate all existing forms of discrimination

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	NA	NA	11.3%	24.9%	10.0%	17.0%	3.4%	21.2%	3.9%	22.8%
West Bank	NA	NA	56.4%	17.5%	29.3%	15.4%	12.9%	21.9%	12.4%	13.3%
Jordan	NA	NA	0.4%	3.6%	0.4%	2.5%	0.3%	1.6%	0.5%	17.3%
Lebanon	NA	NA	12.6%	23.2%	19.6%	20.3%	7.9%	17.8%	21.1%	21.6%
Total	NA	NA	15.7%	18.2%	11.9%	13.6%	4.7%	16.0%	6.6%	19.8%

Table 4.24: Perceived effectiveness of selected actors in affording protection - Intervention to guarantee access to public services in the host country

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	100.0%	0.0%	24.1%	33.7%	21.2%	12.1%	4.9%	19.3%	2.7%	20.5%
West Bank	50.0%	50.0%	67.1%	21.5%	46.0%	22.9%	24.9%	23.9%	20.9%	19.2%
Jordan	NA	NA	0.3%	3.3%	1.2%	15.0%	1.2%	11.2%	0.7%	11.4%
Lebanon	NA	NA	16.6%	11.9%	49.6%	9.1%	7.9%	6.9%	11.4%	6.9%
Total	75.0%	25.0%	23.8%	21.4%	23.8%	14.1%	7.4%	16.4%	6.1%	16.3%

Table 4.25: Perceived effectiveness of selected actors in affording protection - Intervention to guarantee family unification

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	37.9%	13.0%	63.9%	18.7%	6.3%	12.4%	2.2%	14.1%	2.9%	16.4%
West Bank	86.6%	6.3%	59.9%	18.4%	23.9%	12.9%	14.2%	17.8%	13.8%	13.3%
Jordan	17.4%	25.8%	2.6%	19.7%	0.0%	2.6%	0.0%	2.2%	0.3%	15.4%
Lebanon	9.9%	17.5%	14.1%	21.0%	10.4%	20.7%	4.0%	10.9%	7.5%	22.9%
Total	36.6%	15.7%	41.6%	19.2%	8.0%	11.2%	3.7%	11.3%	4.5%	16.5%

Table 4.26: Perceived effectiveness of selected actors in affording protection - Legal assistance before courts in the host country

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	40.7%	29.3%	15.9%	18.8%	3.8%	13.3%	3.4%	17.6%	5.9%	24.7%
West Bank	73.9%	10.9%	57.7%	17.7%	25.9%	16.2%	18.0%	18.4%	17.9%	17.1%
Jordan	19.6%	21.5%	0.5%	4.1%	0.0%	2.6%	0.0%	5.4%	1.2%	21.1%
Lebanon	13.1%	26.7%	18.4%	26.1%	19.5%	22.5%	7.7%	16.5%	21.3%	15.6%
Total	36.9%	24.2%	18.9%	15.9%	8.3%	12.3%	5.4%	14.6%	8.6%	21.4%

Table 4.27: Perceived effectiveness of selected actors in affording protection - Provision of security in the camp

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	60.4%	30.0%	8.2%	14.3%	5.2%	10.4%	25.8%	41.8%	2.7%	16.2%
West Bank	83.5%	10.5%	61.9%	17.5%	28.2%	12.3%	44.3%	24.9%	27.0%	16.7%
Jordan	84.3%	8.7%	0.4%	4.6%	0.5%	3.8%	1.3%	15.4%	0.0%	4.2%
Lebanon	19.7%	22.9%	39.5%	37.2%	18.3%	26.0%	28.0%	36.6%	18.6%	27.2%
Total	64.6%	20.8%	18.6%	15.4%	9.3%	11.1%	22.9%	32.0%	7.9%	14.8%

Table 4.28: Perceived effectiveness of selected actors in affording protection - Providing or filling the shortage of humanitarian assistance

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	43.7%	30.1%	40.1%	29.3%	87.1%	9.8%	17.1%	49.7%	11.7%	49.2%
West Bank	80.3%	12.3%	58.6%	17.3%	67.2%	14.9%	45.4%	25.9%	33.0%	21.8%
Jordan	33.0%	26.0%	0.9%	11.5%	17.7%	33.6%	1.2%	40.1%	3.4%	45.2%
Lebanon	5.2%	5.7%	11.1%	5.2%	35.3%	5.7%	6.9%	5.9%	16.1%	4.0%
Total	41.7%	23.1%	29.4%	19.9%	60.0%	16.0%	16.2%	37.9%	13.5%	38.0%

Table 4.29: Perceived effectiveness of selected actors in affording protection - Intervention with the host country to ensure *non-refoulement* during waves of secondary displacement

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	NA	NA	25.9%	30.9%	27.5%	11.2%	9.2%	13.4%	6.0%	19.1%
West Bank	26.5%	12.2%	49.2%	13.3%	34.7%	13.9%	17.5%	11.4%	21.1%	9.3%
Jordan	NA	NA	11.7%	29.4%	1.4%	5.7%	0.7%	3.3%	4.9%	24.7%
Lebanon	29.7%	37.8%	42.8%	33.6%	44.6%	29.7%	39.7%	29.7%	43.0%	25.4%
Total	29.1%	32.9%	28.2%	28.2%	24.4%	12.6%	12.3%	12.7%	12.9%	19.8%

Table 4.30: Perceived effectiveness of selected actors in affording protection - Working on finding durable solutions based on international law including Res. 194

Region/ Country	Hosting country		PLO		UNRWA		Popular Committee		NGOs	
	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal	Effective	Marginal
Gaza Strip	100.0%	0.0%	69.2%	19.4%	51.3%	10.3%	24.3%	24.1%	25.1%	25.4%
West Bank	50.0%	10.4%	70.7%	13.7%	48.8%	14.6%	24.3%	12.3%	30.2%	9.7%
Jordan	0.0%	0.0%	25.9%	33.0%	0.9%	11.8%	0.4%	3.7%	7.5%	24.3%
Lebanon	40.9%	18.3%	33.7%	24.6%	23.1%	21.8%	19.7%	19.9%	20.2%	14.7%
Total	42.6%	16.7%	54.1%	22.6%	34.7%	12.9%	17.8%	16.7%	20.9%	21.3%

Table 4.31: Extent of agreement with the following statement: Palestinian refugees take part in designing the standards of the services offered to refugees by UNRWA

Answer	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Strongly disagree	18.8%	26.4%	25.5%	10.4%	20.5%
Disagree	30.6%	11.0%	52.4%	16.4%	31.1%
Agree	36.7%	44.0%	8.0%	49.3%	32.4%
Strongly agree	9.8%	9.7%	1.1%	21.4%	9.1%
Don't Know	4.1%	8.9%	13.0%	2.5%	6.8%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.32: Extent of agreement with the following statement: Palestinian refugees take part in determining the ways, means and mechanisms of implementing the services

Answer	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Strongly disagree	16.6%	26.7%	24.2%	11.2%	19.3%
Disagree	33.3%	16.5%	54.4%	41.1%	37.0%
Agree	36.3%	42.2%	7.4%	32.7%	29.6%
Strongly agree	10.0%	5.1%	4.2%	12.2%	8.1%
Don't Know	3.8%	9.5%	9.9%	2.7%	6.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.33: Extent of agreement with the following statement: Palestinian refugees take part in implementing the services

Answer	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Strongly disagree	16.2%	23.9%	23.1%	19.9%	19.6%
Disagree	27.9%	11.2%	54.9%	44.0%	34.1%
Agree	32.6%	45.2%	8.1%	22.4%	27.1%
Strongly agree	12.6%	11.8%	1.7%	7.5%	9.1%
Don't Know	10.8%	7.8%	12.1%	6.2%	10.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.34: Extent of agreement with the following statement: Palestinian refugees take part in evaluating the services offered to the refugees

Answer	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Strongly disagree	18.7%	23.0%	23.8%	37.3%	23.0%
Disagree	25.8%	13.5%	55.5%	27.4%	31.4%
Agree	31.5%	44.6%	8.7%	16.4%	25.9%
Strongly agree	13.7%	11.0%	1.2%	12.2%	10.0%
Don't Know	10.4%	7.8%	10.9%	6.7%	9.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.35: Preferred avenue for achieving a permanent solution for the refugee issue (First preference)

Measure	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Reactivating the UNCCP	5.1%	15.1%	0.4%	5.0%	5.4%
Expanding the mandate of UNRWA	12.4%	32.5%	3.3%	15.4%	13.6%
Security Council sanctions on Israel	16.7%	18.3%	17.5%	16.4%	17.1%
The International Criminal Court	16.3%	8.5%	6.6%	15.6%	12.6%
Convening an international conference	4.2%	4.2%	8.3%	7.4%	5.6%
Continue with the negotiations track	4.8%	3.0%	2.8%	3.2%	3.8%
Reforming the PLO	20.1%	1.7%	7.1%	10.9%	12.8%
Supporting the BDS Movement	9.8%	2.5%	6.0%	12.7%	8.1%
Using other forms of resistance	9.8%	14.2%	37.6%	13.4%	17.9%
Other	0.8%	0.0%	10.5%	0.0%	3.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.36: Preferred avenue for achieving a permanent solution for the refugee issue (Second preference)

Measure	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Reactivating the UNCCP	5.2%	3.2%	0.1%	1.2%	3.1%
Expanding the mandate of UNRWA	4.8%	7.4%	3.8%	14.4%	6.2%
Security Council sanctions on Israel	22.7%	21.7%	15.3%	17.4%	20.0%
The International Criminal Court	23.5%	16.8%	7.4%	11.7%	16.9%
Convening an international conference	6.1%	15.5%	6.7%	7.0%	7.8%
Continue with the negotiations track	8.2%	11.5%	9.1%	5.0%	8.5%
Reforming the PLO	11.2%	11.3%	9.6%	14.7%	11.3%
Supporting the BDS Movement	14.2%	11.0%	37.2%	16.7%	19.7%
Using other forms of resistance	4.1%	1.7%	8.4%	11.9%	5.8%
Other	0.0%	0.0%	2.4%	0.0%	0.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4.37: Preferred avenue for achieving a permanent solution for the refugee issue (Third preference)

Measure	Region/Country				Total
	Gaza Strip	West Bank	Jordan	Lebanon	
Reactivating the UNCCP	3.4%	3.6%	0.4%	4.2%	2.8%
Expanding the mandate of UNRWA	2.7%	3.4%	3.7%	18.4%	5.1%
Security Council sanctions on Israel	16.2%	11.0%	10.5%	13.6%	13.7%
The International Criminal Court	15.2%	8.9%	8.9%	16.6%	12.9%
Convening an international conference	1.6%	4.0%	3.0%	5.7%	2.9%
Continue with the negotiations track	3.6%	7.6%	2.2%	3.7%	3.9%
Reforming the PLO	12.8%	16.8%	20.5%	11.7%	15.2%
Supporting the BDS Movement	28.8%	32.1%	15.2%	9.7%	23.4%
Using other forms of resistance	15.2%	12.5%	27.9%	16.4%	18.1%
Other	0.6%	0.0%	7.6%	0.0%	2.2%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

APPENDIX 4.3

QUESTIONNAIRE

RQ00-Number of Questionnaire: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	RQ02-Name of the Camp: <input type="text"/> <input type="text"/> <input type="text"/>
RQ01-State/Region: <input type="text"/>	

RQ04-Total Female Family Members (18 years old and above) <input type="text"/> <input type="text"/>	RQ03-Total Male Family Members (18 years old and above) <input type="text"/> <input type="text"/>
---	---

RQ05-Name of Researcher		Date:	/ /2015
RQ06-Name of Coordinator		Date:	/ /2015
RQ07-Name of Person Entering Data		Date:	/ /2015

Form for Selected Individuals from the Household
List the Family Members aged 18 and above of the relevant gender.

Selection	Alphabetical Order	Age	Name of Individuals

Alphabetical Order

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Random Number Table for Males

Number of males 18 years old and above in the family	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Individual selected according to alphabetical raking	1	1	2	3	4	4	5	1	6	2	4	9	13	13	15	5	12	11	18	8

Random Number Table for Females

Number of females 18 years old and above in the family	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Individual selected according to alphabetical raking	1	1	2	3	4	4	5	1	6	2	4	9	13	13	15	5	12	11	18	8

Social Background

S01	Sex	1. Male	2. Female	<input type="checkbox"/>
S02	Age (18 years old and above)			<input type="checkbox"/>
S03	Refugee Status	1. Registered Refugee 2. Unregistered Refugee		<input type="checkbox"/>
S04	Were you displaced more than once? (after 1948 or 1967)	1. Yes	2. No (Go to question S06)	<input type="checkbox"/>
S05	Number of times of displaced	1. Once 2. Twice	3. More than twice	<input type="checkbox"/>
S06	Type of travel document	1. Refugee Travel Document 2. Passport of the host country	3. Foreign Passport (other than the host country) 4. Without Travel Document	<input type="checkbox"/>
S07	Dependency level	1. Primary breadwinner 2. Secondary breadwinner	3. Dependent	<input type="checkbox"/>
S08	Educational Level	1. Not educated 2. Primary or Elementary 3. Secondary	Diploma or Undergraduate Masters or PhD	<input type="checkbox"/>
S09	Employment	1. Employed 2. Unemployed 3. House keeper	4. Full time student/ intern 5. Other, specify	<input type="checkbox"/>

Refugee Protection

RP01	Do you know what 'protection of Palestinian refugees' means according to international law?	1. Yes, fully. 2. Yes, partially. 3. No.	<input type="checkbox"/>
------	---	--	--------------------------

RP02	According to your knowledge, which of the following are responsible for providing protection for Palestinian refugees according to international standards?	1. Yes 2. No 3. I do not know 4. I do not know about the organizations or authority	Answer <input type="checkbox"/>
		1. PLO 2. Host country 3. The United Nations High Commissioner for Refugees (UNHCR) 4. The United Nations Conciliation Commission for Palestine (UNCCP) 5. The United Nations Relief and Work Agency for Palestinian Refugees in the Near East (UNRWA) 6. The International Committee of the Red Cross (ICRC) 7. Popular Committees in the refugee camps 8. The United Nations Human Rights Council	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

RP03	Organizations and States have to provide the protections listed below. Do you suffer from shortages of protection in these areas? You will be asked to rate them according to their effect on you individually and collectively in your area. Protection	A: Do you suffer from these protection shortages as a refugee in ----- camp? 1. Yes (Go to C and B) 2. No (Go to C)	B: If yes, to what extent do these issues affect your life as a refugee in ----- camp? 1. Greatly / Average 2. Slightly	C: To what extent do these issues affect the life of refugees generally in your area? 1. Greatly / Average 2. Slightly 3. No effect 4. I do not know
1.	Insufficiency or lack of humanitarian assistance (by the host country or international organizations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Formal discrimination between Palestinian refugees (by the host country or international organizations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Formal discrimination between Palestinian and non-Palestinian refugees (by the host country or international organizations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Legal discrimination (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Religion-based discrimination (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Gender-based discrimination (by the host country or international organizations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Nationality-based discrimination (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Political discrimination (by the host country or international organizations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Restrictions on the right to change place of residence (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Prevention of leaving the host country (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Prevention of entering other states (any country other than host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Denial of the right to own property (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	Prevention of establishing private businesses (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Lack of equal employment opportunities (by the host country or international organizations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	Denial of family unification (whether in the host country or other states)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	Lack of public services (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	Lack of personal security in the camp (in general)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.	Risk of arbitrary detention (host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.	Non-recognition of your refugee status (by the host country or international organizations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.	Failure to grant travel document (by the host country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21.	The risk of torture (by governmental bodies)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RP04	From the above table, what are the main shortages that affect you personally? Choose three answers (From the most important to the least important) (Fill out by following the numerical order in the above table)	1. First	<input type="checkbox"/>	<input type="checkbox"/>
		2. Second	<input type="checkbox"/>	<input type="checkbox"/>
		3. Third	<input type="checkbox"/>	<input type="checkbox"/>

RP05	How effective are the following actors in providing the listed forms of interventions to address the protection issues in the host country?	1. Effective 2. Limited 3. No role 4. Do not know 5. Not applicable				
		A. Host country	B. PLO	C. UNRWA	D. Popular Committees in the Camp	E. NGOs
1.	Intervention with the host country to facilitate obtaining travel documents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Intervention with the host country to eliminate all existing forms of discrimination (gender-based discrimination, religion-based discrimination...)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Intervention to guarantee access to public services in the host country	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Intervention to guarantee family unification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Legal assistance before courts in the host country	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Provision of security in the camp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Providing or filling the shortage of humanitarian assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In the following two questions, we will ask your opinion on the general conditions of the Palestinian refugees, not only in the host country where you live.						
8.	Intervention with the host country to ensure non-refoulement during waves of secondary displacement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Working on finding durable solutions based on international law including Resolution 194 (in general)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PR06	In your opinion, what are the most important three procedures to achieve a durable solution? (Based on international resolutions including Resolution 194) (Choose up to three answers only from the list on the right 1-9)	1. Reactivating the United Nations Conciliation Commission for Palestine (UNCCP)	1 st Choice	<input type="checkbox"/>	<input type="checkbox"/>
		2. Expanding the mandate of UNRWA			
		3. Security Council sanctions on Israel			
		4. The International Criminal Court	2 nd Choice	<input type="checkbox"/>	<input type="checkbox"/>
		5. Convening an international conference			
		6. Continue with the negotiations track			
		7. Reforming the PLO	3 rd Choice	<input type="checkbox"/>	<input type="checkbox"/>
		8. Supporting the Boycott, Divestment and Sanctions Movement (BDS)			
		9. Using other forms of resistance			
		10. Other (elaborate):			

RP07	What do you think of the following statements?	1. Strongly Disagree 2. Do Not Agree 3. Agree 4. Strongly Agree 5. Do Not Know
	1. Palestinian refugees take part in designing the standards of the services offered to refugees (kind of service, eligibility...)	<input type="checkbox"/>
	2. Palestinian refugees take part in determining the ways, means and mechanisms of implementing the services	<input type="checkbox"/>
	3. Palestinian refugees take part in implementing the services	<input type="checkbox"/>
	4. Palestinian refugees take part in evaluating the services offered to the refugees (evaluating the continuous need for services and their feasibility)	<input type="checkbox"/>
RP08	Additional notes	

“The BADIL Biennial Survey of Palestinian Refugees and Internally Displaced Persons is such an invaluable contribution to our understanding of this situation, providing an authoritative and fact-based comprehensive overview, as well as a sensitive appreciation of the deep roots of the refugee ordeal. Underlying Palestinian suffering is the dismal and inexcusable failure of the international community to find a fair and sustainable solution to the underlying conflict, and in the interim, to at minimum make Israel accountable for upholding its most fundamental obligations under international law that would include desisting from the expansion of its unlawful settlements in the West Bank and Jerusalem. This Survey should be read with admiration by anyone concerned with global justice, as well as used as an indispensable resource by those of us acting in solidarity with the Palestinian struggle for rights throughout the world.”

Richard Falk

Professor of International Law and Former Special Rapporteur to the UN Human Rights Council on Human Rights in the Occupied Palestinian Territory.

“The 8th Survey of Palestinian Refugees and IDPs confirms BADIL’s strong commitment to an international law and human rights-based approach to a just, permanent and durable solution to the plight of two thirds of the Palestinian population worldwide.

The volume should be of utmost interest for those, among international donors and political decision makers, who claim taking into account the needs and views of aid beneficiaries and local stakeholders. Since perceptions command behaviours, an added value of the 8th Survey resides in the results of the opinion polls conducted among Palestinian refugees from Gaza, the West Bank, Jordan and Lebanon (including a sample of Palestinian refugees who fled Syria).”

Riccardo Bocco

Professor of Political Sociology at The Graduate Institute, Geneva.

“It is striking that the BADIL Survey explicitly engages with international law, confirming BADIL’s longstanding position that legal frameworks are crucial to resolving the decades-old impasse between Israel and the Palestinian people. The Survey notes that numerous efforts to find peace on the basis of ‘discovering common ground’ have failed miserably, and with bloody consequences. As the Survey vividly shows, these efforts have failed primarily because of the unwillingness of peacemakers to recognize massive legal, social and economic inequalities, revealing a highly unprincipled approach to peace-making that abandons basic international law principles.”

Jeff Handmaker

Senior lecturer in Law, Human Rights and Development at the International Institute of Social Studies of Erasmus University Rotterdam and an Honorary Senior Research Fellow in the School of Law, University of the Witwatersrand.